

NES

NATIONAL
ENGAGEMENT
STRATEGY



LEARNING FROM NES MALAWI

GOOD PRACTICES FROM A
MULTI-STAKEHOLDER PLATFORM

INTERNATIONAL
LAND
COALITION



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SUMMARY

In **Malawi**, since 2013, the National Engagement Strategy Platform on Land Governance provides a space for dialogue among different categories of stakeholders such as government, civil society, academia, media, private sector and the right holders themselves. The NES promotes a multi-sectoral approach to dealing with the major land governance issues in the country.

Although the government has recently introduced a suite of ten land laws that make land governance more equitable and gender sensitive, it remains difficult to translate these into practice.

NES Malawi has offered trainings on the new land laws to traditional leaders, who play a fundamental role in the management of land in rural areas. In parallel, it has promoted consultations on the implementation of the land laws through community meetings and workshops, becoming an important reference for the Government to align

the implementation guidelines and procedures with the needs and issues faced by women, men and youth on the ground.

In order to raise awareness and improve the understanding of the new land laws among Malawian people, the NES has supported national radio and television programmes on the new land laws. By engaging students in rural communities, support was also offered for the formulation of plays and songs advocating for the promotion of the voice of women and youth in land issues. These were recorded and aired on community radios.

Implementing effectively the new land laws remains the main challenge in Malawi and mobilisation in this regard is scarce, apart from the activities supported by the NES Platform. In this scenario, the NES, as a truly multi-stakeholder platform, is paving the way for a successful implementation of the laws through a coordinated and inclusive approach.

NES MALAWI

GOOD PRACTICES TOWARDS MAKING LAND GOVERNANCE MORE PEOPLE-CENTRED

ILC's Database of Good Practices is an initiative that documents and systematises ILC members and partners' experience in promoting people-centred land governance, as defined in the Antigua Declaration of the ILC Assembly of Members. Further information at <https://www.landcoalition.org/en/explore/our-work/>

The activity of **NES Malawi** supports people-centred land governance as it contributes to:



COMMITMENT 1
Secure tenure rights.



COMMITMENT 4
Equal land rights for women.



COMMITMENT 7
Inclusive decision-making.



COMMITMENT 8
Transparent and accessible information.

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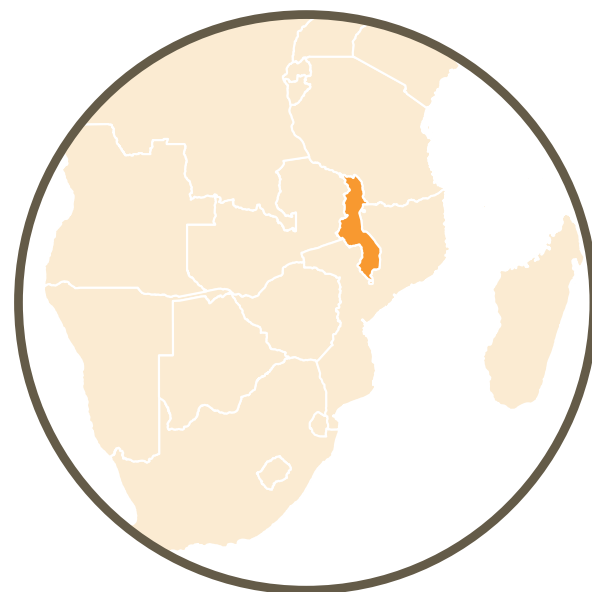
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THE ORIGIN OF NES MALAWI



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 ten land and land related laws that are said to revolutionize land governance in the country. 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.

These acts introduce a more democratized and gender sensitive mode of transacting on land in Malawi. However, the enactment of these new laws, despite being positive, does not represent a one-size fits all solution to Malawi's land woes as it could be hoped for. In spite of the time it took for the legislation to be enacted (14 years), this signals the beginning, rather than the end of a process of change. 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.

