



**EXPLORING THE POLITICS OF LAND REFORMS  
IN MALAWI: A CASE STUDY OF THE COMMUNITY  
BASED RURAL LAND DEVELOPMENT  
PROGRAMME (CBRLDP)<sup>A</sup>**

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## ABSTRACT

The main argument of this paper is that the experiences of the CBRLDP are unlikely to provide valuable lessons to aid the scale up of the model across the country because of the critical disjuncture between the neoliberal drive guiding the reforms and the popular perception of how land redistribution should actually proceed in communities with excess land. They favour restitution as a means of rectifying land tenure inequities perpetrated by both the colonial and postcolonial regimes contrary to the CBRLDP initiative which unequivocally advocates a market-based land redistribution on a willing-buyer and -seller basis. Moreover, the government's commitment to address the question of land once and for all remains at the level of rhetoric despite the consensus that land is a primary productive resource in the country and one which holds the key to poverty reduction. The outcomes, successes and failures of the CBRLDP have been further driven, influenced and shaped by political processes resulting from the interaction and contestation of diverse stakeholders involved with the CBRLDP and endowed with differing forms and varying degrees of power, authority and influence. The major lesson from the CBRLDP implementation experiences is that the design, reform and implementation of pro-poor institutional arrangements are not merely a technical or managerial matter, but a profoundly political exercise. This is underlined by the sheer determination of stakeholders engaged with the CBRLDP to shift the burden of the reforms elsewhere as they jostle to get the most of the evolving institutional arrangements governing land ownership and use.

## SETTING THE SCENE

The question of land reform remains high on the Malawi government's agenda even though it has been on the table since the attainment of independence in 1964 (Chirwa [2004]; Kishindo [2004]; Kanyongolo [2005]). The issue of land tenure patterns and ownership in Malawi is clearly an emotive one since land is the most critical productive resource which, for the vast majority, is the sole basis for their livelihoods. This is underscored by the fact that Malawi has pursued an agriculturally-driven development strategy since independence and this is likely to remain as such at least for the foreseeable future (Chirwa *et al.*, 2006). However, instead of rectifying the adverse effects of the colonial land policies, the post-independence agricultural strategy pursued for nearly four decades merely exacerbated the land tenure patterns and ownership. The reforms that were implemented to anchor the postcolonial agricultural development strategy did not represent any break with the past, but rather reflected almost wholesale continuity with the colonial framework governing land tenure patterns and ownership; in essence, the postcolonial elites simply stepped into the shoes of the departing white settlers (N'gong'ola, 1982 and Kanyongolo, 2005). The combined effects of the postcolonial agricultural development strategy and the rapid increase in population growth have led to the dramatic decline in per capita landholding sizes to as low as 0.8 hectares in the 2000s from 1.53 hectares in the late 1960s (Chirwa *et al.*, 2003). The land at the disposal of the majority of the smallholder farmers is described as 'simply providing a cushion or safety net that will provide them with a base while their primary incomes need to be generated elsewhere' (Smith, 1999:8) yet the question of land among smallholder farmers has either been given a lukewarm response or ignored completely in various development strategies since independence.

However, the question of land reform received a new lease of life in the lead up to the political transition from an authoritarian one-party dictatorship to a multiparty democracy in May 1994 (Peters and Kambewa, 2007). Land reform was flagged by advocates of democratisation as a key strategy for dealing with the deep, widespread and severe poverty levels prevalent in the country, the existence of which was officially denied for more than three decades. During this period, the question of poverty did not arise as long as people had enough food to eat, had a piece of cloth on their back and lived in houses that did not leak when it was raining (Kalemba, 1997; Chinsinga, 2002). The advocates of democracy attributed the crippling levels of poverty, *inter alia*, to the inequitable and unjust postcolonial patterns of land tenure that promoted excessive alienation of land from the smallholder farmers. It was therefore promised that land redistribution would be addressed as an integral part of the poverty reduction agenda should the advocates of democratisation be ushered into power. Indeed, Malawi reinstated multiparty democracy which saw the ousting of the Malawi Congress Party (MCP) and the ascendancy of the United Democratic Front (UDF) in 1994. Unlike its predecessor, the UDF identified poverty reduction both as a policy and strategy that would guide all development activities in the short, medium and long term perspectives characterising it as 'the government's first priority and centrepiece of its overall social and economic development programme' (NEC, 1998:3).

Consequently, the government put together a Presidential Commission of Inquiry on Land Reform in 1996 whose mandate was 'to promote scholarly discourse, gather the opinion of the private sector, ordinary citizens and non-governmental organisations and to organise their findings in such a manner as to aid the land reform policy efforts' (GoM, 2001:13). The idea was that its findings would establish 'the main principles of a new land policy which [would] foster a more economically efficient, environmentally sustainable and socially equitable land tenure system' (Holden *et al.*, 2006:13). The commission produced its final report in 1999 which formed the basis for developing a national land policy which was approved by Cabinet and Parliament in 2002. A special Law Commission was constituted in 2003 tasked to review existing land-related legislation and develop new legislation for effective land administration by consulting as widely as possible with relevant stakeholders particularly the civil society. The enabling legislative framework for the land policy is yet to be promulgated into law even though the Special Law Commission wound up its assignment more than four years ago (Peters and Kambewa, 2007).

There is mounting evidence that the delays in implementing the land reforms – championed as a priority policy issue to galvanise popular support for the democratisation project – is stretching the patience of the 'land hungry people'. The expectation of the people was that the land reform programme would be implemented immediately after the reinstallation of a democratic political dispensation. The delays appear to have encouraged encroachment and invasions into freehold land by land-scarce farmers, particularly in the southern districts of Thyolo and Mulanje (Martin, 2004; GoM, 2005). Such invasions of privately owned farms have a fairly long history but dramatically peaked in the wake of the liberalisation of political life in the mid 1990s. In 1999, the government's estimates were that illegal land occupations of privately owned farms 'covered from 5% of the areas of farms that are less than 20 hectares to 52% for large farms of 500 hectares or more' (Kanyongolo, 2005:129).

It is probably the combined effect of the increasing incidents of land invasion and the tragic turn of events in neighbouring Zimbabwe's land reform programme that has prompted the government – working closely with donors – to implement at least on a pilot basis, a land reform programme as a means of addressing the historical injustices exposed by the Presidential Commission of Inquiry on Land Reform. Known as the Community Based Rural Land Development Programme (CBRLDP), and translated as *kudzigulira malo* (literally meaning buying oneself land) in vernacular, the land reform programme is being piloted in Thyolo and Mulanje as sending districts and in Machinga and Mangochi as predominantly

receiving districts. The project involves purchasing and redistributing land to land stressed farmers on willing-buyer and -seller basis with the view of building on its lessons to scale up the initiative across the country as early as 2009 (Chirwa et al. [2003]; Chirwa [2004]; Peters and Kambewa [2007]).

The main purpose of this paper is to explore the politics of land underlying the CBRLDP initiatives particularly in terms of who is involved, their interests and the overall institutional context within which the initiative is being executed. The idea is to establish whether this pilot is adequately conceived to lead to sustainable poverty reduction outcomes since land is widely accepted as the critical productive resource; or whether the initiative is beholden to the dictates of path dependence (North, 1990 and Chinsinga, 2002). The major assumption guiding this assessment is that the politics of land is very closely linked to the processes of state formation and nation building. Since the colonial days states have 'sought to create and transform the institutions that shape access to, and the use of land just as they have sought to construct the means by which access to, and use of land is justified and legitimised' (Alexander, 2006:118). This is usually part of the states' efforts to fashion institutions of governance able to order, discipline, develop and at times even represent the people. The politics of land generally entail who should gain access to it, how should it be utilised and how it should be settled. This is further manifested in the architecture of institutions, in the disciplining of social relations, in ideas about what constitutes development and in the definition of property rights.

The main argument of this paper is that the pilot land reforms under the auspices of the CBRLDP are unlikely to provide valuable lessons to aid the scale up of the model across the country. The main reason for this is the disjuncture between the neoliberal drive guiding the reforms and the popular perception of how land redistribution should actually proceed, especially in the receiving communities. In these communities, the ideal model of land reform is heavily skewed in favour of land restitution as a means of rectifying land tenure inequities perpetrated by both the colonial and postcolonial regimes, contrary to the CBRLDP initiative which unequivocally advocates for market based land redistribution interventions (Kanyongolo, 2005). This tension is further compounded by several anomalies in the institutional design of the CBRLDP initiative. There is, for instance, a lack of clarity in terms of what exactly the project is piloting; it is not very clear whether the project is piloting the provisions of the draft land policy or merely the willing-buyer and -seller philosophy of land acquisition and redistribution.

The aforementioned constraints illustrate, *inter alia*, that the design, reform and implementation of pro-poor institutional arrangements is not a politically neutral exercise. They are driven, influenced and shaped by political processes resulting from the interaction and contestation of diverse interests (both internal and external) and from differing forms and degrees of power, licit and illicit, formal and informal (Leftwich, 2007; Hare and Davis, 2006). The key point, as illustrated in this paper, is that different stakeholders use whatever power, authority or influence they have to shape pro-poor institutional changes to their own advantage. The ultimate objective of stakeholders is to shift the burden of adjustment resulting from the processes of institutional change elsewhere and as much as possible avoid changing patterns of the status quo if they are in their favour. This implies that any process of institutional change has winners and losers and those who stand to lose are more likely to derail the implementation process or affect how it works. It is on this basis that this paper illustrates how the multilevel political processes have shaped, influenced and driven the CBRLDP both in its conception and implementation at national and local levels.

The study on which this paper is based was carried out in the Machinga district among both beneficiaries of the CBRLDP and the local residents. The study adopted an entirely qualitative approach which focused on the reactions and comments of participants, rather than quantification in the collection and analysis of data. It is concerned with understanding the meanings which people attach to actions, decisions, beliefs and values within their social world and understanding the mental mapping process that respondents use to make sense and interpret the world around them (Bryman, 2001; Campbell, 2002). This approach, therefore, provides the means of acquiring an in-depth understanding of human behaviour since it provides the opportunity to explore issues, understand phenomena and answer questions. The main reason for this is that the approach uses open-ended questions permitting unexpected but relevant issues to be followed up with either additional questions or systematic probing. Where these emerged, they became an integral part of the findings.

