



THE MALAWI NATIONAL ENGAGEMENT STRATEGY ON LAND GOVERNANCE 2019-2021

June 2019

Contents

EXECUTIVE SUMMARY	4
1. COUNTRY OVERVIEW.....	6
1.1. Background	6
1.2. Translating Commitment into Practices: Key Challenges	6
1.3. The National Engagement Strategy on Land Governance Platform: The Vehicle for collaborative action towards a better land governance framework in Malawi.....	9
2. GOAL AND EXPECTED OUTCOMES	11
2.1. Main Goal	11
a. Changes in Policies.....	11
c. Bridging Outcom.....	11
3. STAKEHOLDER ANALYSIS.....	12
3.1. Description of Stakeholders	12
a. Government Ministries.....	12
b. Civil Society Organizations	12
c. Donors and Developmental Partners	13
3.2. Engagement Plan	14
a. Government Ministries.....	14
b. Civil Society Organizations	15
c. Donors and Developmental Partners	15
4. PLATFORM COMPOSITION	16
5. SYNERGIES	18
5.1. Platform on Large Scale Land Based Investments in Malawi.....	18
5.2. Land Governance Technical Working Group.....	18
6. THEORY OF CHANGE	19
6.1. CONNECT: Strengthened NES Malawi Platform towards people-centred land governance	20
6.2. MOBILIZE: Empowerment of various stakeholders to access, disseminate and utilize knowledge on people-centered land governance	21
6.3. INFLUENCE: Implementation of an inclusive, non-discriminatory and gender sensitive land governance framework	21
7. GOVERNANCE OF THE PLATFORM.....	23
7.1. The NES Platform.....	23
7.2. The NES Steering committee	23

7.3. The NES Secretariat	24
8. GENDER ANALYSIS	25
9. FINANCIAL SUSTAINABILITY	27

EXECUTIVE SUMMARY

Malawi is at a critical juncture in its history in terms of land governance. Over the last six years, the government of Malawi has ushered in a suite of 10 land and land related laws that are said to revolutionize land governance in the country as it stands. These laws include: The Land Act 2016; Customary Land Act, 2016; Registered Land (Amendment) Act, 2016; Physical Planning Act, 2016; Forestry (Amendment) Act, 2016; Land Survey Act, 2016; Land Acquisitions (Amendment) Act, 2016; Local Government (Amendment) Act 2016; Malawi Housing Corporation (Amendment) Act, 2016 and Companies (Amendment) Act, 2016.

The enactment of the new land laws despite being positive, do not represent the one-size fits all solution to Malawi's land woes as could be hoped for. Considering the time, it took for the legislation to be enacted (14 years) it could be easily assumed that the country is long at last at the end of a long journey towards better governance of land, however, the enactment of the laws signals the beginning, rather than the end. As it stands today, the government and nation of Malawi are grappling with the enormity of the task of transforming what is on paper to tangible results that reflect the goals of the entire land reform process.

Issues that are complicating the process include the lack of adequate dissemination of the laws, cultural resistance to some of the provisions within the laws especially those relating women land rights and striking the balance between largescale land based investments for economic wellbeing and safeguarding the rights of rural Malawians for improved social welfare.

At this juncture, collaborative efforts among various stakeholders are a necessity in ensuring that land governance within the country is improved. The task of ensuring that land governance in Malawi is responsive to the needs of Malawians requires a holistic and inclusive approach that does not place the burden of implementation and monitoring on government alone but allocates different tasks and responsibilities to other actors that are better placed in terms of expertise, resources and geographical positioning to perform such tasks.

The National Engagement Strategy (NES) Platform on Land Governance provides the space to nurture and utilize such collaborative efforts among different categories of stakeholder such as government, civil society, academia, media, private sector and the right holders themselves. The NES promotes a multi sectoral and holistic approach towards dealing with the major issues in

land governance much like those experienced in the Malawian context. The NES platform in Malawi, is a national, member-led platform whose ultimate vision is that a people-centered land governance framework is existent and functional in Malawi.

In recognition of this, the NES Malawi strategy, therefore aims at the attainment of a coordinated, participatory and inclusive land governance framework in Malawi through the operationalization of the new land laws implementation regulations and guidelines in the years of 2019 - 2021. In achieving this goal, the Malawi NES platform acknowledges the need for a strong platform that is adequately resourced financial; has strong strategic relationships and a robust and all-inclusive membership to effectively engage with decision makers at all levels for collective action towards implementation of a people-centered and gender sensitive land governance framework. In the Malawian context people centered and gender sensitive implementation of the new land laws will mean that the implementation regulations are responsive to the needs of a diverse range of tenure rights holders and thus the ensuing implementation of the land laws is inclusive, non-discriminatory and gender responsive.