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 the government alone but allocates different tasks and responsibilities to other actors that are better placed in terms of expertise, resources and geographical positioning.

The National Engagement Strategy Platform on Land Governance provides the space to nurture and utilize such collaborative efforts among different categories of stakeholders such as government, civil society, academia, media, private sector and the right holders themselves. The NES promotes a multi-sectoral approach towards dealing with the major issues in land governance 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 implemented in the country. The NES has already been able to coordinate and unify the voices among civil society on the land question in Malawi. Originally including only CSOs, it has successfully managed to restructure itself into a multi-stakeholder platform that embraces government ministries, developmental partners, statutory bodies, media and academia. The challenge lying ahead is about decentralizing activities for wider coverage and visibility within the country. Despite the NES being a national level platform, it depends on specific inputs from district and regional levels to further solidify its advocacy efforts. Currently, this process is being tested with seven district land networks nationwide.

COMMUNITY MEETINGS FOR TRAINING AND CONSULTATION

Training of community leaders

In Malawi traditional leaders play a vital role in rural areas administration on a number of governance issues. Beyond being the custodians of culture, traditional leaders are a formidable force when it comes to community mobilization. That is why for the first time in Malawi, traditional leaders have been formally recognized within a statutory law as part of the customary land administration and dispute resolution hierarchy. In fact, they play an instrumental role in ensuring that their subjects have secure tenure rights. They also chair the new decentralized structures on land governance at community level.

It is with this logic that NES Malawi through LandNet conducted five one-day community meetings to train traditional leaders on the new land laws. This was done to ensure that information about these was transmitted in a manner that is easily understood by the traditional leaders considering that many of them are illiterate.

A total of 466 traditional leaders were reached through the trainings, 85 of which (18.9%) were women.

Normally during these meetings, an initial analysis was carried out to understand what community members knew about the laws and their views. Then the laws were jointly discussed and evaluated to get a sense of changed perceptions. From the discussions, it was noted that the traditional leaders were sceptic of the laws due to some major misconceptions. For instance, the land laws were viewed as a power grab rather than the affirmation of their authority in land governance within the country.

Their roles and functions are now legally recognised, as opposed to the previous informal recognition under customary practices, which were easily challenged within the country's legal system. Thanks to the trainings, such misconceptions were cleared and traditional leaders are now thinking in terms of inclusive and participatory land governance and alignment with the land laws. There is less scepticism about the new laws after understanding exactly what they entail, and there is more commitment to ensure that they are implemented successfully.

Consultations on the implementation of the new land laws

Through community meetings and workshops, the NES secretariat was able to get views from stakeholders at different levels on strategic policy areas. Examples of such feedback include: the concern over corruption linked with the non-election of local chiefs in land governance committees; the need for objective, constructive and evidence-based data to defend community land rights, especially in the face of large-scale land investments; the need for intensive and coordinated awareness raising at the community level, including training for women who are members of land governance structures.

These observations and concerns have been instrumental to plan the activities of the NES and establish its strategic priorities. For instance, consultations have informed the collaborative efforts between the LandNet Secretariat and FAO in setting up a CSO monitoring system that ensures the government's adherence to the new land laws, and in the launch of other activities such as awareness campaigns and training programmes for women.

The Ministry of Lands is receptive of the inputs shared by LandNet under the NES, given the common interest to ensure that the developed implementation guidelines and procedures are inclusive and sensitive to the plight of different categories of Malawians such as women and the youth. Interaction with different stakeholders took

into consideration the limited funds that the Malawian Government has to conduct such consultations. Through this process, credible insights have been gathered from local chiefs, the civil society, the youth and the community as a whole and relayed back to government for consideration.

