



Capitalisation of Experience

Case Study

ADVOCATING FOR PEOPLE-CENTRED LAND GOVERNANCE IN MALAWI

The Contribution of the National Land Coalition

Kate Chibwana-Nkhata
Alain Christian Essimi Biloa



INTERNATIONAL
LAND
COALITION

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The Capitalisation of Experience (Capex) draws lessons learned from over 10 years of **MRLG** policy and practice engagement in the Mekong region. The project has worked through multistakeholder approaches, supporting alliances of reform actors and using evidence-based analyses to inform policymaking and adapting to the political economy at national and regional levels. This Capex includes thematic analyses and cases studies from MRLG in Cambodia and Laos and from similar programmes by **ILC**, **Land for Life from WHH** and **CTFD** that have supported multistakeholder platforms for policy dialogue in Malawi, Burkina Faso and Guinea. These experiences are documented in this **Capex Series** that includes a thematic report, briefs, case studies and a comparative analysis aimed at a large audience interested in understanding the conditions of success for similar policy-oriented programmes to achieve positive impacts in other geographical contexts.

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CONTENTS

ABBREVIATIONS	4
FOREWORD	5
EXECUTIVE SUMMARY	6
INTRODUCTION	7
1. LAND POLICY REFORMS IN MALAWI: ERASING THE COLONIAL FOOTPRINT	8
Colonial land policies	8
The birth of a national land policy	8
Building on the Malawi National Land Policy	9
Enactment of new land legislation	10
2. EVOLUTION OF THE MALAWI MULTISTAKEHOLDER PLATFORM ON LAND GOVERNANCE	11
Platform designation: from Malawi NES Platform to NLC Malawi	11
Platform configuration and membership	13
Division of roles and responsibilities: functions and implementation arrangements	14
3. STRATEGIC TRAJECTORY FOR POLICY ENGAGEMENT: FROM LEGISLATIVE REFORM TO BEHAVIOURAL CHANGE	15
National Engagement Strategy 2014–2017: consolidating divergent views for effective advocacy on land governance	17
National Engagement Strategy 2018–2019: enhancing coordination to influence people-centred implementation of Malawi land legislation	18
National Engagement Strategy 2019–2021: coordinated, inclusive and participatory approach to the operationalisation of land laws in Malawi	19
National Land Coalition Strategy 2022–2028: leveraging diversity for sustained impact in land governance in Malawi	21
4. ACHIEVEMENTS IN POLICY AND PRACTICE FROM PLATFORM ENGAGEMENT	22
Increased capacity and standing of platform members	22
Changes in policy	22
Changes in practice and behaviour	23
5. CHALLENGES IN ADVANCING LAND REFORM LEGISLATION	24
Political influence	24
Resource limitations	24
Donor priorities	24
COVID-19	25
Translating policy into action	25
6. CONCLUSION	26
Lessons learned	26
Recommendations for sustainability	26
REFERENCES	28

LIST OF FIGURES

Figure 1: Malawi multistakeholder platform on land governance: restructuring as the National Land Coalition Malawi.....	13
Figure 2: Malawi multistakeholder platform on land governance: mapping of strategic themes and policy engagement interventions aligned with key land reform legislation milestones.....	16

LIST OF TABLES

Table 1: Timeline of land reform legislation enactment in Malawi.....	10
Table 2: Designation and membership of the Malawi multistakeholder platform on land governance, 2014–present.....	12
Table 3: Summary overview of research by the platform.....	20

ABBREVIATIONS

CBO	community-based organisation
CSO	civil society organisation
FAO	Food and Agriculture Organization of the United Nations
ILC	International Land Coalition
MoLHUD	Ministry of Lands, Housing and Urban Development
NLC	National Land Coalition
NES	National Engagement Strategy
TLMA	traditional land management area

FOREWORD



The Ministry of Lands, Housing and Urban Development has for the better part of the last decade prioritised land reform and land-related governance laws in the country. Through different administrations, the ministry has emphasised the significance of secure land tenure rights as the bedrock for the pursuit of various development agendas that the nation has advanced.

The ministry holds firm the belief that sustained short- and long-term impact towards reform is through a coordinated, inclusive and participatory approach as opposed to adversarial and competitive relationships. The ministry has therefore placed utmost importance on cultivating mutually beneficial relationships with different stakeholders with the shared goal of realising a progressive land governance system that puts Malawians first.

The multistakeholder platform on land governance has been an instrumental partner in this regard since the onset of this process while debates around shaping the 10 Land Acts was tense. Support from the platform enabled the ministry to solicit collective and reliable input from civil society organisations working on land matters to enrich the drafting of the then bills and engage with traditional leadership who were originally opposed to the bills but were won over thereafter.

The ministry has also benefited from the support of the platform in raising awareness on the Land Acts (2016) among communities, traditional leaders and civil society; in capacity building of senior government officials on devolution plans; and in the generation and dissemination of land governance data and research. The platform and the ministry continue to model a successful complementary working relationship between government and civil society organisations.

Devie Benton Chilonga

Principal Secretary

Ministry of Lands, Housing and Urban Development
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EXECUTIVE SUMMARY

The Government of Malawi has been undertaking reforms to its land governance system through the Ministry of Lands, Housing and Urban Development (MoLHUD). The reforms are centred around providing legal recognition to customary land tenure holders; decentralising land management functions; and providing systematic processes for facilitating land transactions. These changes aim to promote equality and equity in land ownership, combat gender and intergenerational discrimination, and curtail corruption in the land sector.

The Malawi multistakeholder platform on land governance has joined the government in pushing for this change as it continues its fight for the realisation of people-centred land governance in Malawi. A decade since its inception, the platform has played a vital role in coordinating civil society advocacy for the enactment and implementation of 10 land-related acts. It has evolved from a space exclusively for civil society organisations (CSOs) to its current form as a multistakeholder platform that brings together 33 member organisations representing academic/research institutions, media, government statutory bodies and ministries, development partners, farmer groups, youth organisations, national CSOs and district CSO land networks. The creation of the platform in August 2014 was precipitated by the prevailing debates around land reform in the country. Divergent and uncoordinated submissions into the process of the then 10 land-related bills derailed progress towards tangible resolutions for presentation before Parliament. The reforms were particularly contentious in relation to customary land and how it is governed. As custodians of customary land, traditional leaders feared a power grab, politicians politicised the process to undermine the government of the day, and private investors viewed formalisation of customary claims to land as unnecessarily complicating land acquisition processes for investment purposes.

The platform has been instrumental in conducting consultations, sensitisation and other advocacy initiatives, which eventually contributed to the 10 land-related laws being passed between July 2016 and November 2016 and subsequent enactment in 2017 and 2018. The platform enhanced coordination between civil society and government to ensure implementation of the new land laws is people centred and gender sensitive.

The platform continues to ensure that the inherent spirit behind the land laws for securing land tenure rights for all Malawians – irrespective of status, gender, age or other factors – is not lost. In this regard, the platform supported women and youth groups in patriarchal northern Malawi to demand their rights from local leaders; used evidence-based research to raise awareness of the impact of investments in local areas in Mangochi and Phalombe districts; supported engagement between the private sector and communities to forge collaborative relations; capacitated MoLHUD personnel in effective communication; and raised awareness on land laws for over three million Malawians through national and community radio programmes and other mediums.