1. COUNTRY OVERVIEW

1.1. Background

Malawi is at a critical juncture in its history in terms of land governance. Over the last six years, the government of Malawi has ushered in a suite of 10 land and land related laws that are said to revolutionize land governance in the country as it stands. These laws include: The Land Act 2016; Customary Land Act, 2016; Registered Land (Amendment) Act, 2016; Physical Planning Act, 2016; Forestry (Amendment) Act, 2016; Land Survey Act, 2016; Land Acquisitions (Amendment) Act, 2016; Local Government (Amendment) Act 2016; Malawi Housing Corporation (Amendment) Act, 2016 and Companies (Amendment) Act, 2016.

The Land Acts and Amendment Acts of 2016 usher in a more democratized and gender sensitive mode of transacting on land in Malawi. Among the key changes within these laws include: nationwide registration process of all customary parcels of land, decentralized land governance structures at all levels i.e. community, district and nation level and the recognition and protection of women's land rights.

The enactment of the new land laws despite being positive, do not represent the one-size fits all solution to Malawi's land woes as could be hoped for. Considering the time, it took for the legislation to be enacted (14 years) it could be easily assumed that the country is long at last at the end of a long journey towards better governance of land, however, the enactment of the laws signals the beginning, rather than the end. As it stands today, the government and nation of Malawi are grappling with the enormity of the task of transforming what is on paper to tangible results that reflect the goals of the entire land reform process.

1.2. Translating Commitment into Practices: Key Challenges

Notably as with any law, dissemination to different stakeholders is key to ensuring the success of these laws. The laws provide for different roles and responsibilities for right holders and duty bearers alike, to embrace so that they work for the benefit of all Malawians. These roles and responsibilities represent a sharp diversion from how things were done normally culturally, socially and administratively. For these provisions to materialize, right holders and duty bearers will have to be made aware of and adequately conversant with such provisions. Dissemination of

these laws is complicated by a number of factors that include: low literacy rates among rural Malawians and inadequate financial, technical and institution support for the process.

According to the UNESCO¹ institute of statistics (March 2016), adult literacy rates in Malawi are at only 65.75%, and women's literary rates are at only 59% as compared to their male counterparts at 73%. The relatively low literacy rates in Malawi make it difficult for most rural Malawians to utilize the land laws in their current format. The laws are currently available in their legalistic format that not only make it difficult for the right holders (Rural smallholder farmers in Malawi) but also other key duty bearers such as government officials, traditional leaders, members of the local judicial system and civil society alike to read and understand them. The laws are yet to be summarized and translated into the 5 major local languages (Chichewa, Tumbuka, Sena, Lomwe and Yao) for easy utilization by these groups. The major reason behind this conundrum has been the unavailability of adequate fund within the national budget to disseminate this information throughout the country's 28 districts.

In addition to dissemination of the land laws, implementation modalities seem to be another grey area in terms of the laws. Cultural challenges have presented themselves and complicated the process towards achieving better land governance in Malawi. The new land laws have been controversial from the start. The land laws propose a scenario where individuals who were culturally unable to access, control and own land (men in matrilineal societies and women in patrilineal societies) are able to do so irrespective of the norms and customs practiced. The laws provide for more equitable and fair distribution of land through joint titling and participation in land governance decision making bodies by both genders despite the cultural and social settings. The laws have also been thought to challenge the position and authority of local traditional leaders as the sole custodians and administrators of customary land under customary law through the introduction of land governance structures such as the land committees, tribunals and the office of the land clerk.

In doing so piloting of the laws has met a lot of resistance in Mzimba, Kasungu and Phalombe where, the Ministry of Lands, Housing and Urban Development, Oxfam in Malawi and the Center for Environmental Policy and Advocacy (CEPA) with support from the European Union (EU) have commenced piloting. The strongest resistance is being experienced among the

¹ UNESCO – United Nations Educational, Scientific and Cultural Organization (uis.unesco.org)

patrilineal societies who are having a hard time reconciling with the idea of women ownership and control of land as well as representation in land governance structures.

