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### Malawi's Land Laws and Agricultural Commercialization: Recommendations from a Land Symposium

Flora Janet Nankhuni and Athur Mabiso

#### Introduction

The Second Malawi Land Symposium was organized by the Ministry of Lands, Housing and Urban Development (MoLHUD) in collaboration with the Ministry of Agriculture, Irrigation and Water Development (MoAWD) with support from the United States Agency for International Development (USAID) through the New Alliance Policy Acceleration Support (NAPAS: Malawi) Project and the European Union (EU)-funded Land Governance Project. The symposium brought together 106 participants (22 female) from: government ministries and departments; the private sector; Civil Society Organizations; Farmer Organizations; Development Partners; research and the academia; the media; and others. The aim of the symposium was to provide a venue for dialogue on the newly adopted land laws and explain what they entail for agricultural development in Malawi. The symposium also aimed at providing information on the status of land-related policy reform commitments, under the New Alliance for Food Security and Nutrition, which include:

- 1) Identify land in phases, suitable for large-scale commercial agriculture (10,000 ha/year from 2013) every year;
- 2) Enactment of the new Land Bill into law<sup>1</sup>;
- 3) Introduction of agricultural zoning based on priority crops and growth.

#### The Symposium

The Symposium was organised into three sessions. Session one focused on practical presentations, the second session focused on technical research presentations and

the third session involved a panel discussion on several land issues affecting the country. During session one, the Minister of Lands officially opened the symposium before the Chief Economist in the MoLHUD delivered the keynote presentation on the “New Land Acts and Implications on Customary Landholding, Access to Land for Large-Scale Commercial Agriculture, Women’s and Youth Access to Land”. In session two a presentation on “Land Profiling and Soil Loss Analysis in Malawi” was made by the Deputy Director responsible for Land Resources Surveys and Evaluation in the Department of Land Resources Conservation, MoAIWD. The Director showed that the rate of soil loss in Malawi due to land degradation has increased over the past two decades from an average of 20 metric tons per ha per year in 1992 to 29 metric tons per ha per year in 2014.

Technical research results on farm land rental markets was presented by a Professor from the Lilongwe University of Agriculture and Natural Resources (LUANAR). The research showed that land rental markets in Malawi are facilitating efficiency gains, equity gains and welfare gains. However, tenants were found to be less likely to invest in soil fertility enhancements, such as manure application or other climate smart agriculture practices, due to the temporary and informal nature of the rental agreements. The study pointed to implementation of the land laws being a possible solution to the issue, if it results in increased land tenure rights and hence more formalized land rental transactions. A Research Fellow from the International Food Policy Research Institute (IFPRI) launched the Monitoring and Evaluation of Land in Africa (MELA) project at the symposium. The Project focuses on tracking implementation progress of the AU Declaration on Land in several countries including Malawi. Following the presentations, there were two question and answer sessions, a panel discussion, and a digital voting session that solicited stakeholders’ input on several land policy implications.

<sup>1</sup> This has been achieved but what now remains is dissemination and implementation.

## Highlights

- 1) There is an alarming and increasing rate of soil loss in Malawi due to land degradation;
- 2) Implementation of policies does not always use available research evidence, as demonstrated by the Farm Input Subsidy Programme (FISP) that provides farm inputs for maize production in areas that are unsuitable for growing maize. This emphasizes the need to use research evidence in planning and implementing government programmes. It also highlights the importance of updating the land profiling exercise, since the current crop suitability maps are based on data collected in 1988-91. There is also need to recommend the right fertilizer formulations for different geographic areas of Malawi, based on the results of soil testing and mapping as opposed to using the blanket fertilizer recommendation that MoAIWD has followed for many years, with limited agricultural productivity as a result;
- 3) The MoLHUD realized that it needs to include regulation of farm land rental transactions in their tenant-landlord bill/Act, based on research results from LUANAR, Purdue University, CIMMYT, NAPAS: Malawi, and Government of Malawi;
- 4) MITC, LandNet and stakeholders recommended that the best model of land acquisition for large-scale agricultural investments should make communities that own land become shareholders. This also came out in the discussion on land acquisition by investors, who pointed to a past lack of political leadership to guide land acquisition. In the case of Malawi Mangoes, the company lost millions of dollars and is now not employing any one when it could be employing about 2,000 people if land acquisition process had gone smoothly. In contrast, Mtalimanja Holdings Limited had a good experience of land acquisition where the company offered 30 percent of its shares to previous land owners. The discussion also pointed to the need for effective community leaders, such as Chief Mbenje, to guide communities in negotiating for better terms with agriculture investors that are looking for land.
- 5) Stakeholders agreed that research on land could be carried out on these topics:
  - a. Impacts of the rise of medium-scale farmers on productivity, employment, food security, etc.
  - b. Welfare impacts (food security, employment, etc.) of land acquisitions and land rental markets.
  - c. Land equity impacts and responsible land investments.
  - d. Financing of land transactions/investments.
- 6) Despite the presentations by MoLHUD, MITC, Greenbelt Holdings, and LandNet some stakeholders were still unsure of the exact process of land acquisition for agricultural investments in Malawi -- as shown by results of the digital voting:
  - 97 percent disagreed that valuation of land and compensation assessment processes in Malawi are clear; and actual land values and competitive land rental rates are known by all stakeholders.
  - 91 percent disagreed that Malawi's finance policies are aligned to the new changes in land laws and the move to agricultural commercialization.
  - 88 percent disagreed that under the new land laws, is it clear how much money should be paid and to whom when acquiring land for commercial agricultural investment.
  - 70 percent disagreed that in the new land laws, the role of land tribunals is clear in terms of land acquisition for investments in commercial agriculture.

The Symposium was hailed a great success and stakeholders expressed a desire to have it held annually.

The report of the proceedings of the symposium is available here:

[http://foodsecuritypolicy.msu.edu/uploads/files/Malawi/Proceedings\\_Report\\_of\\_2nd\\_Malawi\\_Land\\_Symposium\\_held\\_in\\_May\\_2017.pdf](http://foodsecuritypolicy.msu.edu/uploads/files/Malawi/Proceedings_Report_of_2nd_Malawi_Land_Symposium_held_in_May_2017.pdf)

### **About the Authors**

Flora Nankhuni is NAPAS: Malawi Chief of Party and Associate Professor, International Development, Michigan State University

Athur Mabiso is Senior Program Manager and Policy Analyst, IFPRI

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