

Land and Agrarian Reform in Malawi – Challenges and Possible Responses

Centre for Environmental Policy and Advocacy
1 Brereton Road, Nyambadwe
P. O. Box 1057
Blantyre
Tel.: +265 1 823 793
Fax.: +265 1 830 587
Email: cepa@cepa.org.mw
Website: www.cepa.org.mw

September 2007

1.0 Introduction

Malawi is a landlocked country with an agricultural economy that accounts for over 40% of Gross Domestic Product (GDP) and employs about 85 % of the labour force. For such a predominantly agriculture economy the importance of land and agrarian reform cannot be overemphasised. The country's population is estimated at approximately 13 million people, 52 % of whom are women. It has a total of 11.8 million hectares out of which 9.8 million hectares is land. Agricultural estates occupy 1.2 million hectares and the area potentially available for agriculture by smallholder farmers is approximately 4.5 million hectares after adjusting for wetlands, steep slopes and traditional protected areas¹.

Landlessness has increased in recent years as population has risen thereby putting a strain on land which is a basic resource for sustainable livelihoods, especially in rural areas. The household landholding has tremendously decreased thereby exacerbating poverty levels. The mean household land holding shows the ultra poor, the poor and non poor holding an average 0.84 ha, 0.91 ha and 1.10 ha respectively.

The challenge for Malawi's land and agrarian reform programme is to assist smallholder farmers to overcome constraints to production in order to enhance livelihoods amongst the poor majority beyond the subsistence level, while simultaneously facilitating commercial production for the market. This short brief outlines the key land and agrarian issues in Malawi. The paper has been developed within the context of the regional project called "Support to the SADC Land and Agrarian Reform Initiative". This is a one and half year project being coordinated by the African Institute of Agrarian Studies and the Community Technology Development Trust². The aim is to present a summary of key issues and possible responses including potential research and advocacy work in Malawi. A lot of background details regarding Malawi's land and agrarian reform strategies were provided in the phase one country report³.

2.0 Methodology

A one day consultative meeting was held with key stakeholders. During the meeting participants had the opportunity to reflect on the first phase of the project and also discussed the implementation strategy for the second phase of the project. Thereafter participants identified key land and agrarian challenges facing the country and made some concrete suggestions on how to address the challenges. In addition, the preparation of this report has also drawn on extensive written documentation through a desk review which was conducted.

3.0 Reform of the Land and Agricultural Sectors in Malawi

Malawi has pursued an agricultural led development strategy since independence in 1964. The agricultural strategy was dualistic. On one hand it was based on the promotion of estate agriculture for export earnings and the creation of agricultural employment, while on the other encouraging smallholder agriculture for subsistence and food security. The promotion of estate agriculture, particularly for production of tobacco, squeezed out smallholder agriculture land, thereby creating more unequal distribution of land, such that by 1997/98 about 33.3% of smallholder farmers were cultivating between 0.5 and one hectare.

Over the past four decades, the smallholder agricultural development strategy mainly focussed on increasing the productivity of maize. Various policies in the 1960s and

¹ Malawi National Land Policy, 2002;

² Both institutions are based in Harare, Zimbabwe;

³ See CEPA, Land and Agrarian Reform in Malawi Report, 2006;

1970s were implemented to support agricultural development, including guaranteed produce prices through the state marketing agency⁴, government administered agricultural input credit, promotion of technologies and subsidies on key agricultural inputs. Following an economic crisis in 1979 and 1980, Malawi adopted structural adjustment programmes under the auspices of the International Monetary Fund and the World Bank, with some policy reforms targeting the agricultural sector. Notably among these were the removal of fertilizer subsidies in 1984, annual adjustment in agricultural produce prices; liberalization of agricultural marketing activities in 1987; liberalization of burley tobacco production by smallholder farmers in 1990; liberalization of agricultural producer prices in 1995; devaluation of the currency and eventual floatation in 1994.

Although structural adjustment programmes have resulted in removing policy-linked distortions in the agricultural sector to a large extent, the agricultural sector still experiences problems of physical access to domestic markets, access to rural credit facilities, low productivity and inequitable distribution of land⁵. However, one reform area – that relating to equitable distribution of land and important for smallholder agriculture - has been conspicuously absent in the reform and policy agenda in the past four decades. While government has promoted the adoption of fertilizers, hybrid seeds and modern methods of farming and the provision of price incentives through progressive market reforms, it had assumed that the existing small land holdings and, worse still, the diminishing land would enable smallholder farmers to respond to the various market incentives. Until recently there were no efforts in Malawi to redistribute land to the landless.