Another issue that is facing land governance in Malawi is that of responsible large-scale land based investments. One of the cases for the land reform process currently underway was to secure tenure rights for Malawians in the face of large-scale land based investments. These developments have taken various forms such as mining excursions; tourist attractions alongside the lakes and rivers; largescale agricultural ventures (estates, plantations, out grower schemes); public utility goods (hospitals, schools, roads etc.); and wildlife conservation enclosures. In the absence of a strong legal framework, these have resulted in largescale land dispossession of communities as well as the loss and endangering of many livelihoods. It is worth noting that in the old legislative framework, land held under customary tenure was conceptualized as having uncertain ownership and thus available for these investments. This type of thinking has left communities at large powerless in the face of large corporations; government and the local elites in demanding their right to land.

At the same time, Malawi being a developing country, it also benefits from the influx of investors into the country through their contribution to the overall Gross Domestic Product of the country. According to the Malawi Investment and Trade Centre² in 2016, foreign domestic investments had reached 1.15 billion which translated into 21% of the national GDP and the proportion was projected to be on the rise. These investments are largely concentrated in the agricultural and mineral exploration sector which in principal all demand large parcels of land. Balancing the need for economic growth and social wellbeing in this case has been problematic with communities normally at the bad end of this transaction. Overtime, this has slowly built tensions between investors and the communities that they are working in. In some of the extreme cases, this has led to the loss of property and life from both parties. It is therefore inevitable that the private sector is now looking for more sustainable and mutually beneficial models of business that do not tip this delicate balance. How this type of engagement between different stakeholders towards responsible largescale land based investments fits into the scope of the new land laws is yet to be explored.

² <https://mitc.mw>

1.3.The National Engagement Strategy on Land Governance Platform: The Vehicle for collaborative action towards a better land governance framework in Malawi

The issues highlighted above could have a negative bearing in the establishment of an effective and efficient land governance framework in Malawi. Within the context of this country strategy, a land governance framework is conceptualized as the set of national, regional and global policies, agreements, guidelines, procedures and law that govern how land is accessed, controlled and owned in a country. A robust land governance framework will include legally binding laws on land and land related sectors such as forests, mining and agriculture as well as internationally recommended guidelines of best practices such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs); New Alliance Analytical Framework on Large-scale Land Based Investments in Africa; and the African Union Framework and Guidelines on Land Reform in Africa; the Comprehensive Africa Agricultural Development Programme (CAADP). Malawi as with many countries in the world is party to the above and has committed to the domestication and implementation of these frameworks however the status quo does not reflect this.

In doing so the inherent goal underlying the new land laws and similar like-minded laws and policies to secure tenure rights for all Malawians could be missed. At this juncture, collaborative efforts among various stakeholders are a necessity in ensuring that land governance within the country is improved. The task of ensuring that land governance in Malawi is responsive to the needs of Malawians requires a holistic and inclusive approach that does not place the burden of implementation and monitoring on government alone but allocates different tasks and responsibilities to other actors that are better placed in terms of expertise, resources and geographical positioning to perform such tasks.

The National Engagement Strategy (NES) Platform on Land Governance provides the space to nurture and utilize such collaborative efforts among different categories of stakeholder such as government, civil society, academia, media, private sector and the right holders themselves. The NES promotes a multi sectoral and holistic approach towards dealing with the major issues in land governance much like those experienced in the Malawian context. The NES platform in Malawi, is a national, member-led platform whose ultimate vision is that a people-centered land governance framework is existent and functional in Malawi.

Established in 2013, the Malawi NES platform has brought together various stakeholders to work collaboratively in ensuring that the land laws are enacted in Malawi. Through various engagements the Malawi NES has been able to:

- a. Coordinate and unify the voices among civil society on the land question in Malawi
- b. Inclusion of women in the land reform process through the Kilimanjaro initiative
- c. NES representation in the multi-sectoral National Land Governance Technical Working Group hosted by Ministry of Lands
- d. Increased awareness of the principles VGGT, RAI, RTF, FPIC and AU Frameworks and Guidelines
- e. Substantial contribution towards the enactment of the new land laws
- f. Inclusion of traditional chiefs in the NES process
- g. Successfully hosted a multi-sectoral land symposium whose recommendations will inform the implementation of the new land laws

Originally a civil society organization (CSO) only platform on land governance, the NES Malawi has also successfully managed to restructure itself into a multi-stakeholder platform that not only include CSOs but also government ministries, developmental partners, statutory bodies, media and academia as well with the belief that together these various stakeholders could achieve far greater and sustainable impact as opposed to working individually and sometimes opposing.