The main tools for data collection were key informant interviews which were held with the CBRLDP staff, traditional leaders and the leadership of the new settlers; focus group discussions (FGDs) were held with communities both new and old; and a few in depth individual interviews to follow up on specific issues that emerged in the FGDs. A total of ten FGDs, ten key informant interviews and ten in-depth interviews were held. The FGDs and the interviews were further complemented by four individual case studies espousing their detailed experiences with the land reform programme. The study was carried out in seven trusts (new settlements) and within their neighbourhoods.<sup>1</sup> These data collection tools were complemented by secondary data sources, especially CBRLDP programme design documents and evaluation reports to date. The rest of the paper is organised as follows: Section II articulates the theoretical framework within

1 The beneficiary groups of land from the CBRLDP form Trusts which constitute a legal entity for purposes of facilitating acquisition and subsequent ownership of land. The study covered seven trusts in total, in the area of Traditional Authority Mlomba. These included Chitimbe, Itendo, Kasauje, Mkatuwanya, Chimbeta, Kalunga, and Chimwabvi. Of these, four are constituted by people from within Machinga district, namely Ngatuwanya, Chitimbe, Itendo and Kasauje. The remaining three are constituted by people who have emigrated from Thyolo district.

which the CBLRDP experiences are understood, analysed and relevant implications are drawn. Section III provides a quick overview of the land question in Malawi focusing particularly on the reform efforts that have been taken since independence in 1964. Section IV sketches very briefly the institutional design of the CBRLDP pilot project in order to provide the context for the rest of the discussion. Section V presents the successes and the challenges of the CBRLDP project in order to establish its prospects for scalability and sustainability and its implications for the poverty reduction agenda. Section VI offers some concluding remarks.

## THEORETICAL FRAMEWORK: INSTITUTIONS, GROWTH AND CHANGE

Institutions – popularly defined as the rules of the game – are deemed critical for economic growth (North [1990]; DFID [2003]; Leftwich [2007]). They are, however, deemed particularly important for promoting pro-poor growth generally construed as ‘economic growth that enhances the capabilities of poorer people, which may be achieved both through the ways in which growth is brought about and also through more equitable distribution of its benefits’ (Hare and Davis, 2006:4). As rules of the game, institutions can be understood as ‘the essential structural properties of societies which are constituted by the rules and procedures that constrain some forms of behaviour and interaction between people and groups and enable others in social, economic and political domains’ (Leftwich, 2007:11). Scholars distinguish between formal and informal institutions (North [1990]; Helmke and Levitsky [2004]; Bratton [2007]). According to Helmke and Levitsky (2004), formal institutions are rules and procedures which are created, communicated and enforced through channels widely accepted as official whereas informal institutions are socially shared rules, usually unwritten, created, communicated and enforced outside officially sanctioned channels. Institutions are therefore durable social rules and procedures, formal or informal, which structure the social, economic, and political relations and interactions of those affected by them. They thus forbid some forms of behaviour and encourage others and the form which such rules take may either hinder or promote growth (Leftwich, 2006).

Hira and Hira (2000) contend that institutions are a major determinant of economic growth in a society to the extent that differences in the quality and efficiency of institutions are primary reason for differences in economic outcomes among societies. This means that institutions in some countries are more efficient in achieving social outcomes which explains why some countries enjoy higher standards of living than others. Institutional arrangements can hinder growth by, among other things: 1) restricting access to markets, land, labour opportunities, credit, etc.; 2) entrenching systems of property rights that discriminate against some segments of society and promote corrupt practices by the bureaucracy; 3) championing democratic processes that do not promote transparency and accountability; and 4) promoting class and patron-client relations (DFID, 2003). In this context, pro-poor growth can only occur when economic growth is accompanied by shifts in the distribution of income that favour the poor. This is, however, critically dependent on the interactions of formal and informal political, social and cultural institutions with economic institutions in which case institutional reforms are imperative to bring about institutional arrangements that would promote pro-poor growth (Hare and Davis, 2007).

It is nonetheless widely acknowledged that promoting and facilitating institutional change is not an easy task (North, 1990; Harris, 2007); institutional change is a deeply imbued political process that involves winners and losers. In this regard, politics is understood as encompassing all activities of co-operation, conflict and negotiation involved in decisions about the use, production and distribution of resources whether these are formal or informal, public or private, or a mixture of all (Leftwich, 1995; 2007). There are bound to be winners and losers in the course of establishing or changing institutions as existing institutional arrangements are not neutral: they distribute advantage to some and disadvantage to others and thus express a mobilisation of bias in some way or another. It is for this reason that institutional change is heavily contested by diverse interests with different forms and degrees of power, influence and authority, creating in the process winners and losers (Leftwich, 2007; Leftwich and Hogg, 2007).

Institutional change is widely conceived as a function of the changing bargaining power of different social groups triggered either internally or externally (DFID, 2003). Institutions are thus ‘the object of an ongoing political contestation, and changes in the political coalitions on which institutions rest are what drive changes in the form institutions take and the functions they perform in politics and society’ (Harris, 2006). Many scholars therefore conclude that institutions are often creations of the rich and powerful and as such they (institutions) commonly discriminate against the poor (Hare and Davis, 2006). It is therefore not surprising that elites almost always vigorously contest institutional changes and reforms unless they are adequately compensated though legitimate mechanisms for doing so are non-existent. Elites resist and contest changes because when changes occur they do not only alter the way people use resources but also their relations with each other. These changes distribute advantage and disadvantage to different groups and interests in different and often new ways and handling these changes ‘is not simply a technical or managerial matter but a profoundly political one’ (Leftwich and Hogg, 2007:12). Institutional development is therefore construed as ‘a contest among actors to establish rules which structure outcomes to those equilibriums favourable to them’ (Leftwich, 2007:22).

Thelen (2004) challenges the idiosyncratic view that institutions are merely reflections of the contests of the powerful so much that that they respond automatically to the changes in the balance of power or the

preferences of the powerful (Harris, 2006). Thelen's argument is that there is a need to take cognisance of the fact that institutions designed to serve one set of interests often become carriers of others as well and that institutions have intended as well as unintended effects. The bottom line of Thelen's argument, as quoted by Harris (2006:5), is that 'institutions are rarely reflections of the powerful, but must be seen as objects of ongoing political negotiation, institutional evolution and change is the outcome of such negotiation between contending actors'. In addition, Helmke and Levitsky (2004) argue that informal structures shape the performance of formal institutions in important and often unexpected ways, and the traction and influence of informal institutions to distort and undermine the spirit of formal institutions is particularly high in the developing world. Hyden contends 'Africa is the best starting point for exploring the role of informal institutions and these derive from a social logic [called] economy of affection'.<sup>2</sup> The interaction between formal and informal institutions is particularly important in understanding the dynamics of institutional change. The observations by Helmke and Levitsky (2004: 734) are illustrative in this regard:

'When institutions function effectively, we often assume that formal rules are driving actors' behaviour. Yet in some cases, underlying informal norms do much of the enabling and constraining that we attribute to the formal rules.'

There are several theories of institutions, growth and change which, inter alia, include: 1) rational choice institutionalism which is concerned with attainment of cooperation among stakeholders as way of maximising returns from institutions; 2) new institutional economics which focuses on the reduction of transaction costs as a means of deciding on efficient and growth enhancing institutional arrangements; and 3) historical institutionalism which is preoccupied with understanding and analysing power asymmetries among stakeholders as the basis for institutional change and development (North [1990]; Hira and Hira [2000]; Leftwich [2007]). Of these three, historical institutionalism provides a much more suitable framework for this study because it recognises that while structures do shape the behaviour of agents, they also create, influence and change institutions and that critical junctures may often provoke rapid and even far reaching change in institutional patterns. In other words, historical institutionalism conceives outcomes of institutional change and reforms as a complex interaction of ideas, interests and institutions (Leftwich, 2007).

Critical junctures for change do not always culminate in far-reaching institutional changes, however. This is the case because changing institutional arrangements is difficult once they have been established. In most instances, subsequent institutional changes are almost always incremental in nature since once an institution has been established, powerful actors will have an interest in its reproduction to serve their own interests. The institutions become more or less locked or frozen in time (North, 1990; Harris, 2006). Societies tend therefore to be locked into institutions that are dysfunctional for large sections of their populations because these institutions satisfy the interests of power elites: this is technically referred to as path dependence. The point is that in moments of critical junctures for change, path dependent legacies from a previous era can suffocate change especially when critical junctures have created interests that would resist change, though a caveat is in order here: awareness of historical path dependence must be balanced by the recognition of the possibilities for human agency to bring about far reaching change triggered either endogenously or exogenously (Harris, 2006).

## UNDERSTANDING THE LAND QUESTION IN MALAWI

### The Land Situation in Malawi

Land remains the most significant productive asset for the majority of Malawians yet it is far from being equitably distributed. It is estimated that up to 84% Malawians eke their livelihoods directly out of agriculture which contributes over 90% to the country's export earnings, about 39% of the country's Gross Domestic Product (GDP) and accounts for 85% of total employment. The importance of agriculture in the country's economy is actually increasing instead of diminishing following the devastating effects structural adjustment programmes (SAPs) have had on the manufacturing sector. The contribution of the manufacturing sector to the country's GDP has declined from 14% in 2002 to 11% in 2007 in the wake of either total collapse of some industries or reallocation of these industries to neighbouring countries within the region. The manufacturing sector accounts for at least 11% of GDP of which agro-processing constitutes 26% (Chinsinga, 2007).

It therefore needs to be stressed that access to land is key for sustainable livelihoods in Malawi. It is a significant determinant of whether a household will be food secure, less vulnerable to risks and shocks, and earn a livelihood above the poverty line. Scholars actually posit that the extent to which agricultural development can have greater impact on poverty depends on the availability of land (Woodhouse, 2006 and Potts, 2006). However, the challenge in Malawi is that the ownership and distribution of land is highly unequal. It is, for instance, estimated that one third of smallholders cultivate between 0.5 and 1 hectares

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2 Quoted in Bratton, M. (2007) 'Formal versus Informal Institutions in Africa.' *Journal of Democracy*, 18:3, pp. 97–110.

of land; 55% of smallholders have less than 1 hectare of land; and that 70% of smallholder farmers cultivate less than a hectare with the median area being cultivated standing at 0.6 hectares, and devote 70% of the land to maize, the main staple. The average per capita cultivated land area is 0.22 hectares with the ultra poor holding 0.16 hectare per capita and the non-poor holding 0.28 hectares per capita (NSO, 2002 and Chirwa, 2004). There are striking regional variations in the patterns of land distribution in Malawi with the southern region where the CBRLDP project is being piloted the hardest hit.<sup>3</sup> The average land holding sizes per capita are estimated at 0.178 hectares in the south compared to 0.257 hectares and 0.256 hectares for central and northern regions respectively.

