

# **Preliminary Findings on Land Tenure Reform in Malawi and the Possible Effects on Tenure and Food Security for Smallholder Farmers**

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## **Abstract**

This article aims to provide a preliminary analysis as to possible areas where customary land tenure reform will affect land security and food security for semi-rural smallholder farmers in Malawi, with a view towards conducting further research as tenure reform is rolled out. The Malawi National Land Policy (MNLP) aims to change customary tenure laws, emphasising secure titling held by an individual or family. This is, in part, based on the assumption that individual titling will increase tenure security, thereby changing farm practice, increasing land rental and providing access to credit and (through these) increasing food security. This article reviews academic literature on land reform and the links between tenure security and certain aspects of livelihoods in a southern African context. The article also briefly compares its assertions to fieldwork that examined how 12 smallholder farmers living in three villages near Nkhata Bay in central Malawi perceived their land tenure security and the link between this and their food security.

Respondents in the case study believed that they had secure tenure; however, they used social networks and connections to support their land claims and their perception of tenure had limited influence on the land security of those studied. The article uses the farming practices, rental habits and credit opportunities of these farmers to shape a discussion of the relevant academic literature with a view towards further study as the MNLP is rolled out.

## **Introduction**

Malawi is one of the most food-insecure countries on earth, with smallholder farmers disproportionately affected by this insecurity.<sup>1</sup> The Malawi National Land Policy (MNLP) of 2002 aims to provide legal title and usufruct rights to smallholders operating under customary tenure, hopefully improving land security and increasing food security through changes to farming practice, land rental and credit access. The process

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<sup>1</sup> Department for International Development, *The UK Government's Programme of Work to Fight Poverty in Malawi* (London: DFID: UK Government, 2008).

began with the Presidential Commission of Inquiry on Land Reform in 1996, which was approved by cabinet on January 17, 2002.<sup>2</sup> As of 2011, the draft bills had not been passed by Parliament nor had they become law.<sup>3</sup>

The MNLP is based on several assumptions about the link between titling and tenure security and tenure and food security, where this article defines food security as encompassing availability, access and utilisation.<sup>4</sup> This article will examine the literature relating to each of the MNLP assumptions, using a brief qualitative study of the perception of tenure security of 12 residents in three villages across the Nkhata Bay region (and how this perceived security affects their livelihoods) to shape the discussion. The assumptions to be explored are: that changes to the titling of land will increase tenure security for smallholders; that the perception or actuality of increased security will translate into changes to farming practice, increased land rental and credit access; and that these changes will increase smallholder food security.

Due to its limited scope, this article will not recommend policy. Rather it will use the academic literature to encourage future primary research into several of the changes that should occur as tenure reform continues, particularly as pertain to the link between reform and land security and perceived tenure security's effects on food security. Tentative and exploratory qualitative research enhances this literature review by allowing the specific concerns of a small number of Malawians to focus the research on areas where the Malawian smallholder experience may differ from literary expectations and, through this, potentially guide future inquiries.

### **Primary Research Methodology**

The primary research comprised a purposive study of the experiences of 12 smallholders living near Nkhata Bay; it spanned three villages and took place in July 2010. A week was spent in the community observing farming, followed by two weeks of semi-structured interviews. At the end of each interview the respondent recommended a candidate to ensure demographic diversity and gender balance. Pseudonyms were given to respondents and villages to protect anonymity. The areas studied were

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<sup>2</sup> Paul Kishindo, "Customary Land Tenure and the New Land Policy in Malawi," *Journal of Contemporary African Studies* 22:2 (May 2004): 213-225.

<sup>3</sup> At the time of publication, October 2012.

<sup>4</sup> For more details see USAID, *The Governance Dimensions of Food Security in Malawi* (September 2005), <http://www.sarpn.org.za> (accessed 8 September 2012).

Tanoff, Chikami and Kaumbi, villages with different headmen under the district authority (DA) of Nkhata Bay. Kaumbi was closest to Nkhata Bay, it had no spare land and was struggling to deal with migrants enticed by lakeside commercial opportunities. Chikami was further from town, and the land was less suitable for farming. Tanoff was several kilometres away and had less economic interaction with Nkhata Bay. Families used only the most fertile land, causing disputes when migrants farmed the vacant properties of long-term residents. In each village, four smallholders were interviewed. In Kaumbi these were:

- Naomi, a single 30-year-old woman with one child, who farmed land passed down through her family for several generations. She grew maize, cassava and sweet potato to eat and occasionally “sell[s] [crops] for soap.”
- Carla, a single mother with three children, of similar age to Naomi. Her land has been passed down through her family and will be distributed equally among her children. She plants vegetables, maize and beans and buys nitrogen fertiliser by renting out land.
- Griffin is a middle-aged farmer and store-worker who migrated to Kaumbi from Likoma Island. He bought land from the chief, and has three children from two failed marriages. He uses the market to access credit for business, rents land and grows rice, maize and cassava.
- William is 20 and works in the same store as Griffin. His uncle moved from Zomba and married a woman in Kaumbi. In William’s ancestors’ village a man is given land by his uncle; however, William’s uncle’s wife came from a tradition where children inherit land from their mother. William shares land with his nieces and nephews who want him gone. Their land is of poor quality and needs fertiliser to produce enough maize for subsistence, forcing William into paid employment. He accepted his relatives’ claims on the land, stating “in Malawi, if you find people doing someway [sic] you do like that.”