2. GOAL AND EXPECTED OUTCOMES

2.1.Main Goal

The main goal of the Malawi NES platform for the years 2019 -2021 will be the attainment of a coordinated, participatory and inclusive land governance framework in Malawi through the operationalization of the new land laws implementation regulations and guidelines.

2.2.Strategic Outcomes

a. Changes in Policies

Implementation regulations are responsive to the needs of a diverse range of tenure rights holders. The revision of land laws implementation procedures and guidelines are cognizant of the different views and feedback from different tenure rights holders that are adequately informed of the new laws.

b. Changes in Practice

Implementation of the land laws is inclusive, non-discriminatory and gender responsive. Harmful cultural, social and economic practices that prevent men, women, youth, the elderly and other vulnerable groups from owning and controlling land are discouraged and discontinued. Implementation of the new land laws that takes into consideration the different types of rights and responsibilities different stakeholders have in relation to land and other resources so as to avoid unintentionally distributing benefits unequally to right holders.

c. Bridging Outcome

The NES platform is strengthened through platform expansion, resource mobilization, and strategic partnerships for effective engagement with decision makers at all levels for collective action towards implementation of a people-centered and gender sensitive land governance framework. The NES sets up the necessary guidelines, procedures, policies and structures to ensure its sustainability and continued relevance within the land governance sector in Malawi. Members of the platform are equipped with adequate skills, knowledge and resources to contribute towards their overall goal.

3. STAKEHOLDER ANALYSIS

3.1. Description of Stakeholders

a. Government Ministries

In accomplishing its goal, the NES will work with a number of governmental ministries. The NES will seek to influence the Ministry of Local Government and Rural Development and the Ministry of Natural Resources, Energy and Mining to take a more proactive role in ensuring that their constituents are coordinated towards doing their part in achieving an inclusive and participatory land governance framework. The Ministry of Local Government and Rural Development has been specifically targeted because of its high influence over traditional leaders and other decentralized structures at district and community level. The Ministry of Natural Resources, Energy and Mining has been targeted because of the work that it oversees in the mining industry of the country.

The second group of government ministries the NES will work with is the ministry of Information, Tourism and Culture (information dissemination on the land laws) and the Ministry of Gender, Disability and Social Welfare (tackling unequal gender relations in land governance). Currently despite the vital role that they play, they have notably not shown as much interest in relation to land governance. However, through engagement with the NES, the anticipated result is that they become potential collaborators in attaining an inclusive land governance framework in Malawi. Lastly, the NES will aim to maintain and foster its relationships with the Ministry of Lands, Housing and Urban Development and the Department of Youth who have adopted a more proactive approach to land governance issues in the country at the moment.

b. Civil Society Organizations

The NES will also engage with a number of key stakeholder among the civil society in achieving its goal. The NES will explore means of collaboration with the Civil Society Agriculture Network (CISANET), Farmers' Union of Malawi (FUM), LandNet and the Women's Legal Resources Center (WOLREC) as highly influential in land governance in Malawi. CISANET represents a network of Civil society organizations that advocate for farmer-first agricultural policies and legislations, the Farmers' Union of Malawi is a membership based organizations of individual farmers, associations and cooperatives nationwide, LandNet represents a network of



CSOs who have a vested interest in land governance and environmental management issues and WOLREC is CSO that works around ensuring that women's access, control and ownership to resources vital for their development are respected.

In addition to the above, the NES will also engage and consult with the National Association of Smallholder Farmers and the NGO-Gender Coordination Network as relatively important actors towards the attainment of its goal in terms of influencing gender equality and inclusion of smallholder farmers, despite their medium interest and influence at the moment.

c. Donors and Developmental Partners

The NES will also strive to forge strategic partnerships with the different development partners that are currently working within land governance. These actors could pose a sustainable source of both financial and technical support. From past records, the UNFAO, We EFFECT, DanChurchAid and the European Union have been notably key active players within the land governance sector who have also expressed interest in continuing to do so for the foreseeable future. The United Nations Food and Agriculture Organization has been actively supporting work around the land laws as it presents a means of achieving the right to food; DanChurchAid has been approaching the its work around land governance from the right to food angle as well with a particular interest in women's land rights and largescale land based investments; We EFFECT has within the works the plans of establishing a regional network for knowledge sharing on land governance in Malawi, Zambia, Zimbabwe and Mozambique that starts at the national level; the European Union has for the past three years been piloting the new land laws.

The matrix below illustrates the type of stakeholders within the NES's scope of work towards the attainment of a coordinated, participatory and inclusive land governance framework in Malawi.

