



# **MALAWI LAND SYMPOSIUM:** COMPLEXITIES OF LAND ISSUES IN MALAWI AND THEIR IMPLICATIONS FOR AGRICULTURAL COMMERCIALIZATION

**EVENT REPORT**

**20 April 2016**

**Bingu International Conference Center  
Lilongwe**



**MICHIGAN STATE  
UNIVERSITY**



## **About the New Alliance Policy Acceleration Support: Malawi Project**

The New Alliance Policy Acceleration Support: Malawi Project (NAPAS: Malawi) is a project being implemented to provide technical support to the policy reform processes of the Ministry of Agriculture, Irrigation, and Water Development (MoAIWD) of the government of Malawi. MoAIWD leads many of the high-level policy reforms that the government committed to in 2013 under the G8's New Alliance for Food Security and Nutrition. The NAPAS: Malawi project is funded by the Malawi mission of the United States Agency for International Development (USAID/Malawi) and is an activity of the Feed the Future Innovation Lab for Food Security Policy project (FSP), an applied global agriculture and food security policy research project funded by the Bureau of Food Security of USAID and implemented by Michigan State University, the International Food Policy Research Institute, and the University of Pretoria.

The twin objectives of the NAPAS: Malawi project are to improve the agriculture investment climate in Malawi and to enable increased commercialization of Malawi's agricultural sector. In order to enable substantial progress to be made towards these objectives, the project has three technical components:

- i. Provide technical support for policy formulation;
- ii. Engage in communication activities to inform debate on agriculture and food security policy issues, and
- iii. Address gaps in analytical expertise constraining agricultural policy reform.

The National Land Symposium on “Complexities of Land Issues in Malawi and their Implications for Agricultural Commercialization” is one of the activities that was carried out under the policy communication component of NAPAS: Malawi. The symposium was held on 20 April 2016 at the Bingu International Conference Center in Lilongwe. It involved five presentations by researchers from Malawi and the United States of America and panel discussions on the presented papers by representatives of the private sector, civil society organizations, farmers, and traditional area chiefs. The symposium attracted more than 80 participants (see Annex 2).

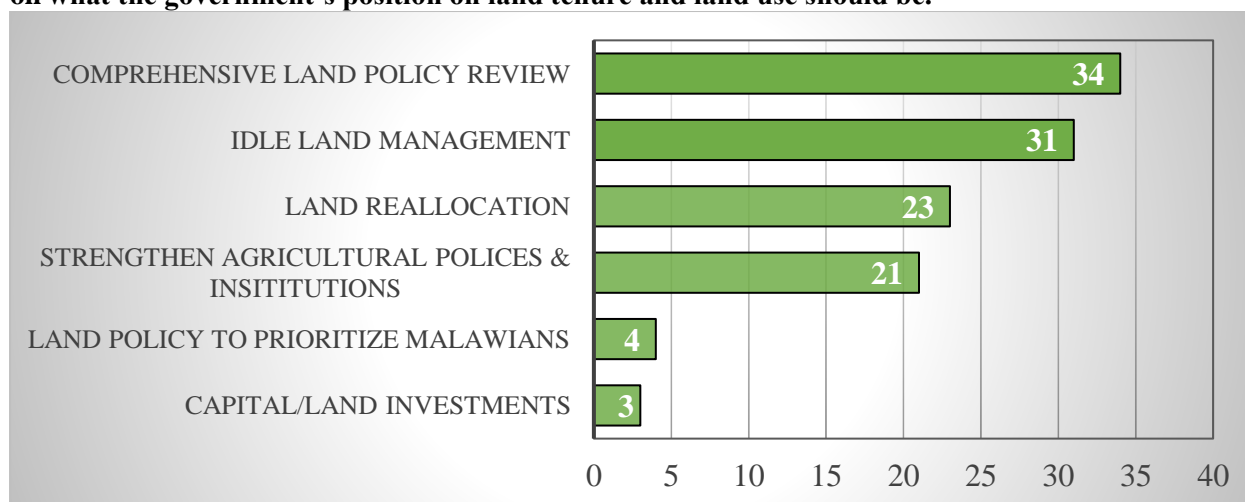
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## Background

In 2015, the Ministry of Agriculture, Irrigation and Water Development (MoAIWD) developed the National Agriculture Policy (NAP), which was submitted to the Office of the President and Cabinet in February 2016 for endorsement and adoption. Realizing the importance of land in the development of agriculture, a question was asked to the more than 800 stakeholder-participants in the set of district-level workshops held in developing the NAP – “What should be the government’s position on land tenure and land use?” The stakeholder responses showed that there is need for a comprehensive land policy review, better management of idle estate land, and strengthening agricultural policies and institutions, as shown in Figure 1.

**Figure 1: Number of NAP consultation focus group discussions (out of 57) expressing an opinion on what the government’s position on land tenure and land use should be.**



Source: NAP Consultations, February to March 2015.

Several stakeholder groups also stated that there is need to properly distinguish the interests in land of smallholder farmers from the interests of medium-scale and large estate farmers. These stakeholders called for the NAP to be specific on what strategy MoAIWD would prescribe with regards to access to and use of land for each group of farmers to ensure that the goals of the policy are achieved.

In the land sector, the Ministry of Lands, Housing and Urban Development (MoLHUD) is guided by the Land Act and other related acts which have been in place from the 1960s and need a complete review to be responsive to current demands. Realizing this, the Government of Malawi approved the National Land Policy in 2002 after wide consultations. Ten separate draft land bills were developed out of the policy. Out of the ten, four (Customary Land Bill, Land Bill, Physical Planning Bill and Land Survey Bill) were tabled in the March 2016 sitting of Parliament and were referred to various Parliamentary Committees for further review. In July 2016, the four bills were endorsed and approved by Cabinet. Efforts to develop these bills started in 2003 when a Special Law Commission was formed to draft new land laws. However, earlier drafts of these bills were withdrawn from consideration by the National Assembly in 2007 and 2013. The passing of the Land Bills will be a great achievement by the government, in improving administration and management of the land sector, although a number of civil society groups are protesting the passage of the Bills on several grounds, including a concern that the Bills take away power from traditional authorities and into the hands of the public.

The National Land Symposium on “Complexities of Land Issues in Malawi and their Implications for Agricultural Commercialization” was designed to guide stakeholders in

expediting the process of adopting the Bills so that progress in efforts to commercialize agriculture would not be derailed.