The success of the platform lies predominantly in the development of a strategic alliance between the government, development partners and community advocates. Other contributing factors include the availability of catalytic funding to ensure constancy over time; the platform's diversity in expertise and geographical coverage; and the adaptability of its medium- and long-term strategy to respond to unanticipated shocks such as COVID-19 and periods of political instability.

The platform has come up against some considerable challenges within its scope of work. These challenges include political interference, especially during election periods, and insufficient resources to fully implement planned initiatives. In addition, balancing the platform's capacity requirements with the available capabilities of its members proved difficult. The absence and inadequacy of essential institutional structures, such as those providing nationally accredited data, also hindered advocacy efforts.

In light of the successes made, and despite the challenges faced, the platform continues to receive requests from both governmental and non-governmental entities in Malawi to advance good land governance. To realise these aspirations, three recommendations are key: extending the partnership base within land-related ministries; intensifying resource mobilisation efforts to broaden and diversify the platform's resource base; and increasing membership capacity in resource mobilisation, networking and partnership building.

INTRODUCTION

Land governance contributes to multiple development objectives. It is instrumental in reducing poverty, improving food security, addressing gender inequality and supporting economic development. Good land governance is key for sustainable infrastructure and balanced regional growth, and helps create sustainable cities and communities, including ensuring adequate housing. Effective land management aids in environmental protection and building resilience, playing a role in addressing climate change both by reducing its causes and adapting to its effects. It promotes responsible consumption and production. It is also vital for post-disaster and post-conflict recovery, as well as for social stability, peace and security.

Despite its huge contribution, the sector is significantly affected by widespread inequalities, corruption, discrimination and power imbalances. Over the past few decades, many countries in Africa have undertaken various legislative reforms to address these issues. Malawi's reform process began over two decades ago and has experienced numerous challenges. A notable challenge has been the collection and coordination of diverse views to ensure the land governance system effectively responds to the needs of all Malawians.

In 2014, a multistakeholder platform¹ was launched advocating for people-centred land governance in the country. This platform, which began as a small network and evolved into a larger coalition of diverse stakeholders, has been instrumental in the formulation, enactment and implementation of a progressive land regime in Malawi. Through its experience coordinating diverse perspectives on land reform, the platform stands as a notable model of an evolving and enduring mechanism for collaborative action, driving sustainable reforms in land and natural resources governance.

The following report offers an analytical retrospective on the platform's development in the context of land reform efforts in Malawi. It examines the establishment of the platform, institutional arrangements, membership dynamics, and its evolution as it navigates the complex environment in which it operates. The case study illustrates how the platform has asserted itself as a legitimate and relevant space for productive dialogue, actively shaping the land governance sector in Malawi. The study has been compiled through an extensive desk review of the various strategies, reports and other knowledge products that have been developed on and by the platform.



Rice fields scenery in Malawi, Africa ©Nikada

¹ Due to the different designations of the multistakeholder platform since its inception, the term 'platform' will be used throughout the case study for consistency, unless the specific designation is attributable to a determined time period in the platform's evolution.

1. LAND POLICY REFORMS IN MALAWI: ERASING THE COLONIAL FOOTPRINT

Pre-colonial land ownership in Malawi was established through violent conquest by groups migrating from various parts of Africa such as South Africa and the Democratic Republic of Congo (then Zaire). This created a land administration system based on tribal groupings, each with distinct traditions and customs. These were based on either matrilineal or patrilineal marriage systems which dictated whether first rights to land ownership were assigned to women or men, respectively. Land was conventionally held communally, passed down through the generations, and used for subsistence purposes. During the late nineteenth century, Malawi was colonised by the British, leading to all land within its borders being designated as Crown land and associated land policies being introduced.

Colonial land policies

Colonial land policies allowed the dispossession of perceived 'vacant' land, which was typically under the ownership of Indigenous Malawians. This land was then used to establish large estates for commercial use by European companies. Although introduced under the guise of benefiting the locals, these policies consolidated prime fertile land under the control of British colonial elites and left the Malawians destitute. Colonial powers also instituted a 'hut tax' levied on local Malawians, based on the number of huts per household. Many Indigenous Malawians were unable to pay the tax and were pushed into providing cheap labour to the estates on the very same land from which they had been displaced. They were also allocated small plots of land for subsistence purposes. This arrangement resulted in a dual land governance system that concentrated large amounts of prime fertile land in the hands of European settlers governed by one set of 'formal' rules, and confined the vast majority of Indigenous Malawians to smaller less fertile lands still governed by 'informal' customary rules.

This dual system prevailed even after colonial rule. Following the independence of Malawi in 1964, the drive for nation-building and rapid industrialisation continued the colonial land legacy and promoted development driven by a growing estate sector. The 1965 Land Act (Cap. 57:01) vested all lands in the

President and granted the office of the Minister of Lands absolute powers to expropriate any land deemed for public interest.

The 1967 Customary Land Act also failed to legally recognise customary land as land held traditionally by various Indigenous groups in Malawi and governed by their cultural norms. Customary land was treated as a subgroup of public land and subject to discretionary use by the government. During this time, the government gave preferential treatment to estate owners through lower interest rates, reduced taxes and preferential access to capital and credit for estates. At the same time, licensing for smallholder farmers to grow tobacco (a then high-return cash crop) was restricted. It is estimated that more than one million hectares of customary land was transferred from local chiefs to elites for estate promotion between the 1980s and the 1990s.

The birth of a national land policy

In 1995, the then Ministry of Lands and Valuation undertook a review of existing policies and laws to guide a comprehensive approach to land policy reform. This was prompted by growing public unrest in the early 1990s and calls to move from a one-party system to a multiparty democracy. For the first time in decades, discussions on democratic and fair land governance processes were possible without fear of negative repercussions. Previously under the one-party state, speaking out against the government on issues such as land reform would have led to imprisonment and, at the most extreme, exile. A multi-disciplinary interministerial task force was established to support the ministry. The task force comprised 22 members, with representatives from government, private sector, traditional leaders, CSOs and individual members of civil society.

In 1999, a Presidential Commission of Inquiry on Land Policy Reform was established to critically analyse the land governance challenges. The Commission comprised several experts from academia, government and traditional leadership. The inquiry revealed a multitude of issues affecting the land sector. These included:

- the lingering effects of colonial land policies, which had concentrated large tracts of fertile land in the hands of the elites at the expense of the rest of the population;
- a high population-to-land ratio, exacerbating land fragmentation;
- land scarcity, despite the existence of idle lands (some resulting from the failure of the estate sector in the early 2000s);
- provocative squatting in gazetted, protected and private areas, particularly in districts experiencing high land pressure;
- increased land pressures leading to increased land tenure insecurity and uncertainty, especially on customary lands;
- privatisation of customary land driven by increased commercialisation, restricting access for other community members, notably women and youth;
- mismanagement of land developments; and
- cross-border encroachments by immigrants.

Recommendations from the inquiry and a consultative process in 2001 led to the formulation and subsequent adoption of the Malawi National Land Policy in January 2002. The goal of the policy is to ensure tenure security and equitable access to land to facilitate social harmony and broad-based social and economic development. This is to be achieved through optimum and ecologically balanced use of land and land-based resources. The policy outlines an institutional framework for

democratising land management, protecting land tenure rights and regulating land-based investments and other development at all levels.