		Influence		
				
High		Min. of Natural Resources, Energy and Mining; Min. of Local Government and Rural Development	Min. of Information, Tourism and Culture; Min. of Gender, Disability and Social Welfare; Civil Society Agriculture Network	Min. of Lands, Housing and Urban Development; Farmers Union of Malawi; WORLD BANK; European Union; Oxfam; UNFAO; DanChurchAid; We Effect; Women's Legal Resource Centre; Dept. of Youth; LandNet
Medium			Min. of Agriculture; National Association of Smallholder Farmers; NGO-Gender Coordinating Network	
Low			Medium	High
		Interest		
				

3.2.Engagement Plan

a. Government Ministries

In the past, the NES has worked closely with the Ministry of Lands, Housing and Urban Development in ensuring that the new land laws are enacted. Moving forward, the NES will reach out to other ministries that it has not engaged with previously in the past as highlighted above. The NES will schedule one-on-one meetings with the Principal Secretaries responsible for these ministries as the highest level of technical and policy decision making in the ministries. These meetings will aim at formally introducing the NES, the work it does and how their ministries fall within the scope of this.

Furthermore, the NES will strive to ensure that they are invited and included in NES meetings and conferences that will be taking place at national and local levels. Emails will also be utilized as a mode of keeping them regularly updated on the progress of such activities so that the relationship between these ministries and the NES will not lose its momentum

b. Civil Society Organizations

The civil society organizations to involved represent a collection of other civil society organizations that collectively work together in the pursuit of objectives in land governance, agriculture, gender and farmers' rights. Engagement will be through regular face-to-face meetings with their secretariats on a consultative basis and through emails for their regular updates on activities of the NES platform.

c. Donors and Developmental Partners

These will also be engaged in a series of face-to-face meetings with the goal of forging strategic relationships in the pursuit of similar interests to the NES. Donors and Developmental partners will also be engaged through the participation in national level NES meetings and other events to provide for opportunities for joint planning.

4. PLATFORM COMPOSITION

The previous year has marked a transition period for the Malawi NES platform in order to adapt to the changing context and emerging issues. Previously, the NES constituted a membership of civil society organizations with varying expertise in the areas of rural development, women rights and gender equality, environmental policy advocacy, research and youth engagement. As of today, the NES platform has added on to its pool of CSOs to include government ministries (Ministry of Gender, Disability and Social Welfare; Ministry of Lands, Housing and Urban Development; and Ministry of Local Government and Rural Development); Academic Institutions (The Malawi Polytechnic and Bunda College of Agriculture, Mzuzu University); influential traditional leaders (Traditional Authorities Mbenje, Chikumbu and Kachindamoto); the Malawi Law Commission; Developmental Partners (Oxfam, DanChurchAid, WeEffect, UNFAO); National Media Houses (Zodiak Broadcasting Corporation, Malawi Broadcasting Corporation, Times Media Group); and representatives from District Land Networks.

Through these additions, the NES has a wider range of expertise and wider geographical coverage to draw upon in terms of advocating for the change it would like to achieve. The NES currently has a wide pool of specialties in policy engagement, media, research, grassroots mobilization, advocacy and governance that it could utilize in building capacity among members as well as engaging externally. The approach taken by the Malawi NES has been to secure representation from all the critical sectors in land governance i.e. government, academia, CSOs and private sector, so that they serve as entry points for NES engagement with the particular sector in question. In doing so, even the subsequent planning and implementation of activities will take on a holistic approach that consolidates the views of all these stakeholders. In doing so, the NES is bound to attract attention of other external actors in the same sector for potential partnerships.

Beyond its current composition, the NES is looking to recruit new members into the platform. the NES will look towards co-opting the Farmers Union of Malawi and the National Association of Smallholder Farmers in Malawi. These two organizations represent the largest umbrella organizations of smallholder farmers in Malawi who are the ultimate land users. The NES is also

hoping to reach out to the NGO-Gender Coordination Network, a network of various organizations whose work relates to gender in different sectors of the country as well. Lastly, the NES also hopes to feel the vacuum in the North of a more progressive traditional leader to speak on women land rights.