Several of Malawi's development partners are actively involved in supporting government's efforts to reform the land sector. These include:

- The UK's Department of International Development (DFID) through its support for the development of the 2002 National Land Bill;
- The World Bank, which has provided support for several activities, including the Community-Based Rural Land Development Project that started in 2005 with a \$27 million grant that later was extended to include assistance to government on enactment of the new Land Bills; on-going efforts to identify idle estate lands; financial support for consultancies on a Land Management Information System; and the Land Governance Assessment Framework (LGAF).
- The European Union and OXFAM jointly through their engagement in a pilot customary estates registration process, which is a major reform contained in the Customary Land Bill.
- The Food and Agriculture Organization of the United Nations (FAO), which has collaborated with MoAIWD, MoLHUD, and civil society organizations (CSOs) on the use of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. FAO is also assisting the MoLHUD with a communication strategy of the new land laws.
- The German development agency, GIZ, which has supported to Department of Surveys with vehicles and equipment. GIZ is also working with the Physical Planning Department.
- The African Union Commission, which, in conjunction with the Economic Commission for Africa and the African Development Bank, has provided support for the development and adoption in Malawi of both the Framework and Guidelines on Land Policy in Africa and the Guiding Principles on Large Scale Land Based Investments.

Civil society has been involved in these land-related policy processes through the Civil Society Task Force on Land and Natural Resources, which advocates for pro-poor land rights. Several CSOs are involved in the work in Malawi, including the International Land Coalition (ILC) and LandNet (a consortium of over 17 CSOs), which supports government and stakeholders in reviewing land policies and legislation. MoLHUD has also been working with CSOs and other stakeholders through the LGAF Task Force.

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 the agency of government responsible for identifying 10,000 hectares of land per year that can be made available for new investment in commercial agriculture. This target was reduced from an earlier target of 200,000 hectares by 2025 after concerns were raised that the New Alliance initiative in Malawi may result in land grabbing by foreign investors.

## **Objective of the Symposium**

The symposium was planned before the Land Bills were passed. MoAIWD, in close collaboration with MoLHUD, viewed it valuable to assemble a broad set of agriculture and land policy stakeholders in order to learn from research related to land that has been conducted in Malawi. Results of this research would provide evidence for refining the land-focused strategies proposed in the NAP and foster improved collaboration between MoAIWD and

MoLHUD on issues of land in Malawi, particularly with respect to how land governance structures and processes might impact the agricultural commercialization efforts proposed in the NAP.

The symposium began with opening speeches made by the Chief Director of Operations in MoAIWD, Mr. Bright Kumwembe, and the Deputy Director of the Office of Sustainable Economic Growth (SEG) of USAID/Malawi, Ms. Carol Jenkins, on behalf of the Principal Secretary of Agriculture, Irrigation and Water Development, Mrs. Erica Maganga, and the Director of SEG, Mr. Cullen Hughes, respectively. This report summarizes the presentations that were made at the symposium and the panel discussion that ensued. The report also provides a summary of the responses from all participants to questions posed to the group in plenary as to the policy implications and directions emanating from the symposium. Annex 1 provides the charts of responses to the questions that were asked.

## **Symposium Presentations**

### **Africa's changing farmland ownership: The rise of the emergent investor farmer**

by Prof. Thomas Jayne, Michigan State University.

[http://fsg.afre.msu.edu/fsp/malawi/Africa's\\_Changing\\_Farmland\\_Malawi%20Jayne.pdf](http://fsg.afre.msu.edu/fsp/malawi/Africa's_Changing_Farmland_Malawi%20Jayne.pdf).

The first presentation, the keynote address, was made by Dr. Thomas Jayne, who is a Professor in the Department of Agricultural, Food, and Resource Economics at MSU in the United States. He is also an Adjunct Professor at the Indaba Agricultural Policy Research Institute in Lusaka, Zambia, and a Distinguished Fellow of the African Association of Agricultural Economists. Dr. Jayne has over 25 years of experience conducting research on agricultural productivity and markets and has received six outstanding research quality awards in Africa. He has mentored dozens of young African professionals and has played a major role in building MSU's partnerships with African research institutes.

Professor Jayne's presentation showed that sub-Saharan Africa is experiencing major changes in farm land ownership and use, which are both causes and consequences of the economic transformations that the region is experiencing. The presentation explored four major trends:

1. Rising rural populations in Africa at least until 2050, putting pressure on land availability.
2. Rising land prices and "commodification of land".
3. Conversion of land from customary to statutory land. For Malawi somewhat older figures show that 87 percent of the land was under customary tenure. However, for neighboring Zambia, the land under customary tenure decreased from 94 to 55 percent in the last years. Dr. Jayne provided evidence to suggest that Malawi is experiencing a similar significant reduction in the amount of agricultural land under customary tenure.
4. Rapid rise of medium-scale or "emerging investor" farmers, those owning land sizes between ten and 100 hectares.

On the second trend, Professor Jayne commented that governments need to develop regulations for the land market in cooperation with traditional leaders to ensure that rising prices of land and commodification of land do not negatively influence productivity and food security.

He also commented that the rapid rise of emerging investor farmers appears to be driving an increase in the share of land in the medium-scale (10 to 100 ha) farming sector since 2000. In most of the African countries that he and his research colleagues examined, the

majority of medium-scale farms are owned by relatively wealthy individuals who acquired their land using income from non-farm employment, many of whom reside in urban areas. The rise of emergent investor farmers is affecting the region in diverse ways that are difficult to generalize. Many investor farmers are a source of dynamism, technical change, and commercialization of African agriculture. In densely populated areas, however, the growth of investor farmers may be contributing to “push” migration and constraining the potential for area expansion by small-scale farmers. Nationally representative survey data from six countries (Ghana, Kenya, Malawi, Rwanda, Tanzania and Zambia) show a sharp rise in urban-based households engaged in agriculture, with about 10 percent of urban households owning 10 to 35 percent of all agricultural land. Urban households account for a disproportionately large share of national farm holdings over 20 hectares. In Malawi the amount of land owned by urban residents increased from 11.2 percent in 2004 to 18.3 percent in 2010. This suggests a new and hitherto unrecognized channel through which investor farmers may be shifting the strength and location of agricultural growth and employment multipliers between rural and urban areas. New area-based data collection activities can complement existing household-based surveys to enable African policymakers to obtain a better understanding of the ways in which agricultural production and farmland ownership patterns are changing.

Using data from a recent survey conducted in Mchinji, Kasungu and Lilongwe districts, Professor Jayne showed more specific attributes of medium scale farmers in Malawi. The majority of them are not full-time farmers. The land that they purchased in developing their landholdings was mostly customary land. Between 1980 and 2000, urban investors mostly bought customary land that was not in use. After 2000, they increasingly purchased customary land that was under production.

Several policy uncertainties result from this development in agricultural land markets in Malawi. His project intends to find out if medium-scale farmers can contribute to government’s policy goals, such as increasing productivity and improving food security. In a discussion following his presentation, Professor Jayne mentioned that earlier results comparing small and large-scale farmers showed that family farms are more efficient. However, recent findings from Kenya show that medium scale farms are somewhat more efficient than small-scale farms. This necessitates more studies on the relative production efficiency of different types and scales of farmers.