4.0 Key Issues and Challenges

This section discusses ten issues that consultations with stakeholders have identified as key challenges for land and agrarian reform in Malawi. These issues are:

4.1 Incomplete land legislation formulation

Although much progress has been made in developing a new Malawi National Land Policy and legislative reforms to support it, several uncertainties remain. The process of legislative reform has stalled and almost reached a deadlock for several reasons. Firstly, the new land policy is not well understood at the grassroots and even amongst land related government agencies at central and district level. Previous and current awareness projects have been very slow in implementation. Again the coverage remains limited and warrants expansion and replication. Secondly the Draft Land Amendment Bill 2006 was withdrawn from the Malawi National Assembly for a number of reasons. To date the process of land policy reform remains unaccomplished.

4.2 Integration of new land administration institutions into existing practices and traditional institutions

The Malawi National Land Policy and the Land Bill are for the first time going to enable land administration responsibilities to be carried out by democratic institutions and procedures. Chiefs in Malawi have traditionally had the authority to allocate customary land to their subjects; the reform proposes fundamental changes to land administration by bringing in elected local level institutions such as land committees and tribunals. The perception is that democratically elected institutions and market led land ownership will encourage transparency and efficiency in land use and administration; unfortunately from experience such institutions tend to conflict with

⁴ Agricultural Development and Marketing Corporation (ADMARC) is the state marketing agency in Malawi;

⁵ See Chirwa, E, Access to Land, Growth and Poverty Reduction in Malawi – Macroeconomic Policy Choices for Growth and Poverty Reduction;

customary norms; hence making implementation difficult. There has been growing resistance from traditional leaders regarding the introduction of new land administration institutions. At the moment the roles of the two institutions are not clear and have the potential to cause unnecessary tension.

4.3 Women land rights

Women constitute 52% of Malawi's population and they are the biggest producers of food. In Malawi there are two types of marriage systems, matrilineal and patrilineal. Under matrilineal the man follows the woman and settles at her place. While under patrilineal the woman follows the husband. Although land may be held in the name of a woman under matrilineal marriage system, majority of such women feel that they have no right to "sell" the land. This is simply because they understand their right as being communally driven so they have no rights to sell it. The dynamics may be more complex when it comes to inheritance and the customary land registration being proposed in the new land policy and law. In practice once registration commences the person in whose name the land is perceived to be held will be highly favoured to be the one in whose name the land will be registered.

Another important point to note is also that although there has been a lot of debate on women land rights, there is little documentation on women access to land in Malawi. Knowledge and information development is one of the least developed areas of Malawi's land rights effort, but for which there is a great need. Awareness raising of the contents of the Malawi National Land Policy so far has been neglected for unclear reasons⁶. Some people suspect lack of funds to implement the suggested actions. Yet this critically constrains land reform implementation, especially because many key people in government, civil society and worse still rural communities do not fully comprehend the concept of land rights and its ultimate purpose.

4.4 Limited financial resources for implementation

For effective implementation of land reform there is need for financial resources. Resources are required to translate the policy into programmes, create new systems, hire staff, run offices and train those managing the new system. Currently resource allocation by government to the ministry responsible for lands is limited. The result is that the ministry can hardly initiate projects on its own in order to implement the aspirations which have been articulated in the Malawi National Land Policy. Almost all the projects being implemented by the ministry as part of the Malawi Land Reform Implementation Strategy are coming from donors. There is need to lobby for increased funding to the ministry so that it can be able to initiate projects on its own as opposed to solely relying on donors goodwill.

4.5 Missing link between land reform and food security

Although the relationship between access to land, growth and poverty is a complex one, several studies in developing countries show that access to land promotes technological innovations and growth. Studies on poverty also show that access to land is one of the factors that determine poverty⁷.

Several past strategies have not demonstrated the linkage between land reform and food security. For instance agricultural development policies and strategies have been formulated in isolation and have assumed that the existing land holdings would

⁶ In the past three years when civil society organisations were trying to generate awareness of the contents of the land policy and the legislation formulation process government was very sceptical about the exercise as they thought it would derail the work of the Special Law Commission on land Related Legislation while in reality it eased their work;

⁷ Ibid;

enable smallholder farmers to excel. Arguably past policies in agriculture have not been effective partly due to the fact that the critical resource for agriculture development in Malawi – land – has been ignored in the policy agenda. Tables have turned upside down again with the on going land reform in that it has been contested that it is narrow in focus and is ignoring the other important factors to achieve sustainable development such as produce markets, infrastructure and agricultural extension advisory services.

4.6 Pace of land redistribution and resettlement programmes

Malawi's land redistribution programme is based on the premise of willing buyer willing seller. To date indications are that there have been almost no land owners, particularly white settlers willing to give up their land in districts experiencing land pressure. As such the World Bank supported Land Redistribution Programme has had to rely on leasehold estates owned by Malawians in two districts which are sparsely populated.