The current patterns of land distribution can be attributed to the postcolonial land policies which instead of addressing the iniquities and injustices of the colonial era simply reinforced them; this was in sharp contrast to the rhetoric in the lead up to the attainment of independence in 1964 (N'gong'ola, 1982; Mkandawire, 1993). While some reforms were implemented, they did not 'herald a transformation of Malawi's political economy, but largely retained colonial land policies and laws' (Kanyongolo, 2005:127). These reforms were anchored by an ensemble of three pieces of legislation, namely: the Customary Land Development Act, the Registered Land Act and the Local Land Boards Act introduced in 1967. The main goal of these legislative instruments was to make profound changes regarding customary land intended to rectify some defects that would in turn facilitate the modernisation of agriculture in the country. When introducing these bills in parliament, the president argued that 'existing customs of holding and tilling land were outdated, wasteful and totally unsuitable for the development of a country with agriculture as the basis of the economy' (N'gong'ola, 1982:115). The president emphasized that the main problem with customary land was the lack of clarity regarding ownership since 'no one is responsible...for the uneconomic and wasteful use of land because no one holds land as an individual. Land is held in common... and everybody's baby is nobody's baby at all' (N'gong'ola, 1982:115).

Three categories of land were distinguished on the basis of these pieces of legislation. These included: 1) private land defined as all land that is owned, held or occupied under a freehold, leasehold, or a certificate of claim; 2) customary land defined as land that is occupied under customary law; and 3) public land defined as land used or acquired by the government and any other land that is not customary or private. It is, however, argued that these categories of land introduced by the postcolonial land reforms 'did not represent real change in the previous [colonial] categorization and these changes were just changes in name' (Sahn and Arulpragasam, 1999:1). These reforms formed the basis for the dual agricultural strategy that the country has pursued in the last four decades since independence. As a result of the 1967 reforms, land was construed as a commodity to be governed by market forces which encouraged entrepreneurs to acquire portions of communal land and convert them into their own private lands (Chirwa, 1998 and Chinsinga, 2007). Thus the 1967 laws not only instituted mechanisms for converting customary land into private land but also reinforced the postcolonial dual agricultural strategy that distinguished estate farming from smallholder agriculture.

These sectors differed in terms of landholding sizes and types of crops which they could grow. While those engaged in estate farming were at liberty to cultivate a variety of crops without limit, those within the smallholder sub-sector were legally prohibited from producing such cash crops as burley tobacco, sugar and tea to avoid providing competition. Lack of competition would enable the elites (politicians, senior civil servants, senior parastatal employees and chiefs) to reap substantial benefits from international trade for further reinvestment in the agricultural sector. This further helped to guarantee estates a readily available pool of cheap labour since keeping smallholder farmers out of the lucrative international markets ensured that the majority of them remained at subsistence level thereby keeping the option of working as tenants on the estates attractive (Harrigan, 2001 and Chinsinga, 2007). Perhaps more critically important is the fact that the land market that was created following the 1967 laws provided only for one-way transferability of land, land could only be transferred to the estate sector, and usually with only a modest compensation.

It is estimated that under the aegis of this particular policy, the number of estates increased from 1,200 in 1979 to 14,671 in 1989 covering one million of hectares of fertile arable land but with considerably sub-optimal productivity levels (Chirwa, 1998; Stambuli, 2002). The resultant skewed land distribution pattern is aptly captured by the World Bank (2003), which estimates that about 1.8 to 2 million smallholder farmers cultivate on average 1 hectare compared with 30, 000 estates cultivating 1.1 million hectares with an average landholding of between 10 to 500 hectares; the 2002 land policy estimates that about 28% of the country's cultivable land, representing approximately 2.6 million hectares, lies idle in the rural areas and much of it falls under the freehold category (GoM, 2002).

The rapid expansion of the estate sub-sector was sponsored by the Agricultural Development and Marketing Corporation (ADMARC). As a state marketing board, ADMARC financed the progressive expansion of the estate sub-sector through heavy implicit taxation of smallholder cash crop production by buying their crops at prices far below those of the world markets (Mhone, 1987). Harrigan (2001), for instance, estimates that between 1971 and 1981, ADMARC extracted MK181.9 million from the smallholder sector, of which only 14% was used to cross subsidise smallholder production and consumption, the remainder being used for investment and loans, only 4.3% of which was related to the development of smallholder

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3 Malawi is divided into three administrative regions, namely north, centre and south.



agriculture. It is argued that Dr. Banda in his capacity as president accelerated the development of estate agriculture as a form of patronage encouraging senior politicians, civil servants, traditional leaders and other formerly non-agrarian indigenous business people to purchase estates using preferential credit from ADMARC or banks with his backing. The privatisation of land under the auspices of the 1967 laws was justified as a means for farming entrepreneurs to gain access to commercial credit for the development of their land as the first critical step in modernising agriculture to serve as the country's engine of economic growth.

## Land Reform in Malawi in a Contemporary Perspective

The resurgence of the land question on the government's agenda is closely linked to the democratisation project during the 1990s. As already stated above, the advocates of the multiparty political dispensation argued that embracing the political transition offered opportunities to address a whole range of inequities and injustices perpetrated by the one party regime, primarily inequitable land redistribution patterns (Kishindo, 2004; Kanyongolo, 2005). The question of land reform was generally flagged as an immediate course of action should Malawians choose to embrace a democratic political dispensation. The country has therefore, since the mid 1990s, witnessed a proliferation of poverty reduction interventions, these have included the Poverty Alleviation Programme (PAP) launched in 1994 under which the Malawi Social Action Fund (MASAF) has been the main intervention; the Vision 2020 in 1998; the Malawi Poverty Reduction Strategy Paper (MPRSP) in 2001; the One Village One Product (OVOP) in 2003; and the Malawi Growth and Development Strategy (MGDS) (2006).

The proliferation of the poverty reduction initiatives notwithstanding, the momentum leading to the implementation of land reforms has not been as swift as had been implied in the lead up to the political transition. Yet it is widely acknowledged that land in Malawi remains the most critical productive resource and without any major reforms in the land tenure patterns and ownership, poverty reduction initiatives are highly unlikely to deliver their intended strategic impact (Chirwa et al., 2003). There is a very close relationship between land and poverty reduction, for example the redistribution of land could ease the credit constraint thus enabling the poor to diversify into high value non-traditional cash crop production.

The major recommendation by the Presidential Commission of Land Inquiry in 1999 was that some form of land readjustment is necessary, particularly in the southern region where land shortage is quite critical. The draft land policy is quite elaborate and some of the key highlights include:

- It seeks to clarify and strengthen land rights and to formalise the role of traditional authorities in the administration of customary land which covers about 70% of national land.
- It provides that customary landholders will be able to register their land as customary estates which will have private usufructuary rights in perpetuity and once registered, the title owner will have full legal status and can be leased or used as security for mortgage loan.
- It seeks to recognise the longstanding authority of Traditional Authority (TAs) but also to ensure more accountability by formalising the system of land administration.
- It provides for all children irrespective of sex to inherit land and other property from parents to address the concern of discrimination against women in access to land.
- It recommends having two types of land categories instead of three, private and public. The formerly customary land that becomes titled will be private, and any unallocated customary or chiefdom land (graveyards, grazing areas, wetlands etc) will be a form of public land.

The commitment of the government to address the question of land once and for all clearly remains rhetoric despite opportunities to act. This could be attributed to the fact that the beneficiaries of the 1967 land reforms were high ranking politicians, senior civil servants, chiefs and high ranking industrial and parastatal organisations' employees unprepared to give up the vast tracks of land they accumulated under aegis of the 1967 Land Act. This is quite striking since the debate about land reform was initially instigated internally by the elites that led the pro-democracy movement against the authoritarian one-party rule who argued that the implementation of land reforms portended the dawn of a new socio-economic order for the country. Nearly all the prominent pro-democracy movement elites had been an integral part of the one party administrative structure in some way or another and they had benefited from the 1997 land reforms: they had simply fallen out favour with the regime. It is therefore unsurprising that their success at the polls did not necessarily translate into the swift implementation of land reforms even though this was one of the flagships of the pro-democracy movement.

It is probably fair to say that land reform was flagged opportunistically by advocates for democratisation to gain support for their cause. Once in office, the elites developed cold feet to the idea of a swift overhaul of land tenure and ownership patterns reflected the lack of momentum to push on with the reforms. A coalition of elites spanning the political divide has strategically decelerated the pace of land reform initiatives and there is no doubt that to the new government launched in May 1996 the land reform initiative was merely paying lip-service to their pre-election pledge. The fact that the Presidential Commission on Land Enquiry took three years to wind up speaks volumes about the commitment of the elites to the question of land reform: by the time the CBLRDP was launched in 2005, the draft land policy – concluded three years earlier – was still yet to be enacted into law. The CBLRDP is therefore the major

land reform initiative which has been pushed, and funded, by the World Bank possibly wary of the ugly turn of events in the Zimbabwe's land reform programme. In turn, the elites have perhaps accepted the initiative as the owners of the land that is being redistributed are eligible for compensation at market rate. It is clear, as further explored below, that the commitment of pro-democracy advocates to the question of land reform was a strategic ploy to attract voters into ushering them into power. It is quite apparent that the reforms have fallen prey to path dependent legacies.

Since transition to democracy in May 1994, the country has developed two stand out poverty reduction initiatives: the MPRSP (2001) and the MGDS (2006). The MPRSP was described as the basis for all government policy and planning activities for development while the MGDS, as the successor to MPRSP, is described as an overarching policy direction for wealth creation and economic growth as a means of reducing poverty on a sustainable basis by transforming the country from predominantly importing and consuming to producing and exporting (GoM, 2006; Chinsinga, 2008). However, despite being the overarching frameworks for guiding the country's strategic directions for development, both the MPRSP and MGDS have strikingly shied away from addressing the land question in a decisive manner.