Building on the Malawi National Land Policy

In January 2003, a special Law Commission on the Review of Land-related Laws was established to translate the recommendations and provisions of the 2002 National Land Policy into new land legislation. In 2006, the government presented the Land Law (Amendment) Bill to Parliament. However, the bill was rejected on the grounds that it failed to incorporate the perspectives of civil society, grassroots constituents, the private sector, chiefs and smallholder farmers. Following a new round of extensive consultations, 11 land-related bills were drafted and presented to Parliament in June 2013.

Of these 11 bills, only one was approved by Parliament – the Principal Land Bill. However, presidential assent was withheld, primarily due to divergent views on how the bill addresses gender disparities in the land sector. The law sought to impose mandatory joint spousal titling, which women groups opposed. They viewed this as a threat to the autonomy of women who purchased land independently of their spouses, even within marriage.

Traditional leaders also opposed the bills as they perceived a substantial reduction in their traditional powers over land. The Customary Land Bill contained provisions for individuals, families, clans and other groupings to access registration of



Rural Village in Lilongwe District, Malawi ©Media Storehouse

their traditionally held land parcels. It also provided for the election of customary land committees and tribunals to participate in the administration and resolution of conflicts on customary land. These functions were previously performed solely by traditional leaders, and served as a significant source of power over their constituents. The proposed changes would limit their powers for arbitrary dispossession and the sale of customary land to the elites, and would also introduce much needed transparency and accountability to customary land proceedings.

This opposition to the bills ultimately protracted the legislative process for several years. The process to pass Malawi's 2013 land bills extended through until 2016.

Enactment of new land legislation

In July 2016, Parliament passed four of the bills, with presidential assent in September 2016 (see Table 1). The six outstanding bills were subsequently passed in November 2016 and received presidential assent in January 2017. Enactment of the legislation followed between September 2017 and April 2018.

Of primary importance to the Malawi multistakeholder platform on land governance is the Customary Land Act (2016). The Act provides for the formalisation of land governance processes on customary land. The major tenets of the Act include:

- registration of individual, family and clan land as Customary Estates recognisable by law through the Ministry of Lands using GIS technology to ascertain general boundaries;
- optional joint spousal titling;
- criminalisation of harmful discriminatory cultural practices such as widow and orphan dispossession of land;
- land use planning from village to district to national areas; and
- decentralised and democratic land management and dispute resolution through elected and nominated customary land committees and tribunals respectively, to work under the chairmanship of traditional leadership.

These legislative changes were particularly significant as they sought to redistribute power from government, traditional leaders and investors towards the community through legal recognition of their previously informal customary claims to land. This recognition affords communities the opportunity to determine as active participants what happens to and on their land. Within the community, the reforms addressed crucial aspects of gender and intergenerational imbalances brought about by unregulated and discriminatory cultural practices around land. The land secured under these laws corresponds to land that has been essential for the livelihoods of 80 percent of the 20 million population for decades.

Table 1. Timeline of land reform legislation enactment in Malawi

Name of bill	Date passed	Date of presidential assent	Date enacted
Principal Land Bill, 2016	12 July 2016	1 Sept 2016	1 March 2018
Physical Planning Bill, 2016	12 July 2016		1 September 2017
Land Survey Bill, 2016	13 July 2016		
Customary Land Bill, 2016	14 July 2016		20 April 2018
Malawi Housing Corporation (Amendment) Bill, 2016	2 Nov 2016	20 Jan 2017	1 September 2017
Local Government (Amendment) Bill, 2016	5 Nov 2016		
Public Roads (Amendment) Bill, 2016	22 Nov 2016		
Land Acquisitions (Amendment) Bill, 2016			
Forestry (Amendment) Bill, 2016	29 Nov 2016		
Registered Land (Amendment) Bill, 2016	8 Nov 2016		20 April 2018

2. EVOLUTION OF THE MALAWI MULTISTAKEHOLDER PLATFORM ON LAND GOVERNANCE

The multistakeholder platform on land governance issues in Malawi was officially launched on 22 August 2014. At its inception, it was known as the Malawi National Engagement Strategy (NES) Platform. These multistakeholder platforms were set in motion by the International Land Coalition (ILC) and led by national actors active in the land governance space. NES platforms promote collaboration and bridge the gap between government, the private sector, grassroots organisations, international agencies, traditional authorities and academia.

In Malawi, the NES Platform was led by LandNet Malawi, an umbrella network of like-minded civil society organisations (CSOs), individuals and other networks working on and with interest in land and natural resource management in Malawi (see photograph on page xx). LandNet began as an unregistered civil society pressure group in 1999 to share concerns on the government's non-inclusive and non-participatory approach to land and natural resource management policies and legislation. The network was supported by individual members until 2008, when it was registered under the Trustees Incorporation Act.

Platform designation: from Malawi NES Platform to NLC Malawi

Although known as the Malawi NES Platform in the ILC programming framework, the platform was regarded as a project under LandNet when first set up – initially done to avoid creating a competing structure for the same limited resources in the land sector. This served to strengthen an existing framework by leveraging LandNet's established social and structural capital accumulated over eight years of operation prior to establishing the platform. The LandNet Secretariat also served as the secretariat for NES Malawi and was responsible for implementation in partnership with relevant platform member organisations. The identity of the platform was subsequently strongly intertwined with that of LandNet.

This created confusion around the designation and identity of the platform, leading to the restructuring of the platform from 2019 to roughly 2022. The name was changed to National Land Coalition (NLC) Malawi in 2020 to reflect ILC commitments at the global level. Hosting of the platform also moved from LandNet to the Women's Legal Resources Centre in 2020.



Table 2. Designation and membership of the Malawi multistakeholder platform on land governance, 2014–present

Period	Platform designation	Host/ Secretariat	Number of members	Membership	Members
2014–2019	Malawi National Engagement Strategy (NES) Platform	LandNet	40	Civil society	<ul style="list-style-type: none"> • Individuals • CSOs
2020–present	National Land Coalition (NLC) Malawi	Women's Legal Resources Centre	33	Academic research institutions	<ul style="list-style-type: none"> • National Learning Alliance • Urban Research Advocacy Centre Research
				Media	<ul style="list-style-type: none"> • Malawi Broadcasting Corporation • Times Media Group • Zodiak Broadcasting Corporation
				Government statutory bodies	<ul style="list-style-type: none"> • Malawi Law Commission • National Initiative for Civic Education
				Government ministries	<ul style="list-style-type: none"> • Ministry of Lands, Housing and Urban Development • Ministry of Local Government and Rural Development • Ministry of Gender, Children, Disabilities and Social Welfare
				Development partners (INGOs)	<ul style="list-style-type: none"> • ActionAid • We Effect • Oxfam • DanChurchAid
				Farmer groups	<ul style="list-style-type: none"> • Coalition of Women Farmers
				Youth organisations	<ul style="list-style-type: none"> • Mzimba Youth Network • Malawi Youth Network • Youth in Social Action
				National CSOs	<ul style="list-style-type: none"> • Women's Legal Resources Centre • LandNet Malawi • Land Governance Alliance • Initiative for Climate Action and Development • Civil Society Agriculture Network • Centre for Community Empowerment and Sustainable Development
				District CSO Land Networks	<ul style="list-style-type: none"> • Rumphi District Network • Mzimba District Network • Kasungu District Network • Nkhotakota District Network • Mangochi District Network • Chikwawa District Network • Nsanje District Network • Phalombe District Network