Professor Jayne also mentioned that the number of young sub-Saharan Africans is constantly increasing, soon 280 million youths continent-wide will be seeking employment. According to optimistic predictions, 20 percent of them will find a job. In many cases, farmland is the only opportunity for young adults to make a living. As a consequence, there might be land conflicts in the future. Professor Jayne warned that governments have to be prepared if they are to mitigate the political tensions that might arise in consequence. He emphasized that government should create an environment where youth are attracted to migrate, that is, “pulled”, to urban areas by job opportunities and not fleeing from rural areas, that is, “pushed”, because there is no land available on which to farm.

### **Participation in rural land rental markets in sub-Saharan Africa: Who benefits and by how much? Evidence from Malawi**

by Dr. Jacob Ricker-Gilbert, Purdue University

[http://fsg.afre.msu.edu/fsp/malawi/Rural\\_Land\\_Rental\\_Markets\\_Jacob\\_Ricker\\_Gilbert.pdf](http://fsg.afre.msu.edu/fsp/malawi/Rural_Land_Rental_Markets_Jacob_Ricker_Gilbert.pdf)

The second presentation of the symposium was made by Dr. Jacob Ricker-Gilbert, who is an Assistant Professor of Agricultural Economics at Purdue University in the United States. He has significant research experience on Malawi and has a special interest in how technology,

market access, and public policy affect peoples' decisions and well-being. Dr. Ricker-Gilbert's dissertation research evaluated the impact of fertilizer subsidies on small farmers in Malawi. Prior to his doctoral studies, Dr. Jacob Ricker-Gilbert worked as an Agricultural Economist at the Economic Research Service in the U.S. Department of Agriculture from 2005 to 2007. The research paper that Dr. Ricker-Gilbert presented was co-authored with Dr. Jordan Chamberlin, then of Michigan State University, but currently with the International Maize and Wheat Improvement Centre (CIMMYT).

Dr. Ricker-Gilbert's presentation showed that land markets can facilitate the process of structural transformation where agriculture's share of GDP declines as labor moves from farm to non-farm activities and from rural to urban areas. The process also entails fewer people remaining in the farming sector with the more efficient farmers farming larger land areas. The presentation showed that Malawi has a higher level of participation in land rental markets than neighboring Zambia, probably due to Malawi's higher population density and hence increased scarcity of land. However, landlords benefit less from these land rental activities compared to tenants, suggesting a need for policymakers to understand the factors affecting land market development and the associated impacts.

### **Closing the gender gap in land access, control, and ownership in Eastern Africa**

by Julia Behrman, Department of Sociology, New York University

[http://fsg.afre.msu.edu/fsp/malawi/Closing\\_the\\_Gender\\_Gap\\_Julia\\_Behrman.pdf](http://fsg.afre.msu.edu/fsp/malawi/Closing_the_Gender_Gap_Julia_Behrman.pdf)

The third presentation was made by Ms. Julia Behrman, a researcher currently working on her Ph.D. in Sociology at New York University in the United States. Ms. Behrman has extensive research experience on gender, rural livelihoods, and demographic change topics in several sub-Saharan African countries, including Malawi. She previously worked as a Research Analyst for the gender and assets research portfolio of the International Food Policy Research Institute, where she focused on gender and land issues in Eastern Africa. Ms. Behrman holds a Masters' degree from the London School of Economics.

Ms. Behrman's presentation provided an overview of contemporary issues related to gender and land in Eastern Africa. It started by developing a framework of the different dimensions of land rights, e.g., access, ownership, management, control, and use. Next, it provided an overview of how policies and social norms shape women's access, ownership, and control over land, and synthesized the latest research documenting the persistence of the gender-land gap in Eastern Africa. It went on to explore the pressing question of how can we improve women's land rights in Eastern Africa? It also provided an overview of policy and programmatic approaches that have been undertaken to improve women's land rights via changing policies and social norms.

Several statistics were presented on the gender land gap in Eastern Africa, showing Malawi to be relatively more equitable in land access. For example, the FAO Gender and Land Rights database showed that women in Malawi hold 32 percent of agricultural land, while DHS data analyzed by Doss et al. (2015) show that 48 percent of land is owned by women (solely or jointly with a spouse). However, there are difficulties with the available gender-land gap data as gender-disaggregated data is not measured consistently across regions and countries. The data are also not cognizant of other important dimensions of land rights such as decision making, control, and use. The presentation emphasized the importance of closing the gender gap in land rights, as doing so can improve agricultural productivity and the wellbeing of women and their families. Finally, the presentation explored global factors that increasingly influence women's land rights in Eastern Africa, including agribusiness, globalization, and large-scale land deals.



## **Improving estate land governance in Malawi: Towards a National Land Information Management System (LMIS)**

by Mr. Davie Chilonga

[http://fsg.afre.msu.edu/fsp/malawi/Improving\\_Estate\\_Land\\_Governance\\_Davie\\_Chilonga.pdf](http://fsg.afre.msu.edu/fsp/malawi/Improving_Estate_Land_Governance_Davie_Chilonga.pdf)

Following a question and answer session on the first three presentations, the fourth presentation was made by Mr. Davie Chilonga, a Principal Estate Management Officer in the Ministry of Lands, Housing and Urban Development (MoLHUD). Mr. Chilonga currently coordinates the idle estates identification project within MoLHUD. The project was initiated by the Ministry of Agriculture, Irrigation and Water Development (MoAIWD) in cooperation with MoLHUD, and is financed by the Agriculture Sector Wide Approach Support Project (ASWAp-SP) of MoAIWD with the aim of improving estate land governance. The project consists of four components:

1. The creation and exploitation of a nationwide geographic estate database;
2. The upgrading of the Global Title and Deeds Registration System (GTDRS) and the development of LMIS;
3. A survey on the performance of agricultural estates; and
4. The reviving of the rural land rent systems.

Mr. Chilonga's presentation focused on explaining details of the first component. He started by summarizing several reasons for government implementing a digital estate database, including making land available for commercial investors. Digital data and title deeds of the estates are a major requirement for potential investors. They are more securely storable than physical documents and can easily be used by the government to identify expiring lease agreements and to control the payment of rents. In summary, the most important goals of the project are to digitally store all land contracts, identify land for investors, and conduct field verifications for lease contracts.

Mr. Chilonga made reference to a pilot project that took place between February and October 2014, which consisted of two main modules. The first module focused on agricultural statistics to improve the existing Agricultural Production Estimates System (APES) of MoAIWD. The second module seeks to improve the management of estate deeds. This was carried out to meet a need expressed by MoLHUD to identify valuable but underutilized land in order to release it for new commercial agricultural investment and other productive uses. To locate idle land, satellite imagery was used to acquire detailed information on the degree of agricultural land use on existing estates. Title deeds were digitized and field verifications were conducted. The goal was to develop a custom GIS tool so that stakeholders can use it for their activities. The system would also assist in measuring the performance of estates and compare the results with the land rental agreements that currently are difficult to monitor and enforce.