5. SYNERGIES

5.1. Platform on Large Scale Land Based Investments in Malawi

One of the priority areas for the NES is to ensure that largescale investments on land are responsible and do not endanger the communities' tenure rights. Recently, a platform has been set up in Malawi by the Interlaken Group of which LandNet and Oxfam in Malawi, members of the NES are part of the steering committee. The platform aims at promoting all-inclusive and responsible largescale land based investments in Malawi. The platform will focus on creating awareness of policies and laws related to land including land policy, land law, decentralization policy and environmental policy; influence over systematic implementation of the land related policies and laws; evidence generation to guide decision making and share good practices around responsible and inclusive large-scale land-based investments; and mediation of issues of land related conflicts among the concerned parties. The NES will explore areas of collaboration in the work that the platform is prioritizing at national level.

5.2. Land Governance Technical Working Group

The land governance technical working group is a multi-stakeholder platform that was formed through the combination of the World Bank Land Governance Assessment Framework Taskforce and the UNFAO's Voluntary Guidelines on responsible Governance of Tenure platform. The sector working group is hosted by the Ministry of Lands, Housing and Urban Development and co-chaired by the Principle Secretaries for Lands and Agriculture. The sector working group is tasked with providing oversight for the successful implementation of the new land laws in the country. However, beyond the formulation of the Terms of Reference for the platform, no other action has been carried out by the platform. In the interest of ensuring that the land laws are operational, the governance taskforce represents a key player in influencing the nations agenda in terms of prioritization of land issues. The NES will work through its representation by platform members to revive and support the collaborative efforts between the NES and sector working group in ensuring implementation of the new land.

6. THEORY OF CHANGE

Participatory and inclusive land governance framework in Malawi

NES platform is strengthened for effective engagement with decision makers at all levels towards implementation of a people-centered and gender sensitive land governance framework.

Implementation regulations and guidelines are responsive to the needs of a diverse range of tenure rights holders

Implementation of the land laws is inclusive, non-discriminatory and gender responsive.

Increased membership numbers and diversity of skills within the platform

Improved technical and financial capacity

Increased engagement with different stakeholders on the land and other land related policies and laws for awareness raising and feedback collection

Generation of inclusive, participatory and evidence based knowledge to inform policy

Harmful cultural, social and economic practices that prevent men, women, youth, the elderly and other vulnerable groups from owning and controlling land are discouraged and discontinued.

NES platform expansion

Resource Mobilization

Forging strategic relationships

Formulation and implementation of policies and guidelines for internal governance

Capacity building for various stakeholders under the new land laws

Awareness raising on land and land related policies and laws with different stakeholders

Media Engagement on the new land laws

Participatory and inclusive research

Research dissemination

Joint advocacy campaigns on non discriminatory and gender responsive practices

Facilitation of dialogue between various stakeholders at all levels

The ToC above, illustrate the change pathways the NES envisions in realizing its long term goal of a participatory and inclusive land governance framework in Malawi. Activities, strategies and outputs corresponding to the three pillars of the ILC.

6.1.CONNECT: Strengthened NES Malawi Platform towards people-centred land governance

Currently the NES platform faces a number of challenges that could hamper its progress towards the long term goal. Firstly, as a multi-stakeholder platform, the platform has not managed to gain representation from the private sector, other government ministries and farmer groups in the interest of securing diversity and ensuring that the NES process is as inclusive as possible. Thus one of the means of rectifying this, will be to reach out to a number of actors highlighted above to be part of the NES and thus increase the number of skills present within the platform. Furthermore, the NES platform will endeavor to forge long term strategic partnerships with key actors and influencers within land governance in the country, in doing so, the NES could leverage these partnerships for greater impact than if it worked in isolation.

Secondly, the NES still remains as a single donor-funded platform. To ensure that the NES is more sustainable for the long run, the NES will also embark on resource mobilization for the platform. The NES will strive to be a multi-donor platform while using the support from the ILC as catalytic funding. To aid the process along and add to its legitimacy, the NES will also ensure wider visibility at the national level through the use of mainstream media, social media (Facebook, twitter and a NES website) and other forms.

Lastly, for the platform to function smoothly, the NES will require a good coordination system. This will be operationalized by the maintenance of a fulltime facilitator who will be aided from time-to-time by volunteers from NES platform members however depending on the rate of growth of the platform this could additional staff would be brought on board. In addition to this, the NES will also conduct regular platform meetings on an annual basis for reporting on the previous year and subsequent planning for the following year; quarterly steering committee meetings for similar purposes; and the publication of an annual newsletter for internal and external distribution among stakeholders. The NES will work on its internal governance by formulating and implementing different policies and guidelines to govern the platform

considering that none exist at the moment. In doing so, the platform will be more effective engaging with different types of stakeholders towards its goal.