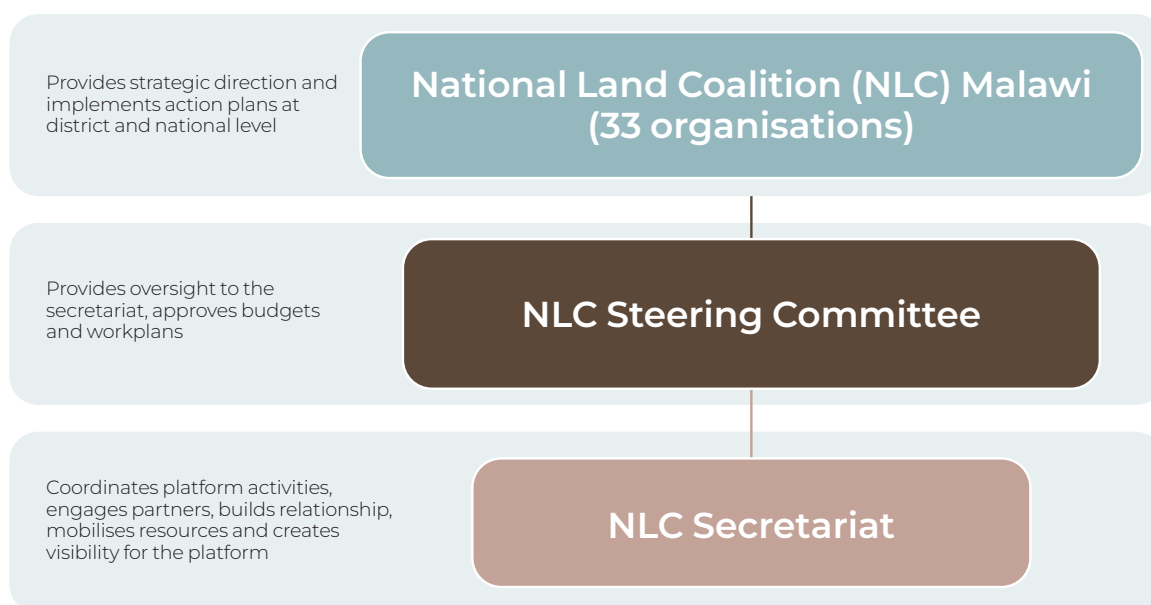
Platform configuration and membership

The decision to restructure in 2019 was made to reflect the trajectory of the reforms that the platform was advancing, with the primary motivations to enhance the platform's relevance and ensure its sustainability. This involved incorporating a broader range of members beyond the CSOs already affiliated with LandNet, including both governmental and non-governmental entities. Membership was subsequently opened to include grassroots organisations, development partners, academia, media, government ministries and statutory bodies, thereby diversifying the pool of land rights advocates (see Table 2).

The restructuring also aimed to establish a distinct identity for the platform independent of LandNet, and to intentionally secure funding specifically for platform activities. The separation of the platform from LandNet was achieved through two key mechanisms: the election of a separate steering committee for the platform and a progressive multistakeholder strategy.

The steering committee comprises two regional representatives from each of Malawi's three regions, elected by NLC Malawi members, along with representation from the host and in-country ILC members. The platform secretariat as facilitator reports to the steering committee, who then makes decisions on behalf of NLC Malawi on the day-to-day functioning of the platform in line with its long-term strategy (see Figure 1).

Figure 1. Malawi multistakeholder platform on land governance: restructuring as the National Land Coalition Malawi



Division of roles and responsibilities: functions and implementation arrangements

As host of the NLC Secretariat since 2020, the Women's Legal Resources Centre functions as the grant holder and manages all logistical functions necessary to maintain the Secretariat. However, implementation is carried out jointly with relevant platform members based on capacity and geographical coverage. The Secretariat and host together form the platform's coordination unit. Platform members take on various roles in conducting activities aligned with strategy implementation. The platform maintains regular and frequent communication with the Ministry of Lands, Housing and Urban Development (MoLHUD)² as the lead ministry on all land-related matters. The ministry plays a pivotal role as co-implementer and financier of activities, such as capacity building for duty bearers and raising awareness of land-related laws, addressing areas of overlapping interest. The ministry also acts as interlocutor with other government ministries and governmental bodies in the pursuit of people-centred land governance.

District land networks, farmer organisations and youth organisations remain the operating arm and have a continued presence at the district and community level. They are regularly involved in the joint planning and implementation of activities, which allows for continuous feedback from communities on how different policy decisions affect their land rights. These networks and organisations also contribute to building the capacity of district and community-level actors in various skills related to advocacy, mobilisation, research and information dissemination.

The platform is represented predominantly by the Secretariat in national-level engagement and dialogue. Engagement may be related to research dissemination, advocacy, lobbying and resource mobilisation, as well as relationship building with government, politicians and traditional leaders. Initially, the Secretariat and host organisation also took on the role of engaging with the media and other awareness-raising mechanisms. At that time, platform members lacked the capacity to perform these functions, particularly concerning the evolving land bills. The secretariat has since

reorganised and capacitated its members to take the lead in implementing activities associated with policy co-implementation at various levels. Activities include capacity building of duty bearers, mass awareness raising, community and grassroots mobilisation, conducting research, and interfacing with local government, traditional leaders and investors. The Secretariat itself now focuses on its role of coordinating the platform and maintaining relationships at the national level with government and other stakeholders.

The assignment of tasks to platform members is based on a comprehensive mapping conducted by the NLC Secretariat to determine the geographical and experiential positioning of members. The Secretariat has been mandated to review and match specific opportunities to appropriate members who are not only located where implementation is required but also possess the necessary capacity to implement effectively. If resources allow, less experienced members are paired with members with stronger experience to facilitate learning through joint planning and implementation. Financial management remains the role of the Secretariat and host, ensuring accountability to the platform's financiers. Members of the coalition are sub-granted resources necessary to implement activities in line with their competencies and interests.



Farming village in Malawi ©heckepics

² The ministry has existed in various forms over the decades but closest to its current form since July 2004. The Ministry of Lands, Housing and Urban Development was created in July 2009, changed to the Ministry of Lands and Housing in May 2012 and later reverted to the Ministry of Lands, Housing and Urban Development (MoLHUD). See <http://lands.gov.mw/index.php/portfolio/our-history>. For the purposes of this report, the ministry is referred to as MoLHUD in relation to the platform's timeline.

3. STRATEGIC TRAJECTORY FOR POLICY ENGAGEMENT: FROM LEGISLATIVE REFORM TO BEHAVIOURAL CHANGE

The platform's history in policy engagement has centred on three key strategies: awareness raising to build widespread support for changes in policy and dispel misconceptions around policy reform; facilitating dialogue with lawmakers to lobby for the inclusion of changes recommended by civil society; and providing continuous support and feedback on implementation of land policies.