The MGDS does not raise the question of land reform apart from acknowledging that land is the country's most productive resource which impacts on poverty in three main ways: 1) inequitable access to productive resources and processes; 2) unequal land distribution; and 3) land tenure insecurity (GoM, 2006). It does not, as one would have hoped, further the conversation about land reform started in the MPRSP though admittedly in a very lukewarm fashion. According to Chirwa (2004), in the MPRSP the problem of land was ranked seventh among the issues that had to be addressed in the agricultural sector for pro-poor growth; yet the availability of adequate land to farmers is widely acknowledged as a necessary condition for agriculture to serve as vehicle for poverty reduction. The land problem was apparently excluded from the MPRSP consultative process – apart from the presentation of a new draft land law as one of the triggers to be met by the government in order to reach a completion point; the point at which debt relief become irreversible (Jenkins and Tsoka, 2003). This is despite the fact that the MPRSP itself acknowledged the centrality of land in the country's poverty reduction efforts, observing that 'land constraints arise mainly from low productivity of fragmented pieces of smallholder land, lack of security of tenure, high population density and unorganised land market system' (GoM, 2001:138).

The MPRSP's target was to distribute at least 14,000 hectares of land to 3, 500 households on a voluntary basis (GoM, 2001; Chirwa, 2004). The major action taken since the land question reappeared on the government's agenda as a hot-button issue, more than a decade ago, is the launch of the CBRLDP on a pilot basis in 2005. It would therefore not be exaggerating that the government, with support from the World Bank, has been prompted into action by increasing incidents of land invasions across the country and the unpleasant developments in neighbouring Zimbabwe. The government's official explanation for the delay in implementing land reforms is lack of financial resources to acquire land to distribute to the landless (GoM, 2005). This granted, it is very striking that the 2002 draft land policy does not propose any strategies to deal with the land problems it correctly identifies: the only radical reform designed to redress historical injustices is the provision that non-citizens cannot have freehold titles unless they are prepared to become Malawian citizens. This citizenship does not in any way begin to address the serious historical and structural causes of unequal land redistribution and ownership – it is simply meant to deflect the attention of the public away from the core cause of the severe imbalances in the land ownership patterns (Chinsinga, 2002). The elites are intent on protecting their own interests in the existing land tenure and ownership patterns unless they are compensated accordingly.

## The Land Reform Question in the Wider Context

The debates about land reform are not new in development circles in general and on the African continent in particular (Potts, 2006; Toulmin, 2006). Beyond the national debates on the land reform question instigated by experiences under colonial rule, the World Bank has apparently assumed a leading role in promoting land reforms in developing countries. In a 1975 paper, the World Bank strongly recommended: 1) formal land titling as a precondition of modern development; 2) abandonment of communal tenure systems in favour of freehold title; and 3) widespread promotion of land markets for land redistribution on both efficiency and equity grounds (Quan, 2000). While land reform programmes have taken various forms such as land nationalisation, agrarian reform, agrarian collectivisation, land development and protected areas, efforts to reaffirm and recognise customary rights, tenure reform (land registration and titling) has tended to dominate and is favoured by development partners. Toulmin (2006) argues that tenure reform is favoured for the following reasons:

- Land registration stimulates more efficient land use by increasing tenure security and providing incentives to invest in the longer-term management and productivity of land.
- Land registration reduces transaction costs and enables the creation of a land market, allowing land transfer from less to more dynamic farmers and its consolidation into large holdings.
- Land registration provides farmers with a title that can be offered as collateral to banks, improving farmers' access to credit, and allowing them to invest in land improvements.
- Land registration provides governments with information on landholders and size of plots, that is, the foundation for property tax system.

Tenure reform as a key strategy for dealing with the land question was further reinforced in the wake of the structural adjustment programmes (SAPs) (Quan, 2000; Toulmin, 2006). The major thrust of SAPs was that economic prosperity and development is 'predicated on a capitalist mode of production, private property and enterprise, the allocation of financial and natural resources' (Potts, 2006:68). In other words, the market forces were believed to lead to an efficient allocation of resources between nations, regions and people. Within the framework of SAPs therefore, the existence of indigenous, non-market forms of tenure was construed as an impediment to economic liberalisation. Tenure reform was thus logically promoted as the main framework for land reforms since land is the most significant natural resource in sub-Saharan Africa. This drive is perhaps aptly captured by Potts (2006:72).

'How could the factors of production be allocated according to the laws of supply and monetary demand when a key factor of production in so many countries remained allocated according to deeply entrenched birth rights for most of the male population?'

There is, against this backdrop, one huge challenge in implementing land reforms in the contemporary era arising out of the inherent tension between tenure reforms promoted simultaneously with community-based management approaches for natural resources. The main thrust of community-based management approaches for natural resource is that giving communities the right to manage and benefit from natural resources in their areas would induce them to adopt a conservationist stance, making the benefits derived from them sustainable over the long-term (Alexander, 2006; Potts, 2006). The hallmark of the tension is that the privatisation ideology as advocated by tenure reforms does not auger well with development paradigms which revolve around community-based development, poverty alleviation and livelihood security. Once again Potts (2006:76) aptly captures the mood:

'One can envisage that well meaning research programmes in [sub-Saharan Africa] would soon be recommending that the poorest rural households need to have their financial capital strengthened in order to gain access to the natural capital of land, and lamenting the loss of community based capital for natural resource management.'

An example of this tension is well illustrated by the experiences of the handover of the management of formerly government operated irrigation schemes to communities across the country (Kambewa, 2005; Kambewa and Peters, 2007). Beneficiaries of the schemes were Malawians from every possible corner of the country, the justification for the handover being that communities would be in a better position to exploit their social capital in order to manage the schemes on a sustainable basis. Through the water users associations, for instance, community management of the schemes would result in the development of widely shared norms and conventions governing equitable distribution of water. The experiences have been quite the contrary, however: the handover of the irrigation schemes to communities has led to a redefinition of the eligibility of the people to participate in the schemes. While prior to the handover citizenship was not an issue at all, it is now a major determinant of access to the plots on the irrigation schemes (Kambewa, 2005); thus there is conflict between claimants who are being distinguished as strangers or latecomers and those claiming status as locals and first settlers, with those that are not regarded as bonafide citizens discriminated against. It is argued that these tendencies have taken hold in the wake of the privatisation discourse fanned by the draft land policy purporting to treat customary land as private property. The bitterness resulting from the politics of access to irrigated land has negatively affected the development of norms and conventions governing the management and distribution of water. The tendencies of individuals to privatise sections of the streams and rivers bordering their land are reportedly widespread (Kambewa, 2005), making management of the schemes as viable economic units extremely difficult.

## THE COMMUNITY BASED RURAL LAND DEVELOPMENT PROJECT (CBRLDP)

The origins of the CBRLDP can be traced back to the findings of the Presidential Commission on Land Inquiry constituted in 1996 – winding up its work three years later. The findings of the commission were further supported by various specific land utilisation studies supported by development partners such as EU, DFID, USAID and the World Bank (GoM, 2005).<sup>4</sup> These unanimously established the availability of underutilised cultivable arable land to the tune of 2.6 million hectares which could be targeted for redistribution through a carefully conceived land reform programme. The conclusion from these studies was that much of the estate land is underutilised due to poor management and competition from smallholder tobacco burley production, also leading to declining profitability of estate tobacco. This eventually led to the conception of the Malawi Land Reform Programme (MLRP) of which the CBRLDP is a pilot initiative.

Funded to the tune of US\$29 million by the World Bank and the Malawi Government, the major goal of the CBRLDP is to increase the incomes of approximately 15,000 poor rural families by implementing decentralised, community-based and voluntary land reform in four pilot districts; the major challenge is that the landless do not get information on the availability of land and do not have resources that would

4 The EU supported the Customary Land Utilisation Study; USAID supported the Public Land Utilisation Study; and the World Bank supported the Options for Land Resettlement Study.

enable them emigrate to such areas (Chirwa, 2004; GoM, 2005).<sup>5</sup> The CBRLDP is thus predicated on, and driven by, the willing-seller and willing-buyer philosophy of land redistribution, the implementation manual clearly stipulates that 'land redistribution will take place only on unencroached lands from willing sellers, those already under government administration, or private donations' (GoM, 2005:4).

In the CBRLDP, two sets of districts have been identified as sending and receiving districts respectively: Thyolo and Mulanje are sending districts while Machinga and Mangochi are receiving districts. The justification for designating Thyolo and Mulanje as sending districts is that the land problem is quite severe in these districts '[as] vast land has been turned into tea and coffee estates forcing smallholder farmers onto congested marginal lands' (GoM, 2005:7). By implication, Machinga and Mangochi have been designated as receiving districts because land pressure is at least manageable in these districts. The baseline survey established the mean plot size per household as ranging from 0.34 hectares in Mulanje to 1.07 hectares in Machinga. The mean household land sizes were 1.89, 0.71, 1.57 and 1.28 hectares in Machinga, Mulanje, Thyolo and Mangochi respectively (Chirwa et al., 2003). The designation of Mangochi as a receiving district may therefore not be very accurate because by the baseline indices the land situation appears not to bear any significance different from Thyolo's.<sup>6</sup>

The CBRLDP is inspired by the community demand-driven philosophy of development supported by specially designed structures in both sending and receiving communities at district and local levels to facilitate the land redistribution exercise (Chirwa, 2004; GoM, 2005). The programme has been widely advertised in both the sending and receiving communities. There is also a provision that communities in the receiving districts can participate in this programme. The procedures for land acquisition under the CBRLDP are as follows:

- Land constrained households aged above 18 should organise themselves into solidarity groups and they should demonstrate sound organisational ability.
- The households forming beneficiary groups should satisfy the following eligibility criteria, namely: be Malawian citizens, landless or near landless, low levels of income and facing the problem of endemic food security.
- The beneficiary group identifies the land which it proposes to acquire and directly negotiates the acquisition of the land with the owner within the price range set by the CBRLDP staff. The list of farms up for sale is advertised and potential settlers choose at least two estates that they are interested in. The Project Management Committee (PMC) travels to the receiving district where the farms are located to physically inspect the estates and negotiate with owner the selling prices of the estates that they are interested in. These visits are facilitated by the CBRLDP staff. The receiving districts are approximately 200km away from the sending districts.
- The beneficiary group then presents its proposal for financing to the District Assembly (DA) in the district in which the land is located for the District Lands Committee's (DLC) approval together with a provisional agreement of the sale of land.
- Each household is allocated a minimum of 2 hectares under the project and after the sale is concluded the beneficiary group is ready to emigrate to the new land and households relocating more than 50kms from their original homes are assisted with transport.
- Each emigrating household is provided with a resettlement grant to the tune of US\$1,050 for land administration and farm development, with 30% devoted to land acquisition, 10% to cover settlement and 60% for farm development. The grant also includes provision of farm inputs as follows: six bags of fertilizer, two hoes, a panga, a peak, and maize and tobacco seeds per household.
- The resettlement grant is not paid out to the beneficiaries as a lump sum. It is paid in instalments and in cash to the head of the household by the CBRLDP staff with the exception of the farm inputs that are delivered to them.