A successful data entry and analysis effort was carried out with custom developed GIS software and a production team of six operators. The boundaries for approximately 4,000 estates were digitized, representing 50 percent of estates in the pilot district, Kasungu, and adding up to 102,000 hectares of land. The results showed that:

- 90 percent of the estate titles had expired.
- Only 45 percent of the estate holders possessed title deeds, the other 55 percent used accepted offers, which were given out in the past to tobacco growers to enable them to sell their produce at Auction Holdings.
- In 26 percent of the estates, land boundaries were overlapping neighboring land parcels.

- Satellite images revealed that only 48 percent of the land was used for agriculture. Fifty percent of the estates used less than 50 percent of the land that they own. However, these numbers do not consider land that is left fallow. Nonetheless, in general large portions of the land controlled by estates in Kasungu district is not under cultivation.
- In 200 field verification visits, the officers found several differences to the documents; 46 percent of the estate owners indicated on the land title were dead and 33 percent of the land was subdivided amongst several persons.
- In 20 percent of the cases, the owners reported disputes or encroachments affecting their use and control of the land on their estate.
- In general, it was found that GPS data collected on the location of the boundaries of the estates did not match very closely with the boundary locations recorded on the title deeds.

In general, the situation on the ground appeared to be quite different from what was recorded on the land titles for the estate for a majority of the verified estates. In particular, many estates had: (i) changed ownership or been sub-divided; (ii) significant differences between GPS surveyed estate boundaries and sketch or deed plans; (iii) a very high rate of estate owners declaring full agricultural use of the estate while satellite image classification found much lower rates; and (iv) many land disputes or encroachment issues.

A recommendation was made to follow-up the pilot study in Kasungu district to build a nationwide Estates Information System. The two main objectives are: (i) to upscale the data entry exercise and computerize all agriculture land titles and deeds in Malawi within a time span of two years. This will also introduce a geographic component to the Deeds and Land Registry System and take advantage of the added value of geography. The scale up to the pilot project started in March 2015 and is expected to contribute to improvements in access to agricultural estates data. It will also help government to ensure maximum use of arable land to improve security of tenure and enhance food security.

Mr. Chilonga concluded his presentation by deriving the following policy implications from the findings:

- Underutilized land affects the total agricultural output of Malawi and contributes to the current food insecurity in the country;
- The project will help the fiscal situation of the government by facilitating increase in payment of ground rent by the land owners;
- For expired leases, if the owners do not apply for an extension and the land is not under cultivation, the Ministry, together with the District Commissioners and the local authorities, will transform the land back from private to customary land in order to bring idle land back into production.

## **A spatial examination of agricultural land use potential in Malawi**

by Dr. Todd Benson.

[http://fsg.afre.msu.edu/fsp/malawi/An\\_Agricultural\\_Zonation\\_Scheme\\_Benson\\_Mabiso\\_Nankhuni.pdf](http://fsg.afre.msu.edu/fsp/malawi/An_Agricultural_Zonation_Scheme_Benson_Mabiso_Nankhuni.pdf)

The fifth presentation was made by Dr. Todd Benson, a Senior Research Fellow in the Development Strategy and Governance Division of the International Food Policy Research Institute (IFPRI), based in Washington, DC. He conducts research on a broad range of issues related to agriculture, food security, and nutrition, particularly at national and sub-national scales. Before coming to IFPRI, he was a Geographer/Socio-economist in agricultural research with the Government of Malawi, focusing on soil fertility management in smallholder

agricultural systems. The paper from which his presentation was drawn was co-authored with Dr. Athur Mabiso and Dr. Flora Nankhuni of the NAPAS: Malawi project.

Although relatively small, Malawi is a country with significant agro-ecological diversity reflecting the diverse landforms associated with the Great Rift Valley that runs the length of the country. The effects of those landforms on soil formation processes, local climates, the distribution of water resources, and vegetation patterns results in a variety of quite complex farming systems across Malawi that farmers have developed to exploit distinct combinations of local agricultural resources. One important implication of this variety of farming systems is that the comparative advantage of different areas of Malawi for the production of different crops, livestock, and other agricultural products, whether for commercial purposes or for household food security, will differ significantly from place to place. In consequence, any agriculture plans that assume that a single technical approach to improving agricultural productivity and increasing the economic returns that households receive from their agricultural livelihoods will fail in many places. In designing agricultural development policies for the country, the geographic diversity of Malawian agriculture needs to be considered.

Dr. Benson's presentation described a two-level agricultural zonation scheme to guide agricultural planning in Malawi. This scheme combines broad agricultural development domains – based upon a district-level analysis of agro-ecological potential; physical access to market; and population density – with an extensive set of detailed, more locally relevant crop suitability maps to determine where agricultural development investments might best be located within a relevant development domain.

## **Panel Discussion**

A team of four panelists composed of representatives of civil society; the private sector; Traditional Authorities; and the Farmers Union of Malawi were asked to discuss the presentations in relation to their work in the agricultural sector, specifically on land issues. The members of the panel were:

- i. Mr. Emmanuel Mlaka, National Coordinator of LandNet, representing civil society;
- ii. Dr. Wilson Gondwe, Vice-president of Malawi Mangoes, Ltd., representing the private sector;
- iii. Senior Chief Lukwa of Kaluluma Traditional Area in Kasungu district, representing the traditional authorities, who are custodians of customary land, and the Ministry of Local Government; and
- iv. Dr. Candida Nakhumwa, Director of Research, Policy and Partnerships at Farmers Union of Malawi

Mr. Patrick Semphere of Dawn Consulting moderated the discussion.

In opening the panel discussion, Mr. Semphere stated that the complexity of land issues in Malawi implies that solutions cannot emerge from a single player. He pointed out that the presenters have alluded to the fact that there are no quick fixes to the dilemmas that face Malawi as a nation insofar as land management is concerned. He introduced the panelists, highlighting their diverse backgrounds, which he hoped would add value to the quest for effective agricultural commercialization strategies.

Mr. Semphere asked several questions based on the presentations. His first question, directed to Dr. Gondwe, was “How do we ensure that commercialization of agriculture does not benefit the emerging investors solely at the expense of the ordinary farmer?”

In reply, Dr. Gondwe described the struggles that Malawi Mangoes has faced, including that Malawi Mangoes is failing to utilize 1,700 ha that they have acquired from customary land holders in Salima district through MoLHUD because the funds that Malawi Mangoes paid to MoLHUD intended for the land holders never reached them or reached them in insufficient amounts, at least according to the local farmers' arguments. The farmers organized themselves demanding that Malawi Mangoes should compensate them properly, when in fact the company already made the necessary payments in accordance with the MoLHUD demands. It turns out that Malawi Mangoes paid Mk253.4 million for the land. Dr. Gondwe stated, "Malawi Mangoes has made significant progress in the sphere of agricultural commercialization; but you have also had to grapple with the tension between bringing a development venture in Salima and suspicion from the community about grabbing their land."

Following the Land Symposium, The Nation newspaper published an article on 5 May 2016 in which it was reported that a Senior Traditional Chief of the Salima area was suspended pending resolution to the issue. This, together with Dr. Gondwe's statement, highlights the complexities associated with commercialization of agriculture that involves conversion of land from customary to private or statutory land holdings.