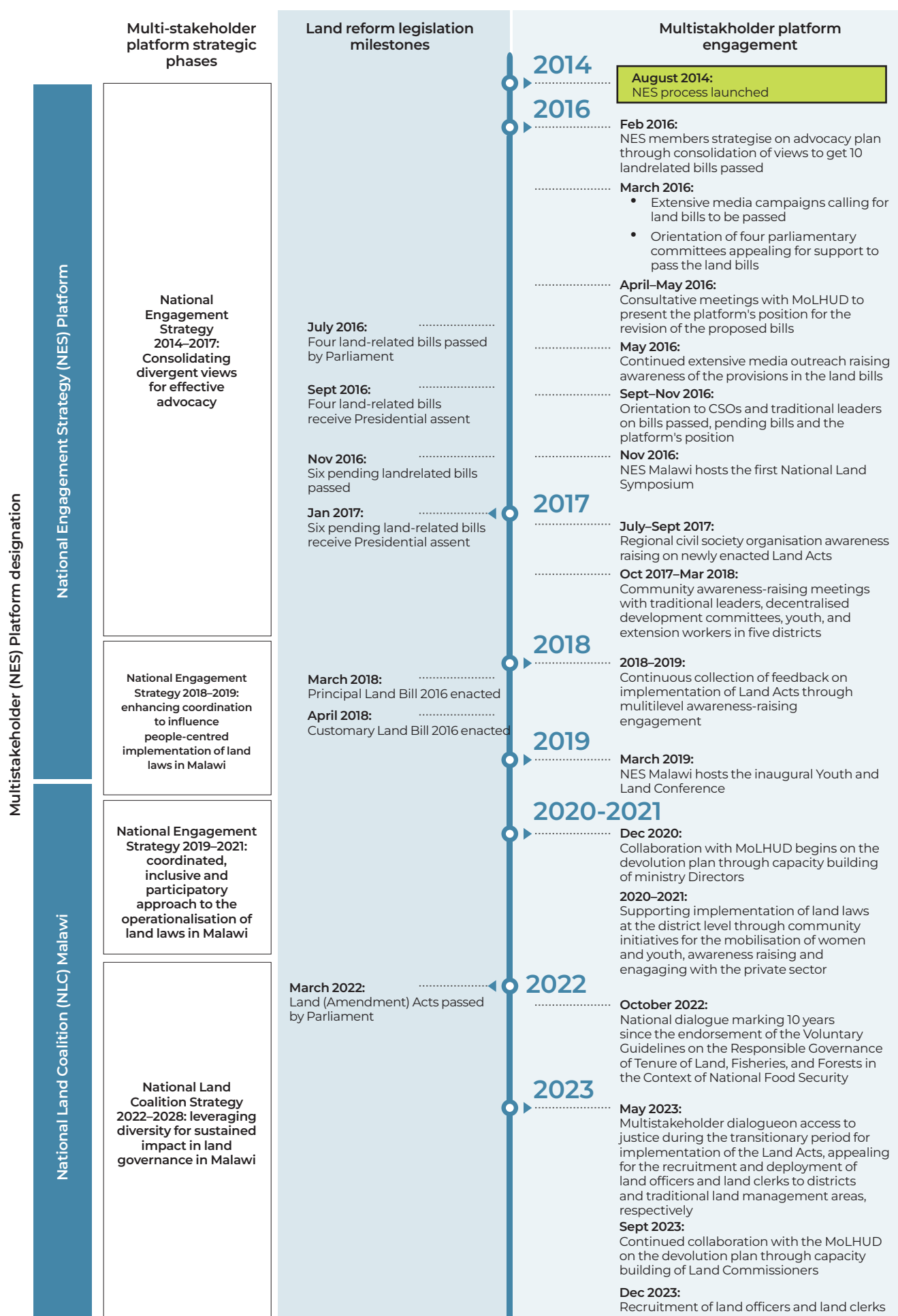
Since 2014, the platform has evolved through four strategic phases, aligning with the land legislation reform process for the realisation of people-centred land governance in Malawi in both policy

and practice. Each phase involved concerted action by members of the platform to support new legislation for improved transparency and accountability for land tenure security. Across the strategic phases, the platform worked with a diverse range of stakeholders from the national to the grassroots level, scaling up its collaborative efforts to effect change in policy and practice. Figure 2 provides an overview of the strategic themes, timelines and engagement initiatives of the platform and alignment with key land reform legislation milestones.



Mulanje Mountains, Southeastern Malawi ©Encyclopedia Britannica

Figure 2. Malawi multistakeholder platform on land governance: mapping of strategic themes and policy engagement interventions aligned with key land reform legislation milestones



National Engagement Strategy 2014–2017: consolidating divergent views for effective advocacy on land governance

The initial strategy was ambitious in its scope over a four-year period. It aimed to establish and strengthen the budding multistakeholder process, while also seeking to influence the enactment and implementation of people-centred and gender-sensitive land laws. The protracted process following the rejection of the 2013 land bills necessitated a holistic multistakeholder approach to finalise a new legal framework on land governance in Malawi. The strategy therefore revolved around facilitating engagement with various stakeholders to achieve consensus on the contents of the draft land bills and then relaying these consolidated views to MoLHUD.

The strategy aimed to respond to the unfocused and uncoordinated CSO voices that were derailing advocacy efforts into land law review. Women's rights activists opposed mandatory joint titling, environmentalists were concerned about land laws overlapping with forestry and environmental laws, and other CSOs opposed the inclusion of traditional leaders in land administration and conflict resolution committees and tribunals. These objections were uncoordinated as they were made irrespective of government openings for consultations. Some CSOs did not make a written submission but would demonstrate against the bills while in Parliament.

Led by LandNet, NES Malawi convened consultations with gender activists and chiefs and became an interlocutor between these two parties

and MoLHUD. This process culminated in the most significant success in this strategic cycle – 10 land-related bills being presented before Parliament in 2016 and subsequent enactment in 2017 and 2018.

The platform also synergised initiatives with those funded by the Food and Agriculture Organization of the United Nations (FAO) to raise awareness among district government officials, CSOs and communities in 18 districts on the Voluntary Guidelines on the Responsible Governance of Tenure within the context of the land law reviews. The platform also conducted the first ever land governance symposium in the country, providing a forum for productive dialogue concerning the recently enacted land laws (see photographs below and on next page).

From 2015 to 2017, a consortium of CSOs within the platform was able to pilot the 2016 Land Acts and lessons learned have been used to guide platform advocacy efforts. Findings from the pilot would be instrumental in informing dialogue on domestication of the Voluntary Guidelines in Malawi in 2022. They further informed the need for dialogue on access to justice that continued to shape advocacy for the recruitment of lands officers and clerks.

In this phase, ILC provided substantial technical and financial support to run the platform and implement the strategy, which outlined that resource mobilisation would be through the “aggressive marketing of LandNet”. By the end of the first strategy cycle, approximately USD 330,000 had been secured from various partners including FAO, Oxfam and DanChurchAid.



Participants during the first NES-organised National Land Symposium on steps towards implementation of new land laws, November 2016 ©NES/NLC Malawi



Minister of Lands, Honourable Atupele Muluzi, making official opening remarks during the Land Symposium ©Kate Chibwana

National Engagement Strategy 2018–2019: enhancing coordination to influence people-centred implementation of Malawi land legislation

The platform's second strategic phase built on the momentum generated by the initial 2014–2017 strategy. The overarching goal was to enhance coordination between civil society and government to ensure that implementation of the new land laws was people centred and gender sensitive. Specifically, the strategy sought to:

- lobby the government to recognise the importance of inclusive and participatory implementation of the new land laws, and cement the legitimacy of the platform as a means of achieving this;
- support the establishment of a decentralised land governance system under the new land laws; and
- promote secure land rights for women.