Community Oversight Committees (CoCs) and Project Management Committees (PMCs) are two key local structures that play a critical role in facilitating the formation of beneficiary groups, acquisition of land and the resettlement process. CoCs are established at Group Village Headman level both in sending and receiving communities. The establishing of the CoCs is facilitated by the CBRLDP staff and their main role is to ensure that those elected into these committees fully understand their roles so as to ensure that the programme is successfully implemented. The role of the CoC in the sending communities is to scrutinise and verify the profile of the beneficiaries to ensure that households included indeed meet the eligibility criteria as specified above. In the receiving communities, the major task of the CoC is to facilitate a smooth process of resettlement and integration of emigrating households into their respective new communities.

The beneficiary groups are technically designated as trusts. Each trust has a name and is required to develop their own constitution to govern their affairs once they relocate to the land they have acquired.

<sup>5</sup> The Government of Malawi has contributed US\$2 million to the total project costs.

<sup>6</sup> In the baseline survey, households were, for instance, asked to identify critical constraints to the farming enterprise. The problem of limited access to land was acute in Mulanje where up to 72.7% of the respondents cited it as a critical constraint. The situation in Thyolo compared favourably with Machinga and Mangochi as 58.5%, 50.2% and 59.4% respectively.

Each trust elects a PMC which, as previously noted, takes a leading role in the search for land as well as negotiating the price of land with potential sellers. These PMCs continue to function even after they locate to the new communities on the understanding that they would be subsidiary to the existing jurisdiction of the traditional leaders where they have settled. The ownership of the land is vested in the trust, with the option that individual households can title their pieces of land as long as they are able to meet the costs. The CBDRLD implementation manual states that 'beneficiaries will decide the property regime under which they will hold the land (leasehold, freehold or customary estate)' (GoM, 2005:4). It is further stated that the landholders will not be allowed to dispose of the land in the first five years and will not be allowed to be sub-divide it below two hectares, but at the time of the fieldwork enforcement mechanisms were virtually non-existent (Chirwa, 2004; GoM, 2005).

## THE POLITICS OF LAND REFORM UNDER THE CBRLDP IN PERSPECTIVE

### Achievements of the CBRLDP Project

There is no doubt that the project has enabled the landless or near landless from both Thyolo and within Machinga to acquire land at least adequate for cultivation of food to last them throughout the year and with considerable surplus for sale. This is widely acknowledged by the beneficiaries, some of who confessed that 'they are no longer sleeping on empty stomachs because they are able to cultivate more than just enough for purposes of subsistence'.<sup>7</sup> From trust to trust this story line was repeated almost word for word, underscoring the fact that access to land under the auspices of the CBRLDP had enhanced their productivity levels. Reported maize yields averaged between 30 and 50 bags per household across all the trusts covered in this study; according to Chirwa (2008), the average maize production among beneficiary households increased from 200kgs before resettlement to 1454kgs after the project in 2005/2006 and yields were significantly higher after the project (2269kgs per hectare) compared to 962kgs per hectare before the project. The CBRLDP has also had a positive impact on household incomes, increasing by about 40% after one year of relocation.

For the receiving communities, the CBRLDP stimulated the creation of employment opportunities through casual labour (ganyu), and though while ganyu labour is generally perceived as a degrading and exploitative survival strategy, it was argued that the emigrating communities injected considerable resources through their resettlement grants which made ganyu wages competitive. The massive expenditures by the settlers revitalised the local economies benefiting both the host and surrounding communities. The positive impact of the CBRLDP on the lives of the settlers was equally widely acknowledged – for instance, some of them observed that 'poverty had declined compared to our situation in Thyolo as we are now eating nsima (national staple food made from maize) on predictable intervals'.<sup>8</sup> The major concern, however, is whether the experience of improved livelihoods will be sustained beyond the first year of the project.

The main cause of concern for the farmers is lack of markets to dispose of their produce at a profit to help them buy inputs for the subsequent farming seasons. The experiences throughout the trusts were strikingly the same: the farmers have had to dispose of their produce at extremely low prices even in those areas the government made efforts to provide access to better markets. These concerns are perhaps aptly illustrated in the following:

We sold a 50kg bag of maize at MK500 because of lack of markets. Honestly speaking, we let the traders steal our maize.<sup>9</sup>

We will not be in a position to sustain our improved lives. We harvested enough but much of it has been wasted because of lack of markets.<sup>10</sup>

Some of us sold 70 bags of maize for MK 23,000 when we invested up to MK 23,000 on fertilizer.<sup>11</sup>

This clearly illustrates that lack of viable markets threaten to plunge farmers into a vicious poverty trap given that the input support to them was a one-off initiative. The farmers are expected to fend for themselves in the subsequent growing seasons on the understanding that they would be in a position to reinvest in their farming enterprises, taking advantage of the returns from the initial input support offered to them under the auspices of the CBRLDP initiative. The prospects of the positive gains under the CBRLDP collapsing after barely a year points to the fact that land reform is a more complex exercise. It is thus more than just access to land – sense that access to land must be complemented by access to non-land assets, to credit markets, to extension services and training in modern farming techniques (Chirwa, 2004; Potts, 2006). There is need for functioning health and educational services, transportation system,

7 Focus Group Discussion with men from Chimbeta Trust.

8 Focus Group Discussion with women from Chimbeta Trust.

9 Focus Group Discussion with women from Itendo Trust.

10 Focus Group Discussion with men from Kalunga Trust.

11 Focus Group Discussion with men from Chimwabvi Trust.

access to affordable agricultural inputs and decent or even predictable prices for produce; for instance, Kalungu Trust almost collapsed because 20 out of 35 households immigrated back to Thyolo as the trust was allocated an area without potable water facilities. A cholera outbreak which reportedly claimed two lives triggered a massive exodus of households back to Thyolo.

The dubious prospects for sustainability are further emphasised by the econometric analysis by Chirwa (2008) of the impact of the CBRLDP on investment, food production and agricultural productivity. The analysis shows that the positive effects of the programme are much more due to access to financial resources provided under the package of assistance in the first season than change in land tenure per se. The evidence is unequivocal: new beneficiaries with only one season of farming under the programme tend to invest more in hybrid maize and are more productive than those that have been under the programme for two seasons.

## CDRLDP Capture by Elites

There is evidence that local elites (chiefs, traditional leaders and CoC leaders) have captured the programme by steering its implementation in a manner that largely benefits them and their allies, both in the sending and receiving communities. The main challenge of implementing programmes of this nature is that they seldom address the plight of the intended beneficiaries and quite often get captured by the gate keepers who speak for, but not with, those they claim to represent (Cornwall, 2002; Chinsinga, 2007). This is an example of instances in which the interaction between formal and informal institutions produce unintended effects which more often than not undermine the attainment of the formally stipulated outcomes. Both traditional leaders and CoC members have in their own different ways appropriated the CBRLDP as an instrument of patronage to achieve selfish goals at the expense of the project as expressed in the design documents, as further illustrated below.

The CBRLDP has become highly susceptible to capture by the elites because of the provision of the resettlement grant to the successful beneficiary groups. At US\$1,050 per household, the resettlement allowance is a huge sum of money by Malawian standards, where GNP per capita has stagnated at less than US\$200 for the last decade (NSO, 2005). Moreover, there is evidence that the manner in which CoC members were elected was not transparent enough. Instead of identifying the CoC members through transparent and competitive elections, most FGD participants observed that traditional leaders often exercised their prerogative to appoint who was to serve in the CoAs. In two cases, the beneficiaries pointed out that traditional leaders appointed mostly their relations and allies to serve in CoCs; in several FGDs, participants described some CoCs as 'more or less extensions of chieftaincy as more than half of the participants were drawn from the royal families'.<sup>12</sup> The resettlement grant has rendered the CBRLDP prone to abuse by traditional leaders and CoC members particularly in terms of beneficiary selection. While the CBRLDP embraces the community demand-driven philosophy as a principal guide for beneficiary selection, there are additional criteria to assist programme facilitators in the screening of the ultimate beneficiaries so that the programme achieves its intended goals and objectives. Besides being citizens of the country, the beneficiaries must be either completely landless or near landless and clearly grappling with the problem of endemic food insecurity.

These criteria have, however, not been strictly adhered to in the implementation process of the CBRLDP: they have been strategically circumvented by the programme facilitators in various different ways. Several cases were reported of CoC members prioritizing their family and friends as beneficiaries of CBRLDP at the expense of households that are genuinely in need of land. It was further argued that the majority of the beneficiaries who are not either family relations or friends have had to bribe the CoC members in order to find their way into the programme. In some cases, CoC members were asking potential beneficiaries to pay up to MK 2000 (about US\$20) as a qualification fee. The influence of traditional leaders was particularly notable in the intra district resettlement, most of the non-beneficiaries observed that they did not know about the programme until they saw people very close to traditional leaders clearing and settling on estates surrounding their villages, arguing that most of the people were an integral part of the wider loyal family network. This is aptly captured in the following remarks:

We were just surprised to see people clearing some estates and erecting temporary dwelling shelters. The most surprising thing was that these people were coming from the TA's village and related to him. Some of them are engaged in viable small-scale businesses at [Mlomba] trading centre and already have huge tracts of land.<sup>13</sup>

In this village, they did not even tell us that there will be a land reform programme. We were just surprised to see our friends from those villages occupying the estate. The Traditional Authority is biased towards his relatives. He wanted to eat the money with his relatives. He just wants his relatives to benefit and nobody else.<sup>14</sup>

12 Focus Group Discussion with men and women from Chitimbe Trust.

13 Focus Group Discussion with non-beneficiaries from Mlomba Village surrounding Chitimbe Trust.

14 Focus Group Discussion with non-beneficiaries from Jasiteni I Village surrounding Kasuaje Trust.

The capture of the CDRLDP by the local elites has greatly affected its implementation in two main ways. It has not been easy to enforce some of the programme guidelines because of the clientelistic selection of the beneficiaries of the programme; and some beneficiaries are effectively operating two areas – particularly in the cases of intra district resettlement – without losing one of the pieces of land. The CBRLDP stipulates that beneficiaries should give up their land once they abandon their settlement on the trust. However, it was observed that an increasing number of households are migrating back to their areas of origin immediately after the resettlement grant runs out. While some are forced to return back to their homes for genuine reasons, the majority of these households are those who did not desperately need the land – basically those that were pushed into the programme to benefit from the resettlement grant as reflected in the following remarks.