6.2.MOBILIZE: Empowerment of various stakeholders to access, disseminate and utilize knowledge on people-centered land governance

Access to training and information on the land laws and other vital information on land governance has been problematic for some time. The NES will engage with a range of stakeholders to not only merely impart knowledge of the land laws to these various actors, but ensure that all relevant stakeholders from the community to the national level gain an in-depth understanding of the context specific implications of implementing the laws within the context of a wide range of tenure rights holders. In doing so, the hope is that those that NES engages with will provide vital feedback for advocacy at the national level on subsequent revisions to the implementation regulations and procedures as well as also empower those engaged to disseminate the knowledge to a wider audience at both district and community level

This process will also be supplemented by the generation and dissemination of participatory action research on a number of issues within land governance. Input and lessons gained from these processes will ensure that policies and guidelines on the implementation are responsive to the needs of a wide range of right holders.

6.3.INFLUENCE: Implementation of an inclusive, non-discriminatory and gender sensitive land governance framework

The NES will advocate for inclusive, non-discriminatory and gender sensitive implementation of the new land laws among different stakeholders. The ability for rights holders to claim their rights, they need access to information. A lot of misinformation and cultural resistance has led community members to be hesitant in complying with provisions in the law. Community members are skeptic in terms of registering their land and even more jointly as spouses because of the fear of the unknown or backlash from their community. Providing access to information on these laws will help ease fears and clear existing tensions so that they are able to embrace the laws more. Secondly, advocacy will be done with local groupings of women and youth to ensure

that their undiluted voices are heard by their duty bearers in the hopes that these duty bearers commit to ensuring that what is written on paper in the laws is translated to inclusive and mutually beneficial action. These groupings represent the most vulnerable and victimized groups in terms of access, control and ownership of land. Culturally men are favored above women and the youth as primary owners of the land and economically, these groups also represent those preyed upon by both local and foreign investors alike in terms of land acquisition despite the fact that they represent three-quarters of the population and are the most productive in utilizing this land. Ensuring that they enjoy equal rights as men is not only a matter of legislation but also the changing of mindsets of both traditional and public leaders.

7. GOVERNANCE OF THE PLATFORM

The NES platform is made up of three levels of governance structures: the NES Platform, the NES Steering Committee and the NES Secretariat.

7.1.The NES Platform

Currently, the Malawi NES platform is currently comprised of 35 members from all over Malawi. The platform is convened annually at the end of an implementation year to be updated on progress so far and planning for the next year. However ad hoc platform meetings can be scheduled when the need arises. The Platform also has a WhatsApp group through which the secretariat is able to give short updates on land governance issues either internal to the platform or external from other actors.

The duties of the NES platform include:

- Advocacy and mobilization of a critical mass to support the advocacy in relation to their joint goal
- Influencing formulation and implementation of policy on land governance in the country
- Knowledge and raising awareness on land related issues
- Ratification of Steering Committee decisions

7.2.The NES Steering committee

The Malawi NES Steering Committee is composed of 8 members, 6 of which are elected members from the 3 regions of Malawi. These include: Women's Legal Resources Centre (WOLREC) and Mzimba Youth Association in the North; National Initiative on Civic Education(NICE) and Civil Society Agriculture Network (CISANET) in the Centre; Mangochi District Land Network and Thyolo District Land Network in the South. Membership into the steering committees is organization based.

Besides the elected members, the NES Steering Committee also has representation from LandNet, the only ILC national member in Malawi, and We Effect, the host organization. The NES Steering Committee reports to the general Platform during the annual meetings. Prior to this, the Steering Committee meets quarterly with the NES Secretariat to review both the

quarterly narrative and financial reports and work plans. Tenure of the NES Steering Committee is two years after which they can be re-elected upon satisfactory performance or replaced if otherwise.

The duties of the NES steering committee are:

- Setting the agenda of platform meetings
- Guiding the secretariat on the operationalization of the NES work plans
- Providing oversight – Monitoring and implementation of the work plan
- Recommending replication of best practices
- Approval of work plans, budgets, progress and final reports
- Representing the Platform on emerging issues
- Assisting in resource mobilization
- Strategic direction and development of guidelines
- Development of NES Secretariat Terms of Reference

7.3.The NES Secretariat

The NES Secretariat runs the day-to-day Platform functioning with the financial and administrative assistance provided by the host organization and reports to the NES Steering Committee. The Secretariat is responsible for the formulation of NES work plans and budgets; ensuring timely implementation of NES activities, organizing capacity building activities and meetings for the NES, developing and maintaining an M&E system for the NES, building and maintain strategic relationships on behalf of the platform, raising visibility for the NES, ensuring the smooth flow of communication with in and out of the platform; resource mobilization and managing the NES grant. Currently, the NES Secretariat comprises of only the NES Facilitator and will be expanded in future to possibly include a Monitoring, Evaluation, Learning and Communications personnel. However, the Malawi Youth Network has offered to provide assistance to the platform on voluntary/internship basis from time-to-time.