Ms. Behrman, in her presentation, highlighted that Malawi is doing relatively well with 32 percent of agricultural land being held by women, while also adding that ownership alone is not a full reflection of women's management, access, control, and decision-making over land. In light of this, Mr. Semphere directed a question to Dr. Nakhumwa on whether gender inequity in land is a significant developmental issue among farmers in Malawi. "Do we have sufficient evidence on the ground to illustrate the extent to which gender disparities in land management exist in Malawi?"

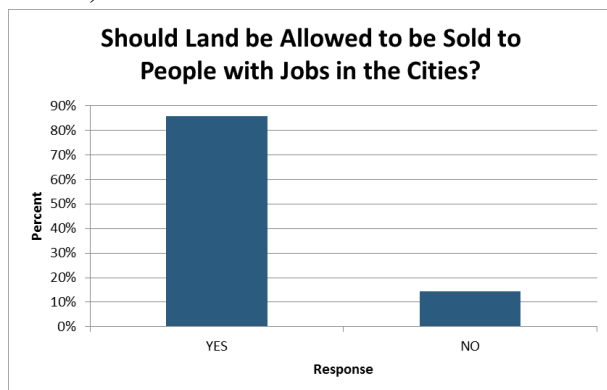
Dr. Nakhumwa responded that she was not surprised to see Malawi with a relatively higher figure for women's access to land than neighboring countries due to the matrilineal systems in the Southern region and parts of the Central region of Malawi. However, she pointed out that the land owned by the women is controlled by men, primarily the maternal uncle to the woman owner.

Several other questions were asked of the panelists, including observations by Senior Chief Lukwa on the pilot studies being conducted under MoLHUD on estate lands in Kasungu; discussion on who benefits more under land rental agreements – the owner or the tenant – in smallholder farming contexts in Malawi; and how the CSO, LandNet, works to ensure that the voices of both women and men are included in land negotiations or consultations.

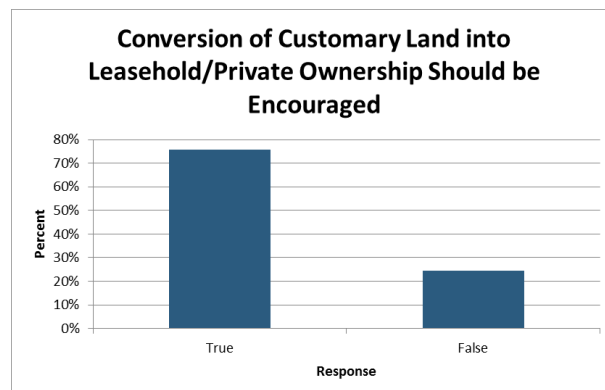
## **Policy Feedback from Participants**

Using a digital voting system, participants at the symposium had an opportunity to provide immediately in real time their feedback on the policy implications of the issues discussed in the symposium. About half of the participants responded to the questions. The results of their voting on questions posed by the symposium organizers are presented here as bar charts.

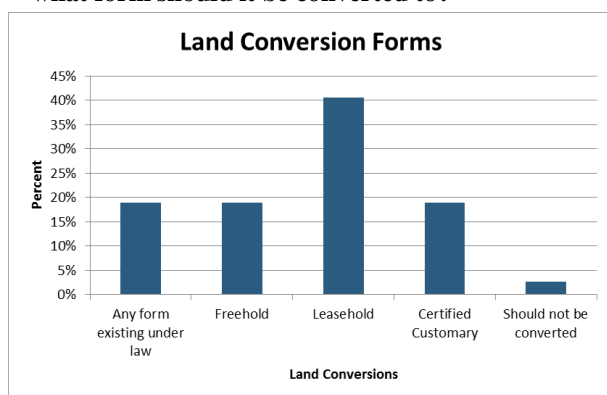
1. As land transactions increase in Malawi, should land be allowed to be sold to people with jobs in the cities, Yes or No?



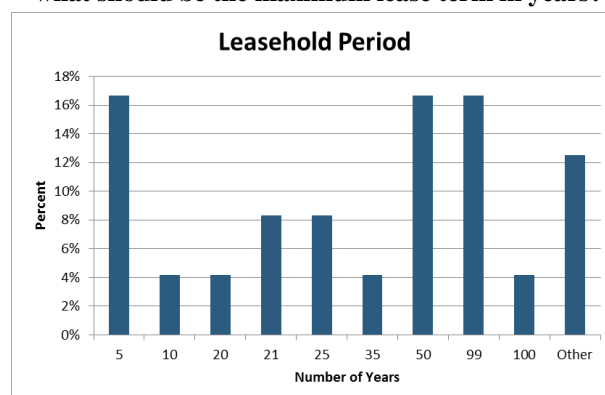
2. The conversion of customary land into leasehold or private ownership should be encouraged, True or False?



3. If conversion of customary land is to be allowed, what form should it be converted to?

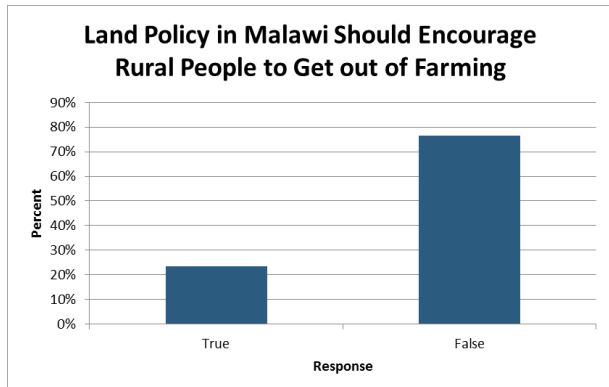


4. If land in Malawi is to be held under leasehold, what should be the maximum lease term in years?

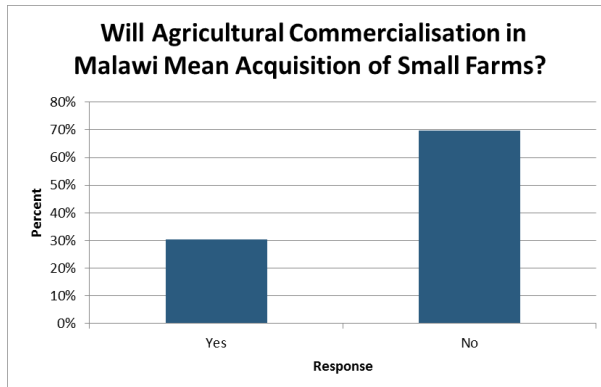


Most respondents among the symposium participants (80 percent) agreed that land should be allowed to be sold to people with jobs in the cities (Question 1) and basically agreed that converting land into leasehold or private ownership should be encouraged (Q.2). There was more disagreement on how that conversion should happen. Several (41 percent) felt that the conversion should happen through leasehold, others mentioned freehold (19 percent), others mentioned a certified customary land tenure approach (19 percent) or any other existing form under law (19 percent), while only one respondent preferred that customary land should not be converted (Q.3). There was also disagreement on the preferred length of term of the leasehold, with responses ranging from 3 to 100 years (Q.4).