We do not know the aim of the project but others simply wanted to benefit from the resettlement grant. These were quite doubtful right from the start since they were not as vulnerable as we were. Some of them had a very good life back home. They found their way onto the programme because they are in good books with some prominent members of the CoC and the chief.<sup>15</sup>

When they heard that there shall no longer be government support, they started going back immediately after harvesting. What else can we say? These people did not have serious problems in the first place.<sup>16</sup>

There is, however, one trust from Thyolo that is particularly notable in terms of the members commuting between Thyolo and Machinga. These people have essentially not relocated in earnest – at least according to the fieldwork findings – and have retained their land on the advice of their traditional leader. As demonstrated below, traditional leaders fear that a massive relocation of their subjects to Machinga would diminish the stature of their leadership. The beneficiaries are advised to move to Machinga as reconnaissance mission with the guarantee that their land will be kept for them; moreover, it is only female members of households that have been relocating since the majority of their husbands have semi skilled jobs in the industrial town of Limbe, Blantyre which they are not prepared to give up. Being within the vicinity of the major commercial centre, the beneficiaries are using their home as a base for marketing their produce from Machinga, since lucrative markets hardly exist in Machinga. It is also quite striking that in some sending communities the CBRLDP is being exploited as a means of getting rid of troublesome households. Working very closely with CoCs as an appointing authority, village headmen enlist households designated as troublesome as beneficiaries even when they do not express the desire to do so. They are simply forced to comply given the enormous power, influence and authority that traditional leaders wield over their subjects.

The apparent elite capture of the CBRLDP means that the programme is failing to achieve its intended goals and objectives. The increase in pieces of land being abandoned is a result of deliberately orchestrated errors of inclusion and exclusion which entail enormous transaction costs on the part of the project. The resources invested would have yielded the intended outcomes if and only if the programme facilitators were dutifully adhering to the programme guidelines. The elite capture is to a great extent unavoidable because CBRLDP programme design prefers that CoCs should be constituted by people who are at least fairly enlightened in order to steer the process. This invariably means that CoCs have been dominated by the privileged sections of both sending and receiving communities at the expense of the vulnerable segments meant to be the primary beneficiaries. CoCs have therefore abused their enlightenment to exploit the programme for their own selfish goals, yet another illustration that processes of institutional change are unpredictable; they do not always generate the intended effects and outcomes.

## Socio-cultural Integration Experiences

The project design paid particular attention to issues related to cultural integration, an imperative because of the cultural and religious distinctiveness of communities from sending and receiving districts. While communities in both sending and receiving districts are matrilineal, they have distinct cultural and religious practices: communities from Thyolo are predominantly Christian and practice relatively straight forward rites of passage initiating the youth into adulthood, the majority of the people in Machinga are Moslems and they practice quite elaborate initiation ceremonies. Cognisance of the cultural and religious diversity, the principal role of the CoCs in the receiving communities is to facilitate smooth integration of the new comers into the social fabric of the host communities (GoM, 2005). The integration of the reallocating communities into the socio-cultural fabric of the receiving communities has not been very smooth, however. This is quite surprising since Malawi as a country has generally enjoyed a rich tradition of mutual co-existence of communities of different cultural orientation, religious beliefs and backgrounds.

The major socio-cultural integration challenge has been posed by the patterns of settlement. By design, the estates on which the new communities are settled often lie on the outskirts of the existing

15 Focus Group Discussion with men from Chimbeta Trust.

16 Focus Group Discussion with non-beneficiaries surrounding Chitimbe Trust.

settlements. The new comers are therefore quite conspicuous and distinct with temporary housing shelters and language clearly articulated as distinguishing markers, as the following observations illustrate:

What distinguishes us is language. We are so much used to Chichewa. They know that you are a migrant if when they greet you in Yao you respond in Chichewa.<sup>17</sup>

There are no marked differences between us and them except that they have temporary dwelling structures whereas we live in permanent structures.<sup>18</sup>

We identify indigenous local residents by the age of mango trees. Wherever you spot young mango trees, they must be newcomers to the area.<sup>19</sup>

The major complaint the new communities is that settling in a Moslem area has greatly affected the patterns of their livelihood. They observed that they cannot freely raise pigs which were their key livestock back in Thyolo because raising pigs in a Moslem community is considered as a taboo; they further indicated that they have been specifically warned not to raise pigs because if they do so their hosts will never share with them anything, particularly food; they argued that the failure to raise pigs has greatly limited their livestock portfolio since the area is infected with tsetse flies that make raising cattle a very risky venture. Their livelihood options are further constrained because of limited access to wetlands which, as shown below, has forced some households to immigrate back to Thyolo since they strongly feel that they cannot rely entirely on rain-fed agriculture for sustainable livelihoods.

The socio-cultural integration has been further adversely affected by myths that have been generated about the CBRLDP in different quarters for different reasons: the settlers have been labelled as government tenants; blood suckers; and victims of the government to be sold to the Chinese building on a long standing myth in rural Malawi that the Chinese are blood suckers – further heightened by the government’s decision to establish diplomatic relations with mainland China. This argument is justified in that it is strange for the government to give money to people for free; they argue that the resettlement grant is meant to entice people to enrol for the programme but then they will eventually have to pay dearly with their lives. These are some of the sentiments that were reported in the FGDs about the CBRLDP in this regard:

We were labelled as government’s tenants. They argued that our produce would be passed on to government. The resettlement grant was construed as our payment.<sup>20</sup>

They were treating us as Satanists saying we stay together with policemen who are mandated to make sure that once one of us is taken ill, they rush them to hospital and if they die we would never see their dead bodies. They even went to the extent of saying government would put us in a fence and they would be killing us one by one as they do with exotic chickens.<sup>21</sup>

People back home were intimidating us that once we emigrate to the new area, we will become victims of blood suckers and that we would be confined to a fence without a chance of getting out just like stall feeding chickens.<sup>22</sup>

We were being branded as agents of blood suckers. People in the surrounding villages argued that there is no way the government can give people land and inputs for free. Our settlement was described as a quarantine station where blood suckers will converge and use it as a base to suck their blood. They further pointed out that the government was constructing a special hospital where their blood will be sucked and when they die their bodies will never be brought home. The bereaved family will be consoled with MK50,000.00.<sup>23</sup>

We had a secretary who resigned following threats from his friends that he would be killed by government agents. He declined to move to Machinga even though he clearly had a serious land problem.<sup>24</sup>

These myths have reportedly affected the enthusiasm of the landless or near landless households for enrolling as potential beneficiaries of programme. In the receiving communities, the myths have contributed to some households abandoning the plots of land they had secured under the auspices of the programme fearing for their lives. The situation is, however, changing for the better as nothing has

17 Focus Group Discussion with women from Chimbeta Trust.

18 Focus Group Discussion with non-beneficiaries from Njirima Village surrounding Chimwabvi Trust.

19 Focus Group Discussion with non-beneficiaries from Malahaba Village surrounding KalungaTrust.

20 Focus Group Discussion with women from Chimwabvi Trust.

21 Focus Group Discussion with men from Itendo Trust.

22 Focus Group Discussion with men from Chitimbe Trust.

23 Focus Group Discussion with men from Ngatuwanya Trust.

24 Focus Group Discussion with women from Chimbeta Trust.



confirmed these fears during first two years of the programme.<sup>25</sup>

It was established that in the sending communities the myths were to a great extent perpetrated by traditional leaders to discourage their subjects from enlisting as beneficiaries of land redistribution under the aegis of the CBRLDP. It is argued that traditional leaders fear that massive exodus of people from their villages to settle in distant land would greatly diminish the stature of their leadership and authority. The feelings of anxiety among traditional leaders in the sending communities are inevitable because of the old adage 'village is people'. The fear for most traditional leaders is that their reign would be meaningless if they lose most of their subjects to the receiving communities under the CBRLDP initiative. The disposition of the traditional leaders underscores the fact that institutional change processes are not neutral: there are always winners and losers. In this case, traditional leaders in the sending communities perceive themselves as losers in the CBRLDP scheme; and as losers they are contesting the CBRLDP by allowing their subjects to retain ownership of land in their areas of jurisdiction as well as in the receiving districts. As pointed out above, the CBRLDP beneficiaries remain substantive residents of their places origins and simply use the land acquired in the receiving districts for farming. This is contrary to the rules of CBRLDP: once a household becomes a beneficiary, they should give up ownership of land in the sending communities in order to ease up land pressure.