This strategy initially covered the period from 2018 to 2020. However, after the decision to restructure the platform in 2019, a new strategy was developed for 2019–2021 to align with the new strategic direction.

Amid such significant internal transitions, the platform still managed to maintain a cordial relationship with the government through MoLHUD. It also incorporated the youth demographic within the platform governance structure and processes, and rolled out intensive awareness-raising sessions for civil society traditional leaders, extension workers, secondary school students and members of local development committees at a regional level in all three regions of the country (see photographs below and on next page). In total 1,128 people (315 female and 813 male) took part in these sessions on the new land laws. ILC continued to provide substantial financial support for strategy implementation, and LandNet secured additional support from the Government of Flanders, the European Union, and the Konrad Adenauer Stiftung Foundation.



Training of local development structures on land laws, 2018 ©NLC Malawi



Community awareness meeting with local leaders under Kayembe Traditional Authority in Machinga District, 2018 ©NLC Malawi

National Engagement Strategy 2019–2021: coordinated, inclusive and participatory approach to the operationalisation of land laws in Malawi

The third strategy (2019–2021) incorporated adjustments to the operations and strategic priorities of the platform and shifted focus to a coordinated, inclusive and participatory approach to the operationalisation of land laws in Malawi. Internally, this translated to greater participation of platform members in implementation with oversight from the secretariat. The platform partnered with local community-based organisations (CBOs) organised into district land networks to identify areas of action. Lessons and feedback were then used to inform national-level advocacy with policymakers, especially in drafting implementation guidelines for the land laws.

This strategy also placed greater emphasis on resource mobilisation as a key component for the platform, shifting away from relying solely on ILC support. This emphasis presented challenges for platform members, who were now required to actively participate in not only implementation but also sourcing funding and technical resources to support implementation. However, many members lacked experience and capacity in fundraising. Another consideration for resource mobilisation was how closely the platform was associated with LandNet Malawi's identity, legitimacy and reputation.

This strategic period also coincided with the COVID-19 pandemic and the 2019/2020 general elections in Malawi. These significant events affected mobility, fundraising and other platform operations. The strategic approach had to be reoriented to match the prevailing social, economic and political ecosystem.

Despite these challenges, achievements in this period include:

- support to women's and youth groups in patriarchal northern Malawi to advocate for their rights from local leaders – these groups continue to serve as a knowledge resource for local leaders overseeing land issues in the area (see photograph on next page);
- increased awareness regarding the impact of investments in local areas (despite land reforms) through evidence-based research in the districts of Mangochi and Phalombe (see Table 3);
- facilitating engagement between the private sector and communities to foster collaborative relationships in the districts of Rumpi and Mangochi;
- partnering in the devolution plan by providing capacity building in effective communication for 20 directors within MoLHUD; and
- raising awareness on land laws for over three million Malawians through national and community radio programmes.



Table 3. Summary overview of research by the platform

Title of research	Authored by	Purpose and key audience
Access to the critical natural resource (Lake Malawi) by Indigenous communities in Mangochi District: <i>An analysis of the current state, barriers and recommendations</i>	Mangochi District Land Network (2021)	<ul style="list-style-type: none"> Presented during a district-level meeting with government officials, investors and the district land network to lobby for ease of access to the lake by communities. Investors appealed to communities to take better care of lakeshore areas as they affect patronage of their resorts and also bring employment and other business opportunities for local communities. Roadshows were conducted in two lakeshore traditional land management areas to communicate resolutions of the meeting.
Investigation on the impact of large-scale land-based investments in Phalombe District: <i>The Case of Mkango Mining and Kanjedza Irrigation Scheme</i>	Phalombe District Land Network (2021)	<ul style="list-style-type: none"> Presented before local government officials to draw the contrast between investor-led and community-demanded investments and their impacts on communities' rights to land while also providing recommendations for best practices.
Alternative Report on the Status of Women's Land Rights in Malawi	A Joint Submission by the Malawi National Land Coalition to the Committee on Economic, Social Cultural Rights (2024)	<ul style="list-style-type: none"> An investigation to raise awareness on the need for strong investment in implementation of legal reforms that promote, support and protect women's tenure rights in Malawi. Recommendations reflected in Concluding Observations for Malawi during the 76th Review session of the committee.

National Land Coalition Strategy 2022–2028: leveraging diversity for sustained impact in land governance in Malawi

The platform's current strategy extends from 2022 to 2028, with two triennial workplans to guide strategy implementation. Its primary objective is to establish community tenure rights as foundational for climate adaptation and enhanced agricultural productivity. This strategy

is the second in NLC's strategic progression where a theory of change model has been employed to articulate the desired outcomes.

A core focus is to ensure that the principles of democracy, rule of law, equality, equity and justice are maintained during the implementation and review of land laws, recognising their pivotal role in shaping a sustainably developed Malawi. This is the first strategy designed with external inputs from partners such as FAO and TMG Think Tank.



Awareness raising by Mangochi District Land Network on responsible use of the lake and investor co-existence ©Kate Chibwana



Village on the lakeshores of Lake Malawi ©Robert Ford, iStock/Getty Images

4. ACHIEVEMENTS IN POLICY AND PRACTICE FROM PLATFORM ENGAGEMENT

Over the years, the Malawi multistakeholder platform has sought to establish itself as a legitimate and reliable space for collaborative action towards people-centred land governance. The platform's stance on fostering holistic inclusivity and participation by a wide range of actors has built its reputation as a credible source of insight in the land sector.

This reputation has allowed the platform significant scope to contribute to shaping land governance legislation and to effect real change in securing customary land rights. Increased capacity of the platform itself has led to observable changes in the development of policy and in how these policies are implemented on the ground.

Increased capacity and standing of platform members

The platform has transitioned from having a non-existent relationship with government and private sector representatives to cultivating cordial and productive relationships with regular engagement on priority setting and strategy development. MoLHUD and the Malawi Chambers of Commerce and Industry are two key partners that regularly consult and engage with the platform in their programmes.

The hands-on approach by members in implementing the platform's strategy has not only enhanced their capacities but has also strengthened their legitimacy at district and community levels as avenues for redress on land governance issues. The platform has brought women's groups, youth movements and other local actors to the forefront as agents of change in land governance. A notable increase has been observed in the confidence of these groups to take on other activities and responsibilities, such as resource mobilisation and successfully contesting in regional land governance fraternity elections.

The platform's 7-member steering committee now includes two youth representatives and two women-led organisations, who contribute to shaping the strategic direction of the platform.

Women's groups supported by the platform have taken the bold stance of interfacing with local leaders and investors in two of the most patriarchal districts in Malawi. To date, they have successfully advocated in 22 land grabbing cases, securing justice and reinstating land rights for 19 women and 3 men. Their lobbying efforts have resulted in a change of mindset by the traditional leader of the area, who is now assigning land to women.

Local CBOs have been empowered to generate evidence-based research, and develop and implement action plans based on research conducted in southern Malawi. Results were used to broker collaborative agreements between local civil society and resort owners in Mangochi District to facilitate access to the lakeshore area in line with physical planning laws. In central Malawi, the platform is facilitating interlinkages between CBOs, internally displaced peoples and central government to demand implementation of resettlement provisions under land laws and achieve social justice.