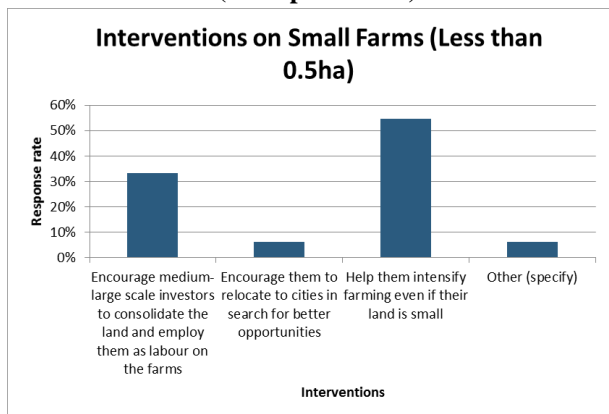
**5. Land Policy in Malawi should encourage rural people to get out of farming, True or False?**



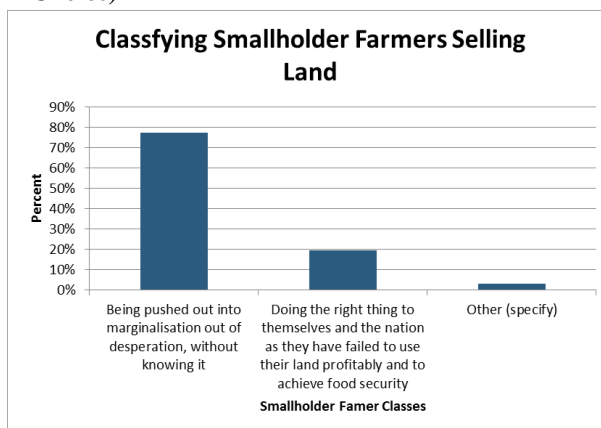
**6. Will agricultural commercialization in Malawi mean acquisition of small farms by foreign companies and wealthier people from cities as smallholders move out of agriculture, Yes or No?**



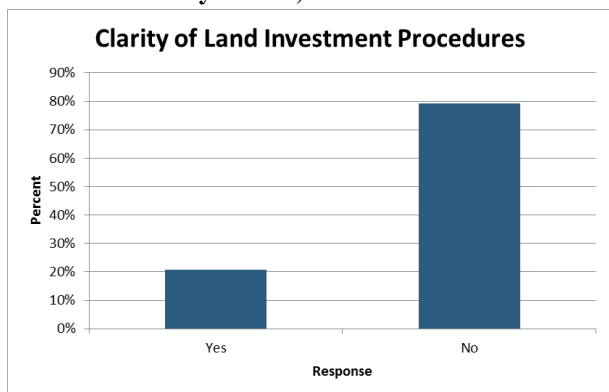
**7. Considering population growth in rural areas and that farms are getting smaller, what intervention should Malawi pursue in terms of small farms of less than 0.5ha? (Multiple Choice)**



**8. Do you think that smallholder farmers who are selling their small pieces of land are: (Multiple Choice)**



**9. Is it clear how farm investors can acquire land in Malawi and how much money should be paid and how that money is used, Yes or No?**

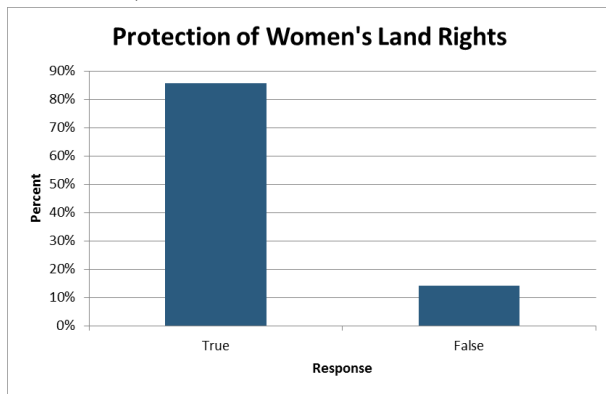


However, in contrast, when asked if land policy in Malawi should encourage rural people to get out of farming, most respondents (76 percent) rejected this idea (Q.5). The symposium respondents also do not expect that commercialization of agriculture will mean the acquisition of small farms by foreign companies and wealthier people from cities as smallholder farmers move out of agriculture (Q.6). In fact, when asked what Malawi should do in terms of small farms (less than 0.5 ha) most (55 percent) responded that the government should help the farmers intensify their farming even though their land is small, some (33

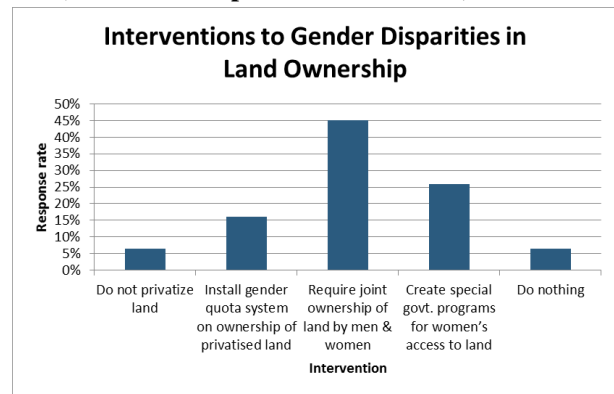
percent) responded that the government should encourage medium and large scale investor farmers to consolidate the small farms and employ the owners as labor on their farms and very few (6 percent) indicated that the small farmers should relocate to cities in search of better opportunities (Q.7).

Nonetheless, most respondents (77 percent) think that smallholder farmers that are selling their pieces of land are actually being pushed into marginalization out of desperation without knowing it (Q.8). Most respondents also said that it is not clear how farm investors acquire land in Malawi and how much they are supposed to pay for the land (Q.9). This indicates lack of information and inequalities in the way land transactions are currently taking place.