In its own way, the design of the project has contributed to the hitches that have been experienced in the realm of socio-cultural integration. As above, beneficiaries move to the new areas as trusts with their own constitution and committee governing their day to day affairs. This poses the challenge that these trusts are expected to be subsidiary to the traditional leadership structures existing in the receiving communities. This arrangement appears, however, not to be very effective and has triggered unending tensions between the incoming and host communities. By virtue of having their own governance structures, the trusts are more or less viewed as villages within villages to the extent that the affairs of the trusts are given secondary attention by most traditional leaders; they are generally regarded as independent entities with governance structures of their own, capable of handling their own affairs. This disposition is further solidified by the fact these trusts bear names imported from the sending communities which, some traditional leaders admitted in the interviews, triggers sentiments of invading forces in the receiving communities, especially when the new comers try to rename some surrounding physical features within their vicinity.<sup>26</sup>

The major flash point of the somewhat uneasy relationship between these groups has been the administration of the government run subsidy scheme within the agricultural sector. For the last three years, the government has been running a subsidy programme that offers coupons to farmers to procure fertilisers and maize seed at 25% of the total market value as a strategy for boosting agricultural production and hence achieving food security. The smallest unit for the administration of the subsidy programme is the village. The concern of the newcomers is that the trusts are marginalised in the distribution of coupons meant to subsidise agricultural inputs. People living in trusts are not prioritised as beneficiaries of the coupons because the trusts are treated as separate entities and not as an integral part of the host villages' set up. In the interviews, some traditional leaders openly confessed that they have nothing to do with the affairs of the trusts as 'these are government's people and government alone is better placed to deal with their welfare directly and not under the flagship of our villages'.<sup>27</sup> In some cases, the perceived marginalisation of newcomers in the administration of any kind of external assistance has provoked retaliation, a case was reported in which the newcomers are denying people from surrounding villages to draw water from a borehole sunk as an integral part of the resettlement package. To access the water, villagers from the surrounding communities are required to pay MK50 per day justified the charge as a cost recovery measure for the costs incurred toward the sinking of the borehole. It is regrettable since households which cannot afford to pay MK50 are using unsafe water sources when potable water is just within easy reach.

The attitude of the host villages can perhaps be understood by situating the issue in a broader context. Since the turn of the 1990s, rural livelihoods in Malawi have become characteristically fragile due to recurrent adverse weather and climatic patterns. The government has since intervened with a wide range of social protection programmes to prevent rural livelihoods from collapsing altogether. The use of the village as a smallest unit for the administration of these schemes has precipitated unprecedented sub-division of villages as a strategy to boost the chances of increasing the number of beneficiaries of

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25 These myths still persist, however. The research team encountered the prevalence of these myths during the fieldwork in Machinga district. The team was on more than two occasions chased from the villages on suspicion that they were blood suckers and, in a few cases, the people, especially women, did not turn up for FGDs for fear of becoming victims of blood suckers. In one of the villages visited, a member of the research team was confronted by an angry man stating:

*Man start your car and leave at once. I do not want to see you again in our village. Women leave, do not say it's witchcraft when the children die [in this village] when you entertaining blood suckers. Don't involve me when the children die... Man leave before i can teach you a lesson.*

26 These sentiments have been somewhat stronger as they have taken on a tome of national level politics. Ironically, the incumbent President comes from Thyolo which is a sending district whereas one of the prominent leaders of the opposition, the former President, comes from Machinga which is a receiving district. These have become bitter archivals since they disagreed in February 2005 following the decision by the incumbent President to ditch the party of the former President to form his own party. These dynamics are reflected somewhat in the interface between the incoming and the host communities in Machinga district.

27 Interview with a traditional leader who opted for anonymity.

programmes of this nature (Levy, 2005 and Chinsinga, 2007). Traditional leaders are therefore reluctant to accommodate the trusts as an integral part of their villages because doing so potentially undercuts the number of beneficiaries from schemes of this nature. It is not therefore surprising that several traditional leaders are voicing support for the Project Management Committees (PMCs) in order for the trusts to evolve into traditional leadership institutions of some kind and they are prepared to recognise these new villages without any hesitation.

## Resistance to the CBRLDP Land Reform Programme

The CBRLDP initiative has suffered from both overt and covert forms of protest in the receiving communities. The overt forms of protest have been promoted by ordinary members of the receiving communities even though the intensity of this form of protest is, in some subtle ways, fanned and sanctioned by traditional leadership structures. Traditional leaders have engaged predominantly in subtle forms of protest against the CBRLDP initiative by not taking their quasi judicial role in dealing with land disputes seriously; the overt forms of protest are manifested in different kinds of unending and fairly widespread land disputes. This is inevitable because processes of institutional change and reform provide a platform where different interests and ideas compete to get the most out of the initiatives (Leftwich, 2006). The major forms of disputes encountered during fieldwork included:

- Disputes bordering on property or, perhaps more precisely said, user rights. Several cases were reported in which the settlers have been in confrontation with previous owners of the estates where they live. The disputes have centred on the use of trees on the estates. In these cases, most of the previous estate owners argue that the settlers do not have user rights over the trees but simply the land. They contend that the sale agreement covered only the land and not the trees and, in some cases, infrastructure on the estate.
- Disputes involving the hosts encroaching onto the estates once they have established that the sale agreements with prospective settlers have been concluded. There is evidence from the interviews and focus group discussions that these encroachments are instigated and sanctioned by traditional leaders. When the encroachers are confronted, they argue that the land belongs to them and they accuse the owners of the estates to have lied to them about the exact size of their land. Very rarely have these claims been authenticated, they are merely opportunities for them to expand their access to land using the CDRLDP to contest the ownership of the land that has been lying idle for very long periods.
- Disputes bordering on land invasions on estates that have lain idle for a very long period of time. These people feel they have stayed on the estates long enough to legitimately claim ownership, earning their livelihoods on estates that were abandoned over 15 years ago. The owners of these estates did not take these squatters into account when they sold their estates and the squatters are contesting their removal from land they have lived on for more than a decade. In most cases, the settlers have failed to reclaim the land from these squatters who appear to have naturalised ownership of the land.

Land invasion has a very long history in Malawi, as already indicated above. Kanyongolo (2005) argues that land invasions have occurred on both publicly and privately owned land: people have encroached into forestry reserves, national parks, land surrounding presidential palaces and private farms. For instance, up to 202 people occupied the Liwonde Forestry Reserve in Machinga, a district which is supposedly to have plentiful of land that can be shared to the land hungry from other parts of the country; in the land invasions, farms previously owned by Dr. Banda, the first head of state, are particularly targeted. Land disputes taking the form of encroachment reflects, *inter alia*, the marked divergence of the land reform discourse between the official policy and the popular view or conception at the grassroots level. The grassroots' understanding of a fair and just land reform programme is that it should champion restitution instead of people from other districts being prioritised as beneficiaries of the initiative. This would only make sense if and only if the people in districts deemed as having excess land are satisfied with their landholding sizes. The encroachments and land invasions are justified as simply a means of getting back land that was unfairly expropriated from them under the aegis of the 1967 legislative instruments whereby vast tracks of customary land were transferred into the estate sub-sector with modest or no compensation at all (Chirwa [1998]; Chinsinga [2002]; Chirwa [2004]). In the tea and coffee growing districts of Thyolo and Mulanje the grassroots engaging in land encroachments and invasions claim 'the land in question belong to them because it had belonged to them before it was stolen by colonial settlers' (Kanyongolo, 2005:129).

Traditional leaders have contributed to the severity of the land disputes by abdicating their role in finding lasting solutions to the disputes. Two cases were reported involving the settlers and the host communities: in one case the host communities have encroached into the settlers' land by a distance of 75 metres and in another one they have encroached into the settlers' land up to 10 ridges of roughly a 100 metres long each beyond the formally recognised boundaries. In some cases, the receiving communities have even gone to the extent of taking out the beacons that were put up to identify the boundaries. These land disputes have been taken to the Group Village Headmen who have in turn referred them to

Traditional Authorities as the ultimate authority. The two cases cited above have involved the police as well as the CBRLDP staff, but they are stalled as long as the traditional leaders are unwilling to move; settlers have ended up giving up part of their land since these disputes remain unresolved and prospects of resolution look bleak. The traditional leaders are thus practicing a silent form of protest to the CBRLDP initiative. They are clearly less willing to get involved with the affairs of the CBRLDP beneficiaries, who are described as government's people and, by implication, the government has to deal with their problems. It is against this backdrop that some traditional leaders have argued that the PMCs for trusts should evolve into traditional leadership structures, but even if this were to happen, it would not address the problems of land disputes – especially since for the host communities a just and fair land reform programme primarily entails restitution.

The combined effect of the overt and covert forms of protest is that it has diminished the sense of tenure security of the CBRLDP land experienced by the newcomers, especially since they do not as yet have documented individual ownership of their plots of land. There is a sense of fear given the way land disputes have been dealt with hitherto: the fear of potentially being dispossessed of the land is widespread, particularly as there is already a forceful discourse of dispossession that equates rights to land with citizenship. It appears that the settlers will have to contend with the constant threat that their right to land is open to contestation by those with customary claims based on the notion of autochthony (Woodhouse, 2006; Peters and Kambewa, 2007). This, to a very great extent, illustrates that the implementation of the CBRLDP has been negotiated by a diverse range of stakeholders, intent on shifting the burden of adjustment elsewhere. This has invariably culminated in a disjuncture between the intended and the actual outcomes of the CBRLDP underpinning the fact that processes of institutional change are indeed inherently political in nature.

To reiterate, the goal of the CBRLDP is to relocate land stressed families to places with excess land where they would enjoy security of tenure and robust livelihoods. Implementation of the CBRLDP has not been any easy task, however: the stakeholders involved have interpreted, appropriated and engaged with the CBRLDP in accordance with the opportunities that they have discerned to promote their own interests, which has in turn shaped and impacted the outcomes, successes and failures of the project. Most people in the sending districts see the CBRLDP as an opportunity to gain access to a valuable productive resource; the people in the receiving districts embraced it as a platform for them to assert claims over their ancestral land; and traditional leaders and CoC members in both the sending and receiving districts have exploited it as a source of rent. In addition traditional leaders in the sending districts feel the CBRLDP poses a serious threat to the stature of their rulership and traditional leaders in the receiving districts have seized it as an opportunity to contest any perceived modification in their authority over land implied by the draft land policy.

The goal of land redistribution to the landless, with secure tenure, remains therefore an unattainable ideal since the implementation of the CBRLDP has also given rise to competing interpretations about the opportunities that the programme provides. Communities in receiving districts have taken recourse to the historical developments in land tenure and ownership patterns to justify their actions; CoC members and traditional leaders in both sending and receiving districts have proactively engaged with the CBRLDP in order to exploit rents out of it; and traditional leaders in the receiving districts have appropriated the discourse triggered by the draft land policy and the rise of social protection programmes on the government's agenda to engage with the CBRLDP in a manner that supports their interests. In short, the acts of the stakeholders instigated by the implementation of the CBRLDP are entangled in struggles over the legitimate authority over land. It is clear from the experiences of the CBRLDP that 'institution building is a contested process, driven forward and undone by struggles between regimes, rural elites and farming populations' (Harris, 2006:10).