AWARENESS RAISING ON LAND RIGHTS AND LAWS THROUGH MEDIA AND DRAMA

Radio and television programmes to raise awareness on the new land laws

The NES provided financial support to community and national radio stations and television networks to air special programmes developed by the NES Secretariat, intended to raise awareness and improve the understanding of the new land laws. The objective was to better inform people about their land rights. The airing of these special programmes was particularly important as it provided an opportunity for familiar voices in the community to bear witness to the significance the new laws represent in their lives and the community as a whole. They provided a chance to condense and simplify a large topic such as the land reform through formats, such as live plays, that are relatable to the community. Secondly, the airing of such programmes on community radios enabled for outreach to a larger audience. Four radios were engaged under this activity, namely YONECO, Zodiak, Pentecostal Life Radio and Livingstonia Radio. From feedback obtained after airing and estimates from the radios, a listenership of 5.5 million Malawians was reached in rural areas.

There has been a shift at national level where it is observed that different stakeholders are now embracing the spirit of collaboration to ensure that the land laws are implemented successfully. Examples include the partnership between the NES and the Malawi Law Commission on awareness raising on the land laws and the collaborative piloting of the laws conducted jointly by the Ministry of Lands, Housing and Urban Development, Oxfam, CEPA and the NES through LandNet Malawi.

Making the voices of women and youth heard through community drama, poetry, school debates and songs

The platform made a special effort to engage the youth as a demographic group that is affected by land governance issues but not normally engaged in discussions. The students of three secondary schools for each one of the five districts where the NES operates, were engaged to participate in debates, plays and other activities on women's land rights issues within the communities. This set the foundation for the advancement of women's land rights across all tiers of the generational hierarchy in communities.

The students that were reached were members of environmental; drama; poetry; and music clubs. They were oriented on the land laws and then given a chance to formulate plays and songs advocating for the promotion of the voice of women and youth in land issues. These were recorded and aired on community radios with the aim of raising further awareness on women's land rights. In total, the NES reached out to 132 students, 67 of which (50.8%) were female.

An evolving multi-stakeholder platform

The new land laws strongly emphasise the importance of the very concept of "multi-stakeholder". Originally thought to encompass diversity of skills and expertise within one category of stakeholder, the civil society, the NES platform must now embrace a more inclusive approach that ensures participation beyond civil society actors. Within the parameters of the law, roles for state actors, private sector and traditional leaders are set out explicitly and implicitly. For a successful implementation of the laws, there is a need for a well-coordinated and adequately inclusive approach. This simple fact would render the actions of the NES mute if the platform did not evolve to better accommodate the changes within the land governance sphere.

The evolution of the NES has been informed by a stakeholder analysis looking at a number of actors including: state actors (Ministry of Lands, Housing and Urban Development; Ministry of Local Government and Rural Development; and Ministry of Gender, Disability and Social Welfare); statutory bodies (National Initiative on Civic Education and the Malawi Law Commission); and Public Universities (The Malawi Polytechnic and Mzuzu University). Beyond the public sphere, the NES has reached out to a private sector actor, Illovo Malawi through LandNet Malawi and also other CSOs with complementary expertise to that of current NES members, such as the Malawi Youth Network.



CHALLENGES



Despite the passing of the new land laws, challenges persist on their implementation. Firstly, in spite of the awareness raising efforts, there is no way to ensure that the debate on people centred land governance is taken forward beyond the NES activities in specific areas. Secondly, the inconsistency in the government’s execution of scheduled plans related to the implementation of the new land laws hinders the success of the collaborative efforts between the government and the NES.

The inclusion of new categories of stakeholders in the NES has challenged the platform structure and the relationships between members. The NES is a power-balanced platform in concept; however, some of the new stakeholders may not be as conversant with this type of working arrangement.

Additionally, hosting the NES has been problematic in light of the recent change of identity of the NES, which is now an

independent platform beyond the host, embracing a wide range of interests in addition to those of the host.