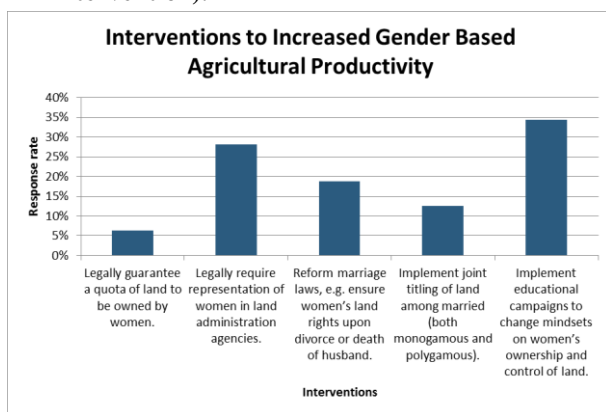
**10. Malawi needs greater protection of land rights for women, True or False?**



**11. Research shows that privatization of land generally leads to greater gender disparities in land ownership. What should be done about this? (Select most important intervention)**



**12. If women's land tenure insecurity leads to lower agricultural productivity, what should be done to address this? (Select most important intervention).**

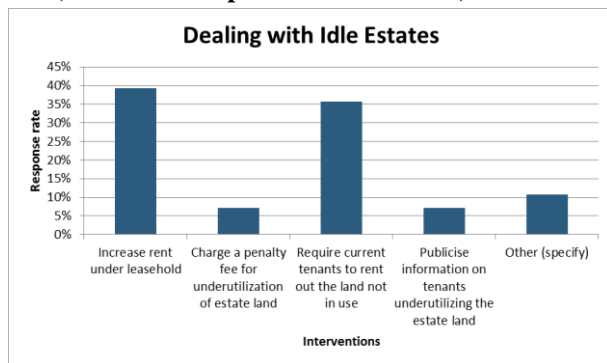


Turning to gender and land considerations, despite the relatively good standing of Malawi relative to other countries in the region on women's access to land, most respondents (86 percent) felt that Malawi needs greater protection of land rights for women (Q.10). The most commonly cited solutions to reducing gender disparity in land ownership as land gets privatized is to require joint ownership of land by women and their spouses and to create special government programs for women's access to land (Q.11). A question was asked as to what approaches might offer solutions to apparently lower agricultural productivity due to women's land tenure insecurity (Q.12). Among the suggestions made were implementing educational

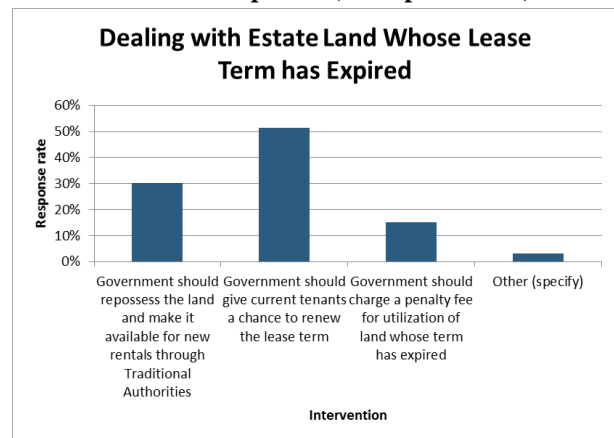
campaigns to change people’s mindset on women’s ownership and control of land and legally requiring representation of women in land administration agencies.

On idle estate land issues, most respondents said that increasing land rent under leasehold and requiring current tenants to rent out the land not in use would help reduce the problems associated with idle estate land (Q.13). For leaseholders with expired leases, the respondents recommended that government should give current tenants a chance to renew their lease terms (52 percent) or that government should repossess the land and make it available for new rentals through traditional authorities (30 percent) (Q.14). Fewer respondents (15 percent) recommended that government charge a penalty fee for utilization of land whose term has expired.

**13. What should be done about idle estate land? (Select most important intervention).**

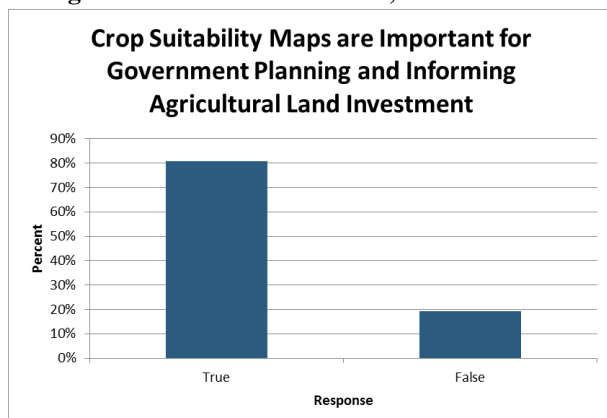


**14. What should be done about estate land whose lease term has expired? (Multiple Choice)**



On the zonation scheme that Dr. Benson presented, most respondents (81 percent) agreed that suitability maps are practical for Malawi’s context, for government planning, and informing agricultural land investments (Q.15).

**15. Crop suitability maps are practical for Malawi’s context, for government planning, and informing agricultural land investments, True or False?**



Following the completion of the digital voting exercise, the symposium was closed by the Vice-Chancellor of Lilongwe University of Agriculture and Natural Resources, Professor George Kanyama-Phiri.



## Annex 1: Program for the Malawi Land Symposium

### MALAWI LAND SYMPOSIUM: THE COMPLEXITIES OF LAND ISSUES IN MALAWI AND THEIR IMPLICATIONS FOR AGRICULTURAL COMMERCIALIZATION

April 20th, 2016

Bingu International Conference Center, Umodzi Park, Lilongwe, Malawi

TIME	ACTIVITY	OFFICIAL
8.15 to 8.30 AM	Registration	NAPAS: Malawi Secretariat
8.30 to 8.35 AM	Introductions and Welcome Remarks	Dr. Flora Nankhuni, NAPAS: Malawi
8.35 to 8.45 AM	Opening Remarks	Mr. Cullen Hughes, Director, Office of Sustainable Economic Growth, USAID/Malawi
8.45 to 8.55 AM	Opening Remarks	Mrs. Ivy Luhanga, Principal Secretary, MoLHUD
8.55 to 9:05 AM	Official Opening by <b>Guest of Honour</b>	Mrs. Erica Maganga, Principal Secretary, MoAIWD
9.05 to 9.35 AM	<b>Keynote Address:</b> Africa's Changing Farmland Ownership: The Rise of the Emergent Investor Farmer	Professor Thomas Jayne, Michigan State University
9.35 to 9.55 AM	Drivers of Rural Land Rental Markets in Sub-Saharan Africa	Assistant Professor Jacob Ricker-Gilbert, Purdue University
9.55 to 10.15 AM	Closing the Gender Gap in Land Access and Ownership in Eastern Africa	Ms. Julia Behrman, New York University
10.15 to 10.35 AM	Question and Answers	Mrs. Noora-Lisa Aberman, IFPRI-Malawi
10.35 to 11.00 AM	<b>GROUP PHOTO &amp; TEA BREAK</b>	
11.00 to 11.20 AM	Improving Estate Land Governance in Malawi - Towards a National Land Information Management System	Mr. Davie Chilonga, MoLHUD
11.20 to 11.40 AM	A Spatial Examination of Agricultural Land Use Potential in Malawi	Dr. Todd Benson, IFPRI- Washington DC
11.40 to 11.50 AM	Questions and Answers	Mr. John Mussa, Director, DLRC – MoAIWD
11.50 AM to 12.40 PM	Panel Discussion – Moderated by Mr. Patrick Semphere.	Mr. Emmanuel Mlaka, LandNet National Coordinator, representing Civil Society; Dr. Wilson Gondwe, Vice President of Malawi Mangoes, Ltd., representing the private sector; Senior Chief Lukwa, representing the Government of Malawi and Traditional Authorities; and Dr. Candida Nakhumwa, Farmers Union of Malawi
12.40 to 12.55 PM	Feedback from participants on several policy implications.	Dr. Athur Mabiso, NAPAS: Malawi
12.55 to 13.00 PM	Closing Remarks	Professor George Kanyama-Phiri, Vice Chancellor, Lilongwe University of Agriculture and Natural Resources (LUANAR)
	Logistics	Charles Mwenda, NAPAS: Malawi
<b>13.00 to 14.00 PM</b>	<b>LUNCH &amp; DEPARTURE</b>	