Changes in policy

The most significant contribution of the platform in the land reform process was the advocacy efforts that culminated in the parliamentary approval of the 10 land-related bills in 2016 and subsequent enactment in 2017 and 2018.

- From 2014 to 2016, the platform provided technical and financial support to progress the stalled debate on policy reforms through coordinating various civil society actors and drafting a singular joint statement for consideration by policymakers. The resulting bills met with little opposition from the civil space as inputs from civil society had been significantly taken on board.
- The platform also facilitated lobbying meetings with 121 parliamentary committees in March 2016 to highlight the benefits of enacting the bills. Committees included those focused on agriculture, natural resource management and legal affairs and also involved the Women's Caucus.

- The platform was also instrumental in addressing opposition to the legislation by 300 traditional leaders. Acting as a neutral facilitator, the platform organised a three-day workshop to dispel misconceptions and misinformation spread by political opponents of the government that the bills represented a power grab of traditional leaders' authority over land. Through these efforts, a compromise was reached whereby the traditional leaders agreed to the establishment of land committees and tribunals, provided they would take the role as chair. The agreement included a provision that the law could be amended if evidence later indicated an alternative arrangement would be more appropriate.

Changes in practice and behaviour

The platform's sustained and deliberate efforts to sensitise and raise awareness of the provisions in the Land Acts have resulted in improved capacity of government partners and civil society actors to more effectively promote and implement legislation.

- **MoLHUD has embraced a participatory approach to land reform.**
 - Regular coordination meetings are held to identify areas for collaboration for securing customary land rights through awareness raising, research, policy influence and capacity building.
 - The platform has partnered with MoLHUD in the capacity building of key actors to implement the ministry's devolution plan. The plan aims to eliminate the three regional offices in Malawi and transfer core land administration functions related to surveys, physical planning and title insurance to the district and TLMAs. This involves recruiting and training physical planners, surveyors, land commissioners, officers and clerks, who are then deployed to districts and communities rather than remaining in the capital city and regional offices.
- MoLHUD has served as interlocutor with other ministries such as the Ministry of Natural Resources and Climate Change.
- **CSOs are better able to coordinate on land matters to ensure enactment and compliance with Land Acts (2016) for secured customary land rights.**
 - The platform has provided extensive training and awareness raising to over 100 civil society actors in Malawi, focusing on the principles of responsible land governance. This effort also includes the mobilisation of community and district-level civil society networks to enhance the effectiveness of local advocacy efforts.
 - Financial and technical support extended to CBOs has enabled organisations to conduct action research, engage effectively with government and the private sector, and undertake additional activities that promote people-centred land governance.
- **Enhanced women and youth land rights.**
 - The platform has successfully mobilised women's and youth forums across 19 of Malawi's 28 districts to advocate for their land rights. These forums serve as a crucial advocacy platform and have been instrumental in raising awareness regarding customary land law and facilitating gender- and youth-sensitive dispute resolution at the community level.
 - To strengthen the effectiveness of these forums the platform has provided capacity building in advocacy, leadership and team dynamics.

5. CHALLENGES IN ADVANCING LAND REFORM LEGISLATION

While the contributions of platform engagement in land reform have seen multiple successes, a number of challenges hindered progress at the rate anticipated. These challenges ranged from political influence and resource limitations to the impacts of the COVID-19 pandemic.

Political influence

Although platform members recognised that political influences affected land governance processes, the full extent of this influence on platform activities and results only became apparent over time.

Previous land laws were considered inadequate in safeguarding customary land, and facilitated the purchase and conversion of large tracts of land by investors and politicians for alternative uses. The proposed legislative reforms aimed to ensure that customary land remained under the ownership of Indigenous Malawians to fulfil their subsistence and commercial needs. This would effectively limit extensive and unregulated transfers of customary land into private hands.

However, opportunistic politicians, elites and traditional leaders saw the strengthening of these rights as a threat to the unregulated land market and waged a campaign of misrepresentation and misinformation targeting local communities. The proposed bills were touted as a large-scale land and power grab scheme by government, which led to a rise in protests from communities and traditional leaders.

Land bills have consistently been susceptible to political manipulation during election periods in the country. Due to its contentious nature, land governance has frequently served as a platform to either support or discredit prospective political candidates. To ensure a balanced electoral environment, discussions and actions concerning land issues are typically suspended around election season. A directive issued during the 2019/2020 elections prohibited all national-level engagement on land-related matters, consequently disrupting the platform's workplans.

Navigating the complex political landscape requires the platform to employ a range of strategic approaches. The platform has cultivated strategic relationships with diverse stakeholders, including religious organisations, development agencies and the private sector. This collaboration aims to leverage collective power and influence that extends beyond partisan affiliations and political agendas, thereby generating sufficient public pressure for change and allowing for adaptive planning in election years.

The platform appeals to the drive for social justice of both the church and development partners to garner support for reforms that respond to the needs of Malawians. Requirements for ethical adherence within certain product value chains have also created an opportunity for the platform to engage with investors who are motivated to ensure their products are not associated with land grabs, community unrest or other human rights violations.

Resource limitations

The platform struggled to keep up with its advocacy efforts while also dispelling rumours of the negative connotations attached to the land bills, with the biggest challenge being technical and financial capacities. To overcome financial challenges, the platform forged strategic funding partnerships with FAO, DanChurchAid and the Government of Flanders. The platform trained community facilitators to keep up with the need for accurate and reliable information on the bills.

Donor priorities

The platform has also observed a significant shift in donor priorities from exclusive support to land governance initiatives towards a preference for holistic programming. In response, the platform has grounded land governance issues within broader, interconnected discourse such as around climate change, agricultural commercialisation, youth empowerment, gender justice and the promotion of democratic process and peaceful conflict resolution.

COVID-19

The COVID-19 pandemic also had an unexpected and unforeseeable impact on the platform. Following enactment of the land laws, the platform's priorities focused on supporting ongoing awareness-raising and capacity-building initiatives. These activities were designed predominantly around in-person engagement but COVID-19 restrictions made this impossible. The platform had to adapt to methods such as radio programmes with a phone-in session. Platform messaging also emphasised the importance of adhering to all established health guidelines. This emphasis stemmed from the understanding that a healthy citizenry is essential for meaningful participation in the development sphere, where effective land governance is an integral component. To ensure the safety of participants, the platform also allocated budget to implement protective measures and for the procurement of essential supplies, including hand sanitiser and face masks.

Translating policy into action

A significant concern for the platform has been the slow translation of legal provisions within the Land Acts into practical implementation. The influence of cultural beliefs, especially those associated with gender dynamics and work ethics, continue to significantly influence the governance of land and natural resources.

Strongly patriarchal views have hindered progress towards achieving gender equality despite the legal mechanisms in place. These views, combined with ineffective law enforcement of provisions for women to participate in land governance, perpetuate traditional inequalities.

Work ethics at all levels have allowed a culture of corruption, power imbalances and lack of

transparency to become entrenched within the land governance sector. Efforts to decentralise and democratise have met strong opposition among traditional leaders and other public officials who have benefited from the status quo. The implementation of these laws has therefore consistently fallen behind the projected timelines envisioned by the platform.