Finally, in terms of operational priorities, a huge amount of work is still to be done regarding women’s land rights. A deeper examination of development activities and how they are affecting women’s tenure rights and communities would be necessary, with particular attention to cultural practices that infringe on women’s land rights. While progress can be observed among the local leaders targeted in the NES activities, the bundle of rights that women can enjoy in terms of land remain minimal in comparison to their male counterparts. In one area targeted in Rumphi T/A Mwamlima, a patriarchal society, local chiefs expressed reservations on the participation of women in meetings, showing that acknowledging women’s land rights deeply challenges deeply rooted beliefs and practices.

LESSONS LEARNED

Regular connection with government stakeholders

It is important to maintain regular communication with government actors. Under the NES, communication constantly occurs with the Ministry of Lands, Housing and Urban Housing especially on the development of the guidelines and procedures of implementation of the new land laws.

It proved very useful to establish areas of collaboration between the NES platform and the government. The NES, through LandNet members, has been involved in the piloting of the new land laws, together with the Ministry, with funding from the European Union. Also, the NES is actively engaged with the Malawi Law Commission, which is a statutory body for the review and drafting of laws in Malawi. This relationship began when the law commission reached out to the NES through LandNet Malawi on its awareness raising activities.

This continuous connection and cooperation is crucial to achieve the objectives of the NES.

Importance of decentralization

A centralized coordination and implementation of the NES activities is often not effective. To accomplish the vision of NES Malawi and in line with its intended nature, the implementation of the NES activities cannot lie exclusively in the hands of the Secretariat of LandNet, the NES founding member and host. This would not be viable nor sustainable in the long term. When such a situation exists, it is important for a NES to transition and restructure itself to accommodate a more decentralized model that also incorporates different types of members from various backgrounds. This ensures sustainability, legitimization and productivity of the NES. For this reason, NES Malawi is transitioning towards a model where coordination is the responsibility of a NES Secretariat.

The role of awareness raising and training

In order to accomplish people-centred land governance, it is key that NES members, government officials, traditional leaders and communities are empowered. That is why offering trainings and raising awareness on the land laws and land rights is crucial. This way, everyone is able to defend, demand and enjoy their secure tenure rights.



WHAT IS NES?

In recent years, equitable access to land, particularly in rural areas, has been high on the international policy agenda and is recognised as a crucial element attributing to sustainable development and poverty reduction. Innovative and progressive land policies and laws, particularly at the national level, are key to determining equitable access to, use of, and control over land and other natural resources. The National Engagement Strategy (NES) is the first step of an approach being promoted by the International Land Coalition at country level, in order to create conditions for inclusive and people-centred land-related policy change. Jointly formulated and co-owned by ILC members and other relevant actors at national level, the NES itself is a framework for identifying key priority areas on which land-concerned actors see opportunities for catalysing change, either at the level of policy formulation or at the level of implementing existing progressive policies. The NES process also involves the establishment of a multi-stakeholder platform that accompanies the implementation of the NES, and makes

necessary adjustments on the basis of lessons learned. A NES process is therefore aimed at facilitating collaborative and coordinated action amongst different stakeholders involved with land at the national level to promote people-centred land governance. Through these NES processes, opportunities are increasingly made available to national civil society actors to collaborate among themselves and with international actors, both governmental and non-governmental, and to engage with local and national governments.

Currently, NES exist in **Africa** (Cameroon, Congo DRC, Kenya, Madagascar, Malawi, Senegal, South Africa, South Sudan, Tanzania, Togo, Uganda), **Asia** (Bangladesh, Cambodia, India, Indonesia, Kyrgyzstan, Nepal, The Philippines), **Europe** (Albania) and **Latin America** (Argentina, Bolivia, Colombia, Ecuador, Guatemala, Nicaragua, Peru).

NES are under formulation in Honduras, Jordan, Moldova and Mongolia.

This paper is based on the NES Country Strategy 2017-2020; the NES reports to the ILC of 2018 and 2019; and an interview with the NES facilitator Kate Chibwana.

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