In addition, the irony of the principle is that one needs money to get resettled, yet the landless do not have the financial muscle to purchase land, they rely on government to finance them. In the short term government will continue seeking support from for such assistance⁸. In the final analysis this has led to the pilot land redistribution programme to appear to be far behind the targets set by the government.

4.7 Population growth

Rapid population growth⁹ presents a formidable challenge to Malawi, putting pressure on the single most important resource, agricultural land. Population density is estimated at more than 105 inhabitants per square kilometre of arable land. This has contributed to land degradation and accelerated deterioration of natural resources. Population is unevenly distributed with approximately 50 % concentrated in the southern region¹⁰. This partly explains the acute land problems in this particular region of the country.

4.8 Encroachment

Protected areas such as parks and reserves have been vulnerable to encroachment. In most areas local communities have found it easier to encroach protected areas as opposed to idle land under private leasehold. This is the case because law enforcement in government owned protected areas is weak. In addition, the creation of most protected areas in Malawi on public land was driven by central government. In fact in almost all cases, the original inhabitants of these areas were forcibly evicted during the proclamation of the protected areas. This remains a source of grievance and local communities continue to contest ownership of these areas.

4.9 Limited availability of agricultural extension services in rural areas

There is increasing evidence that, agricultural extension advisory services have been almost non-existent in most remote parts of the country during the past decade. This has resulted in smallholder farmers not being able to access advice on new improved technological innovations. This has confined most smallholder farmers to primitive technologies. In fact where extension services are available are mostly with resource inputs from non-governmental organisations. And as well the extension system has mainly been pre-occupied with politically driven agricultural initiatives such as fertilizer subsidies programmes as opposed to long term technological investments.

⁸ See also section 4.5 limited financial resources for implementation;

⁹ Annual population growth rate has fallen from 3.3 % in recent years to 2.6 %;

¹⁰ The southern region has a population density of 146 persons per square kilometre and is urgently in need of population relief and land redistribution solutions;

4.10 *Lack of agricultural markets information*

Concern over lack of agricultural markets for Malawian smallholder farmers is not necessarily a new phenomenon. The recent high production levels of maize in most parts of the country for two successive seasons has highlighted the interconnectedness of the various agricultural reform strategies. The strategy on fertilizer subsidies was implemented independent of improving markets for the anticipated bumper yields as such most Malawian farmers did not have a readily market offering better prices for their produce. Admarc, the state marketing agency, was never ready on time to purchase the produce. As such private traders took advantage of the situation to purchase the maize at very low prices.

5.0 Potential Research and Advocacy Work

The potential research and advocacy work has been provided in the table on the next page.

Table 1: Key Issues and Possible Responses

No.	Issue	Possible Response	Expected Outputs
1	Incomplete land legislation formulation	Lobby government to enact the Draft Land Bill (2006)	Land Act
2	Integration of new land administration institutions into existing practices and traditional institutions	<p>Conduct awareness and dialogue with relevant stakeholders</p> <p>Review the Malawi National Land Policy and the Draft Land Bill to identify potential conflicts between traditional leadership and elected local level land administration institutions</p>	Traditional leadership and democratic institutions as well as market related land ownership reforms harmonized
3	Women land rights	<p>Review policy and legal framework governing land allocation and registration in land resettlement programmes</p> <p>Conduct surveys and case studies in pilot resettlement districts in Malawi</p> <p>Disseminate land rights issues in Malawi through production of policy briefs</p> <p>Advocate for land legislation which ensures women land rights</p>	<p>Analytical report on land redistribution policy framework with specific reference to women's land rights</p> <p>Improved documentation of women land rights in Malawi</p> <p>Knowledge on land rights developed</p>
4	Limited financial resources for implementation	Lobby government to increase funding allocations to the ministry responsible for lands	Government ministry responsible for lands able to initiate projects using own funds
5	Missing linkage between land reform and food security	Review current land reform projects and identify potential ways of strengthening their links with food security	Land reform programme effectively contributes to attainment of household food security
6	Slow pace of land redistribution and resettlement programmes	Conduct research to identify ways of speeding up the process of land acquisition and distribution	More people in land pressure areas access land

7	Unsustainable population growth	Link land issues with agencies responsible for population matters	Slowed population growth.
8	Encroachment into protected areas	<p>Conduct studies to determine the extent and reasons behind encroachment into protected areas by adjacent communities</p> <p>Develop policy options on how to deal with encroachment in protected areas.</p> <p>Lobby government to increase funding to protected areas for law enforcement</p>	Reduction of encroachment into protected areas.
9	Limited availability of agricultural extension services in rural areas	Review existing land and agrarian reform initiatives to ensure that they integrate extension advisory services	Availability of extension services to communities in pilot areas of land reform.
10	Lack of agricultural markets information	Review accessibility of agricultural markets in land reform pilot areas.	Market information available to farmers participating in pilot land reform programmes