8. GENDER ANALYSIS

In Malawi, the male-female ratio in schools, universities and higher positions of public service and the industry in generally favors men. In the past, parents assumed that the destiny of daughters was to get married, have children, serve their husbands and societies. Although these attitudes are rapidly changing they partly explain the disparities that presently exist. For instance, the percentage of women in decision making at various institutional levels is only 23%. To rectify this, the Malawi Government instituted the second edition of the National Gender Policy in 2015 with the purpose of strengthening gender mainstreaming and women empowerment at all levels in order to facilitate attainment of gender equality and equity in Malawi. The policy focuses on 8 key priority areas which include: Health; Gender Based Violence; Governance and Human Rights; Education and Training; Agriculture, Food Security and Nutrition; Natural Resources, Environment and Climate Change Management; Economic development; and Coordination of the Gender Machinery.

Within the NES platform, gender representation in its governance structures is fairly balanced in the elected positions however there are still more men than women in the overall composition of the steering committee (5 men and 3 women). Since representation is organizational based, it is difficult to point out whether they will send a male or female representative at times. However, deliberate efforts will be put in place to ensure more predictable representation in the steering committee that is gender balanced. Organizations represented in the committee will be required to offer two representatives, one male and one female to achieve this.

Within its programming however, the Malawi NES Platform will apply an engendered lens at all stages of its activities. The NES will seek to address the unequal power dynamics that prevent women from participating in productive spaces. The NES will strive towards equal representation of men and women in land governance decision making bodies in the country at community, district and national level. This will be achieved through first and foremost, the collection of gender disaggregated data. This data will assist in creating context specific solutions for integrating men and women at all levels of decision making in relation to land.

Secondly, the NES will seek to remove barriers to participation by men and women in land governance through capacity and confidence building initiatives and empowering them through providing access to information and justice. The NES will also provide for regular capacity

building of its members in gender mainstreaming and integration to build their individual organizational capacity as well as the overall platform capacity in responding to cases of gender injustice.

Finally, beyond the collection of data for planning purposes, the NES will regularly collect data on gender performance and impact in both the land governance sector and the platform to assess progress made in ensuring gender equality and equity in these spaces.

9. FINANCIAL SUSTAINABILITY

For the NES platform to be a viable mechanism towards people-centered governance, there is the need for it to be adequate technical and financial support. This calls for a move from the status quo single donor model of operation to a more multi-donor model. Multiple donors funding the NES will also enhance its legitimacy among various stakeholders working on land governance in the country. To do so, the NES will embark on resource mobilization while using the ILC's support as catalytic funding to access more resources. Highlighted below is analysis of the strengths and weaknesses of the NES in relation to realizing this:

Strengths	Weaknesses
<ul style="list-style-type: none">- Only active body at the national level that convenes diverse stakeholders at the national level on land governance- Sound history in policy engagement on the land laws- Presence of ILC catalytic funding	<ul style="list-style-type: none">- Limited Visibility of the NES at the National Level- Weak institutional history in resource mobilization of the secretariat
Opportunities	Threats
<ul style="list-style-type: none">- Increased donor interest in land reform process in Malawi- Increasing need for civic awareness of the new land laws in the country nationwide	<ul style="list-style-type: none">- Donor agencies funding cuts- Financial mismanagement by members of the platform

In relation to the above, the NES has instituted a plan to work within those parameters to:

- a) Strengthen the capacity of the NES Secretariat in resource mobilization through skills development, donor mapping and establishment of a donor database to keep track of funding opportunities in line with the goals of the NES
- b) Increase the visibility of the NES among strategic donors and developmental partners that are already working within land governance such as DanChurchAid, European Union, UNFAO, Oxfam, World Bank and the donor platform in Malawi as a whole
- c) Establish and foster relationships with developmental partners and capitalize on existing synergies

Overtime, the expected result from these actions is that the NES will have built-up enough financial support for itself to thrive as a permanent platform for dialogue and action towards people-centered land governance in the country