## Annex 2: List of Participants to the Malawi Land Symposium

NAME	DESIGNATION	INSTITUTION	TYPE OF INSTITUTION	GENDER
Chikondi Chabuta	Manager	Actionaid	Civil Society	F
Melton Luhanga	ED	CARD	Civil Society	M
Ruth Manda	Legal Officer	CCJP	Civil Society	F
Edward Thole	Program Manager	CICOD	Civil Society	M
Tamani Nkhono	Director	CISANET	Civil Society	M
Emmanuel Mlaka	National Coordinator	Landnet	Civil Society	M
Tawonga Chihana	Project Officer	Landnet	Civil Society	F
Charles Gawani	Programme Office	MHRRC	Civil Society	M
Vincent Wandale	CEO		Civil Society	M
Roman Malumelo	National Coordinator	DCAFS	Dev. Partner	M
Yvonne Mmangisa	Land Governance Expert	FAO/UN Women	Dev. Partner	F
Nikolas Bosscher	Deputy Country Rep	Gov of Flanders	Dev. Partner	M
Priston Msiska	Economic Specialist	U.S Embassy	Dev. Partner	M
James Mbatu	Technical Advisor	UNDP	Dev. Partner	M
Carol Jenkins	SEG Deputy Director	USAID	Dev. Partner	F
Chris Chibwana	Policy Specialist	USAID	Dev. Partner	M
Time Fatch	Snr Agri Specialist	World Bank	Dev. Partner	M
Charles Chikapa	Head of Programs	Community Radio	Media	M
Carol Lizimba	Reporter	Joy Radio	Media	F
Rebecca Chimjeka	Reporter	NPL	Media	F
Frederick Msiska	Consultant	Consultant	Private	M
Candida Nakhumwa	Director of Research	FUM	Private	F
G.M Wawanya	MD	Land Property	Private	M
Martin Munthali	ED	Legal Resource Foundation	Private	M
Dr Wilson Gondwe	Vice President	Malawi Mangoes	Private	M
Maurice Banda	Research Associate	MCCCI	Private	M
C. Kaferapanjira	CEO	MCCCI	Private	M
David Kamchacha	MD	Mtalimanja Holdings	Private	M
Wycliffe Kumwenda	Head of Farm Service	NASFAM	Private	M
Paul Jere	Land Consultant	PJDCC	Private	M
Aaron P. Naluso	Farmer		Private	M
Patrick Semphere	Commissioner	MHRC	Public	M
Martin Kaisi	PM, Blantyre ADD	Min of Agriculture	Public	M
David Kamangira	SDDARS, DARS	Min of Agriculture	Public	M
B.B Chirwa	Chief Fisheries Officer, Dept of Fisheries	Min of Agriculture	Public	M
B.W.V Phewa	PM, Karonga ADD	Min of Agriculture	Public	M
Paul Kabuluzi	PM, Kasungu ADD	Min of Agriculture	Public	M
G. Kapelemera	PM, Lilongwe ADD	Min of Agriculture	Public	M
Isaac Chipeta	MP, Machinga ADD	Min of Agriculture	Public	M
B.B Kumwembe	Chief Director	Min of Agriculture	Public	M
John Mussa	Director	Min of Agriculture	Public	M
James Banda	D. Director	Min of Agriculture	Public	M
G. Ching`oma	DCD	Min of Agriculture	Public	M
G. Mamba	DIS	Min of Agriculture	Public	M
Sarah Chowa	Snr Economist	Min of Agriculture	Public	F
Prince Mleta	Deputy Director	Min of Agriculture	Public	M

Stella Kankwamba	Director	Min of Agriculture	Public	F
Agnes P. Moyo	PM, Mzuzu ADD	Min of Agriculture	Public	F
Adreck Benate	PM, Salima ADD	Min of Agriculture	Public	M
Ida Mwato	MP, Shire Valley ADD	Min of Agriculture	Public	F
Peter Chadza	DD - ICT	Min of Lands	Public	M
J. Namfuko	Chief Economist	Min of Lands	Public	M
Dr. Chimera	Director	Min of Lands	Public	M
Lloyd Longwe	Deputy Commissioner	Min of Lands	Public	M
Euphemia Bota	Chief Valuation Officer	Min of Lands	Public	M
David Chilonga	PEMO	Min of Lands	Public	M
W.G Kamwiyo	Physical Planning	Min of Lands	Public	M
Alice Gwedeza	PMO	Min of Lands	Public	F
Felix Billy	Land Officer	Min of Lands	Public	M
Dianna Makwengwere	Land Officer	Min of Lands	Public	F
Max Wengawenga	P. Economist	Min of Lands	Public	M
Grace Chirwa	DC	Min of Local Govt.	Public	F
W. Njolomole	Chief Rep	Min of Local Govt.	Public	M
Charles Thombozi	DC	Min of Local Govt.	Public	M
Snr Chief Lukwa	Local Leader	Min of Local Govt.	Public	M
Timothy Chirwa	Legal Coordinator	Chancellor College	Research	M
Todd Benson	Snr Research Fellow	IFPRI	Research	M
Bob Baulch	Program Leader	IFPRI	Research	M
Noora Aberman	Program Manager	IFPRI	Research	F
Stefan Meyer	Associate Research Fellow	IFPRI	Research	M
Chance Mwautwa	Policy Specialist	IFPRI	Research	M
Cynthia Kazembe	Research Associate	IFPRI	Research	F
Cynthia Kazembe	Research Assistant	IFPRI	Research	F
Debbie Kambelengende	Finance and Administration Assistant	IFPRI	Research	F
Athur Mabiso	Snr Policy Analyst	IFPRI-NAPAS: Malawi	Research	F
Dr Charles Jumbe	Director of Research	LUANAR	Research	M
J. Chimungu	Lecturer	LUANAR	Research	M
Joseph Kanyamuka	Student	LUANAR	Research	M
Stevier Kaiyatsa	Student	LUANAR	Research	M
Thomas Jayne	Professor	MSU	Research	M
Flora Nankhuni	Chief of Party and Snr Policy Advisor	MSU-NAPAS: Malawi	Research	M
Charles Mwenda	Finance and Administration Officer	MSU-NAPAS: Malawi	Research	M
Faith Manda	Research & Advocacy Officer	MZUNI	Research	M
Julia Behrman	Doctoral Candidate	New York University	Research	M
Jacob-Ricker Gilbert	Assistant Professor	Purdue University	Research	M
Francis Danco	Ph.D. Student	Purdue University	Research	M