Implementation has also slowed due to insufficient resources to adequately finance a complete nationwide roll-out. Implementation has proceeded through pilot projects, each targeting one TLMA per district. Pilots were conducted in 9 out of over 300 TLMAs between 2015 and 2023. Supported by the European Union, the United States Agency for International Development (USAID) and the World Bank, these pilots were intended as learning opportunities to secure greater financial support from the national treasury for the broader implementation process. However, due to competing interests, the budget allocated to MoLHUD is usually cut or redirected, contributing to the slow progress.

The shift in donor support towards other sectors further complicates the situation and has led to a shrinking resource base not only for government programming but also for the platform. This has created a discrepancy between projected and actual financial support. The platform has reached out to donors that acknowledge the significance of the multistakeholder process – FAO, the European Union, DanChurchAid (now the Joint Programme NCA/DCA) and country offices of the International Fund for Agricultural Development – but no resources have been committed to date. In recent years, electoral reforms, COVID-19 and disaster risk management have taken precedence over land-related concerns as they are regarded as more pressing issues compared to the advocacy work being undertaken by the platform.

6. CONCLUSION

The Malawi multistakeholder platform on land governance has successfully navigated numerous periods of uncertainty in its efforts to promote people-centred land governance within the country. Since its inception, its neutrality has enabled diverse stakeholders in the land sector to come together and amplify their collective voice on land-related matters in the country.

The platform has enhanced the legitimacy of community-based and grassroots organisations by connecting them with national-level actors, ensuring their vital perspectives are heard. A flexible and adaptable approach helped actors to evolve from a small CSO-based network into a multistakeholder platform on land governance and to shift the focus from simply aiming for good land governance to using it as a key tool to help the country reach its development and environmental goals. This has ensured the platform's continued relevance in the land sector, not only among civil society but also with government and other partners.

It is also worth noting that the sociopolitical conditions of the country have had a favourable impact on the work of the platform. The transition towards democratic processes has both necessitated and facilitated change. The platform has been a formidable organising force to ensure that benefits extend to rural communities and other vulnerable groups. This window of opportunity still exists despite the emergence of other equally important development discourse. The platform therefore remains a reliable source of both financial and technical support on land issues on different levels in Malawi.

Lessons learned

The experience of the multistakeholder platform in Malawi provides insights and learning on how coalitions can positively influence land governance issues. Lessons learned from the platform's engagement in land reform legislation processes can inform initiatives undertaken in other contexts.

- **Collaborative and coordinated approaches to legal reforms yield greater impact** by leveraging diverse expertise for more holistic perspectives in drafting responsive laws and policies. The land reform process progressed more efficiently when the platform was able to

foster engagement among government, civil society, communities and even private investors.

- **Multistakeholder platforms establish a more consistent and sustainable presence in land governance and other development discourse** in contrast to initiatives that are project-based or driven by individual organisations. While some CSOs have moved on from the land agenda, the platform remains consistent in ensuring land governance is responsive to the needs of Malawians.
- **Multistakeholder platforms can effectively co-exist with and complement the agendas and causes of individual member organisations**, fostering a mutually beneficial environment. The pilots conducted by the consortium of CSOs is an example of collaboration that advances advocacy efforts of both individual organisations and the wider platform.
- **Joint planning and implementation helps to balance power and influence between national-level and grassroots organisations.** During platform meetings, both national and grassroots organisations are given equal voting power in shaping platform strategies. During implementation, exposure to other experiences and modes of operation empower grassroots organisations and enable national organisations to appreciate the perspective of their counterparts.
- **Robust monitoring and progressive redress can prevent the gap between policy and implementation from widening and from undermining legislative progress.** To maintain relevance and effectively represent their constituents, civil society must be vigilant in readjusting and adapting their role from solely policy advocates to active policy co-implementers and monitors.

Recommendations for sustainability

For NLC Malawi to continue in its efforts to effect real change in people-centred land governance, it is essential to establish relationships with a broader range of government actors and to diversify the platform's resource base. Improving the capacity of platform members in resource mobilisation, networking and partnership building is also vital for sustainability.

- **Re-engage with other land-related ministries as potential collaborators** – including those responsible for agriculture, gender, and natural resource management. While these ministries have previously engaged and are aware of the platform, the relationship has not been firmly established. The aim would be to transition from casual engagement to undertaking substantial collaborations in areas where land, agriculture, gender and natural resource management inherently overlap.
- **Intensify resource mobilisation efforts to broaden and diversify the platform's resource base.** As the sole multistakeholder platform on land governance in Malawi, the platform faces significant demands. This challenge is compounded by shifts in funding priorities and a shrinking resource pool, hindering the ability to meet all existing needs. Although the platform has been strategic in allocating seed funds from ILC, these resources have primarily served to maintain the platform's functionality and presence, rather than enabling substantial on-the-ground changes, particularly concerning the implementation of Land Acts.
- **Improve the capacity of platform members in resource mobilisation, networking and partnership building.** The success of the platform in advocating for land reforms and its active participation in ensuring effective implementation has led to continued demands from government, civil society and communities for support and engagement in promoting good governance in Malawi. However, the technical capacity of platform members does not extend significantly beyond their ability to mobilise for policy dialogue. While the platform's diversity offers a significant advantage, it also highlights disparities in skills and experience concerning resource mobilisation, networking and partnership building, particularly among communities and CBOs. It is therefore crucial to prioritise and adequately address the need for improved capacity among the platform's diverse constituents and within the platform as a whole. This capacity building should extend beyond merely influencing policy to effectively supporting and implementing good governance initiatives.



Rural village in Malawi ©kgrahamjourneys

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Since 2014, the Malawi multistakeholder platform on land governance has provided a space for dialogue among stakeholders across government, civil society, academia, media, the private sector, government statutory bodies and ministries, development partners and rights holders. It promotes a multi-sectoral approach to dealing with major land governance and natural resource management issues in the country, following the landmark reforms undertaken by the Malawian government through the Ministry of Lands, Housing and Urban Development. Despite political interference, limited resources and institutional challenges, the platform remains a vital actor in supporting the development of inclusive policies and local-level policy implementation. It also advocates for climate resilience through secure land tenure, ensuring land rights are central to sustainable development and environmental protection.

The Capitalisation of Experience draws lessons learned from improving land governance through multistakeholder platforms for policy dialogue, and is a joint effort of the following four organisations:



Comité Technique Foncier et Développement (CTFD) is a platform of multidisciplinary experts that discusses and debates rural and urban land issues in the Global South. CFTD meets under the tutelage of the French Ministry of Foreign Affairs and the *Agence Française de Développement (AFD)*.

Please visit www.foncier-developpement.fr

The **International Land Coalition (ILC)** is an independent global alliance of People's Organisations, civil society and intergovernmental organisations working together to put people at the centre of land governance.

Please visit www.landcoalition.org

The **Mekong Region Land Governance Project (MRLG)** is a project of the Government of Switzerland, through the Swiss Agency for Development and Cooperation (SDC), with co-financing from the Government of Germany and the Government of Luxembourg. MRLG has been working to improve the land tenure security of smallholder farmers in the Mekong Region since 2014.

Please visit www.mrlg.org

Welthungerhilfe (WHH) is a private aid agency in Germany; politically and religiously independent that fights for "Zero Hunger by 2030". **Land for Life Project** is supporting multi-actor partnerships working on land governance in Ethiopia, Burkina Faso, Liberia, Sierra Leone and Germany.

Please visit land-for-life.org

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