## The Subject of the CBRLDP Pilot Initiative

The major concern is that major objective of the CBRLDP pilot initiative is unclear. It is difficult to discern whether CBRLDP is piloting the provisions of the new land policy or the willing-seller/-buyer philosophy of the land distribution exercise. It would have, however, been an excellent opportunity to fully test the robustness of the various provisions of the draft land policy especially since some of them have generated contentious and unending debates during the consultative phase of the policy document (Chirwa, 2004; Peters and Kambewa, 2007). Subjecting the provisions of the land policy to rigorous empirical tests under the auspices of the CBRLDP was imperative given the possibility of scaling up the initiative across the country as early as 2009.

Two issues are singled out here for purposes of illustration: first, the draft land policy proposes titling of customary land as a way of enhancing security of tenure and as key means of encouraging investment into land by owners, as well as a means of transforming land into a potentially viable form of collateral (Peters and Kambewa, 2007). To date the CBRLDP is yet to facilitate the registration of even a single customary estate at least in the trusts included in this study: ownership of the land is collectively vested in the trusts – individual households are yet to get title deeds for their respective plots. This is contrary to the spirit of advertisements for the CBRLDP in which it was stressed that the settlers would be given documents to serve as proof of ownership of their land. An FGD participant, for instance, observed

that 'the radio advertisements stressed that our pieces of land would be leased and we would be given documentation supporting our ownership claims of pieces of land'.<sup>28</sup> The main reason for the delay is that the CBRLDP has not taken the exercise seriously, even though the overriding objective of the project is to promote access to adequate land for subsistence with security of tenure.

While the settlers enumerate a list of rights that they have over the land they have acquired through the CBRLDP – such as growing crops of their choice, sale or subdivision of the land to their children – they are nonetheless not fully assured of these rights due to the absence of relevant documentation. Nevertheless, what is stressed is the fact that households do not have the mandate to either sell or subdivide their plots before five years have elapsed. The task of titling the land has been left with individuals even though this is a pilot initiative, however existing empirical evidence indicates that this does not always work out without some kind of facilitation because the task is not only too bureaucratic, but also very expensive (Woodhouse, 2006; Potts, 2006). The failure to address this issue in the pilot phase raises the question of sustainability of the CBRLDP as a solution to the land problem. It was clear from the fieldwork that in the absence of any guidance, the settlers will use the same inheritance practices that they are accustomed to. In fact, in the FGDs, they indicated that the land would be subdivided through the female children once they are ready for marriage. By the third generation therefore, the pieces of land would have been subdivided into portions that would no longer be viable for farming as is currently the case in the sending communities.

Second, the CBRLDP could have provided the opportunity to test the capacity of the district and sub-district participatory structures outlined in the draft land policy to mediate land transactions. Evidence from pilots of a similar nature from elsewhere across the continent suggest that developing this capacity is a huge challenge. Often the central land registers quickly become out of date as there is insufficient funding for staff capacity to ensure that land transfers are notified to the central register (Woodhouse, 2006). The CBRLDP raises a further challenge with regard to the settler's access to wetlands – dambo – which are increasingly becoming a valuable agricultural resource following the frequent occurrences of adverse weather and climatic patterns (Chinsinga, 2007). Inspired perhaps by the draft land policy which categorises dambos as common or public land, the CBRLDP initiative does not address the issues of dambo access by settlers at all (Peters and Kambewa, 2007). The implicit assumption is that dambos remain unallocated and can therefore be accessed by whosoever desires through traditional leaders in their capacity as custodians of this land. For this reason, access to dambo by the settlers has been a huge problem: traditional leaders accord preference of access to dambos to local residents over 'strangers'. The lack of or limited access to dambo has forced some households who were so wedded to wetland cultivation in the sending communities to abandon CBRLDP land: they argue that they cannot survive without engaging in wetland cultivation not only for the love of it, but also as a key source of income generation.

## CONCLUDING REMARKS

There is no doubt that the implementation of a land reform programme is imperative in Malawi given the colonial and postcolonial injustices that have underpinned the land tenure and ownership patterns in Malawi. It is very clear that the current pattern of land ownership is skewed in favour of a small minority who accumulated vast tracts of land under the auspices of the colonial and postcolonial legislative instruments. The vast majority of people were disenfranchised of ownership of their land and for a period of nearly four decades no substantive efforts have been undertaken to redress these historical inequities. The paradox is that much of this land is either idle or grossly underutilised.

While it is widely recognised that land is the key productive resource and, therefore, pivotal in the poverty reduction initiatives, progress toward any meaningful land reform has been painfully slow. A hot issue in the lead up to the democratisation process, the subject of land reform has not featured prominently in the major poverty reduction strategies that have been implemented to date. It is in fact quite striking that the Malawi Growth and Development Strategy (MGDS) addresses the question of land reform only tangentially as its overall goal is to transform the country from a predominantly consuming and importing society to a producing and exporting country in which agriculture is going to play a key role. The major initiative to date therefore is the CBRLDP which could be said to be a predominantly externally driven initiative triggered arguably by the ugly turn of events in Zimbabwe's land reform programme and increasing cases of land encroachment and invasions in the tea and coffee growing districts of Thyolo and Mulanje.

This case study demonstrates that promoting pro-poor growth and development is a complex exercise. In particular, the CBRLDP experiences underscore the fact that success in promoting pro-poor growth and development is not merely a matter of conjuring good institutions as their design and implementation critically depends on agents and agencies to implement them (Thelen [2004]; Leftwich [2006]; Harris [2006]). As demonstrated by the CBRLDP, the implementation of schemes of this nature is inherently a political process, the actions of the stakeholders involved shape and often undermine the institutional

arrangements intended by the scheme. The key stakeholders in the implementation of the CBRLDP included ordinary people in both the sending and receiving districts; CoC members and traditional leaders in both the sending and receiving districts; and the CBRLDP staff. The outcomes, successes and failures have been shaped by the negotiated interaction among these stakeholders who were intent to shift the burden of adjustment resulting from the implementation of the CBRLDP elsewhere. The conception of the CBRLDP was further shaped by the government's development partners who have particular interests and motives for pushing for the implementation of land reforms. The World Bank, the Department for International Development (DFID) and the European Union (EU) have played a critical role in pushing the government to act on the land question particularly after the events in Zimbabwe. Nonetheless, viable institutions for pro-poor growth can only be established if there is strong domestic demand for reform to ensure the establishment of appropriate institutions and to ensure compliance with them (Leftwich, 2006).

Politics are engrained in land reform at both the national and local levels. At the national level, progress toward the implementation of a comprehensive land reform programme implied in the lead up to the transition to democracy has been quite slow, the government is yet to adopt enabling legislation to facilitate the implementation of land reform initiatives despite the rhetoric during the struggle for political liberalisation at the turn of the 1990s; it is clear that the CBRLDP has fallen prey to the constraints of path dependence (North, 1990; Harris, 2006). The scope of the CBRLDP has very much been dictated by the lack of political will that has characterised the land reform initiatives since the advent of independence in the 1960s. The reform initiatives have often been driven by a team of elites with vested interests in the existing tenure patterns, reflected in the lack of willingness to depart substantially from the neoliberal slant of land reform adopted in the early years of independence. In fact, Kanyongolo (2005) argues that from the colonial era to the present, the government has implemented various land acquisition and reform policies whose aim has been the creation and maintenance of a capitalist economy based on large-scale export oriented agriculture at the expense of peasants.

While the goal of the CBRLDP is to relocate land stressed families to places with excess land where they would enjoy security of tenure, the intended outcome of the initiative at the local level hangs in balance. Cognisance of the fact that institutional reforms of this nature have winners and losers, stakeholders have engaged with the CBRLDP intent on minimising their losses and maximising their gains. Communities in receiving districts have exploited historical developments to reassert claims over their ancestral land alienated from them during colonial and postcolonial eras; traditional leaders and CoC members in both sending and receiving districts have exploited the CBRLDP as a source of rent, though addition traditional leaders in sending districts perceive the CBRLDP as a significant threat to the stature of their rulership; and traditional leaders in the receiving districts have seized the CBRLDP as an opportunity to contest any perceived modification in their authority over land as implied by the draft land policy. The engagement of traditional leaders with the CBRLDP is to a larger extent a manifestation of the conflict between the new economic institutions governing land ownership and use, and the traditional political institutions of chiefly power, producing unintended effects in the process. The unintended effects are inevitable – in any institutional reforms there are bound to be winners and losers, and rarely do stakeholders accept defeat without a fight. It is these 'fights' – foreseen and unforeseen, legitimate and illegitimate, formal and informal, endogenous and exogenous – that often distort the implementation process and undermine the underlying goals as has been demonstrated in the case of the CBRLDP.

There is no doubt that the CBRLDP has failed to run as an effective pilot. The failure is further reinforced by the apparent uncertainty in terms of what exactly is the subject of the CBRLDP as a pilot project. It is not very clear whether the CBRLDP is meant to pilot the provisions of the draft land policy or the willing seller-buyer philosophy of land redistribution. This uncertainty has, for instance, culminated in the failure to test the extent to which land titling as provided for in the draft land policy would indeed guarantee tenure security (Woodhouse, 2006; Toulmin, 2006). The failure of the CBRLDP to go all the way is creating a feeling of tenure insecurity among the new land owners, heightened by their experiences regarding how land disputes have been handled so far. The traditional leaders in receiving communities have been very reluctant to deal with land disputes between the new land owners and the local residents clearly as a form of covert protest to the CBRLDP initiative. Nearly all major land disputes encountered during the fieldwork remain unresolved and, in the interim, the new land owners have given up part of the land designated as theirs at the time of resettlement. This has negatively affected the enthusiasm of the new land owners to invest massively in the land because of the lack of viable institutions to mediate and resolve land disputes with a degree of certainty.

While the CBRLDP is a laudable initiative given the mounting land pressures especially in the tea and coffee growing districts of Thyolo and Mulanje, it fails to pass as a model for sustainable poverty reduction. Like the earlier initiatives, it fails to fully confront the structures that generate poverty yet it is widely acknowledged that the fight against poverty is about fighting these structures. It is very clear from this case study that poverty cannot only be addressed by making resources available to the poor but also by responding to, and supporting, local democratic processes which recognise the rights of all citizens to basic services, the rule of law and accountable institutions; along with the historical, structural and institutional legacies that constitute the context in which both individual and group agents operate to promote or hinder institutional prospects for growth.

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