Those studied in Chikami were:

- Ezme, a childless woman in her 40s, obtained land through her parents. She has a co-wife with children to her deceased husband who will inherit her land. Ezme grows maize and cassava and oranges to sell.
- Lauren sells fruit with Ezme and appears of similar age. Her husband bought land five years ago and died shortly afterwards. She grows maize and cassava and sells avocados and oranges. Her

- four children will inherit her land.
- Isabella is in her 50s with seven children. Her father acquired land from the chief and, while Isabella considers the land hers, her husband refers to it as rented. They grow maize using nitrogen fertiliser, and sweet potato. Their children may inherit their land, however, Isabella's husband believes that the chief must be consulted regarding inheritance.
  - Kifymo and his wife have two children under the age of five. They farm maize, cassava, ground-nuts and sweet potato. Their store in Nkhata Bay provides them with cash for *ganyu* (labour exchanged for food or cash) and fertiliser, and serves as security for loans. Kifymo inherited land from his father patrilineally but will bequeath to his children equally.

Studied in Tanoff were:

- Benson, who is in his 20s with two children. He received land from the chief (a relative) and will bequeath equally to his children. Before the land was gifted to Benson another family was farming it. They claimed to own the land but the chief allocated them another plot. Benson farms rice, tomatoes, maize, potato and beans. His livestock allow him to access credit which he uses to obtain *ganyu* and fertiliser.
- Margaret is a mother of 11 and grandmother of two with land which she is passing on to her children. Her family settled in the area generations ago and, while she will give most of her land to her children, Margaret acknowledges the claims of her extended family. She believes her mother rented land to another villager and when she died that villager stole it, so she will never rent out land. Margaret's family grows cassava to eat and sell.
- Nelson is in his 30s with six children who, along with his younger brother, will inherit his land. He bought land from the chief six years ago and grows Chinese cabbage, maize and cassava. He uses fertiliser and *ganyu*, however his operation is hampered as he cannot obtain credit, rent out or sell excess land.
- Othanwell is in his 30s and obtained land in a dispute when he returned to Tanoff after working in Blantyre. His father died while he was away and he rented land to another family. The man he rented it to also died, leaving the land to his children. When Othanwell returned he took the other family to the chief. Land security worries Othanwell, he claims to grow sugar cane around unoccupied fields to feed village children but his crops appear in a demarcation pattern, and while he allows others to farm on his land

he will not accept payment for fear the land will be stolen. Only Othanwell's male children will inherit his land.

This primary research is unsuitable for generating new knowledge or recommending policy due to concerns relating to its accuracy and its over-specificity: it will instead assist a study of the academic literature and be used to comment on potential areas of future research. Issues relating to accuracy include the Malawian's habit of presenting themselves as more land secure than they are,<sup>5</sup> and the difficulty of ascertaining the legal status of the land owned by smallholders.<sup>6</sup> Time was spent in the community before interviewing to build relationships and snowballing loosely verified statements; hopefully mitigating some of the potential inaccuracies. More importantly, the small size of the study and the close proximity between the respondents mean that making any generalisations about Malawian farming is impossible from this preliminary study. Instead, this study examines literary predictions of the consequences of tenure reform and uses the lives of 12 specific residents to discuss these changes and potential directions for future research.

### **Tenure Reform - Causes and Effects**

The Land Tenure Act of 1965 vested the right to customary land in the President of Malawi.<sup>7</sup> Customary land was defined as "all land held, used or occupied under customary law, [not including] public land"<sup>8</sup> and traditional law, manifested through a Traditional Authority and local chiefs, as the only source of regulation.<sup>9</sup> Land claims involved familial structure, work vested in the land, political affiliation and family

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<sup>5</sup> Pauline Peters, "Bewitching Land: the Role of Land Disputes in Converting Kin to Strangers and in Class Formation in Malawi," *Journal of Southern African Studies* 28:1 (2002): 155-178.

<sup>6</sup> The District Land Commissioner (DLC) led the researcher to believe that this area represented an early roll-out of the MNLP, whereas it is likely that farmers had merely recently converted to leasehold titles (available since 1965 and providing title to an individual or family without complete bequeathment or alienability), a misunderstanding that was caught during editing and almost certainly affected the construction of the interviews.

<sup>7</sup> Kishindo, "Customary Land Tenure," 214.

<sup>8</sup> Government of the Republic of Malawi, *Malawi National Land Policy* (Lilongwe: Ministry of Land and Housing, Government of the Republic of Malawi, 17 January 2002); also at [www.cepa.org.mw/.../D\\_Malawi\\_National\\_Land\\_Policy\\_2002.pdf](http://www.cepa.org.mw/.../D_Malawi_National_Land_Policy_2002.pdf)

<sup>9</sup> Kishindo, "Customary Land Tenure," 214; J.D. Hansen et al., "Tree planting under customary tenure systems in Malawi: Impacts of marriage and inheritance patterns," *Agricultural Systems* 84 (2005): 99-118.

position,<sup>10</sup> leaving smallholders at the mercy of officials, chiefs and personal relationships.<sup>11</sup> Reducing tenure insecurity and reflecting the growing (illegal) land market were key reasons for customary tenure law reform.<sup>12</sup>

The MNLP gives each family individual title and registration of land, providing exclusivity, transferability and partial alienability. It aims to guide the ongoing spontaneous individualisation of smallholder land rights, incentivise sustainable farming practices, and allow for land to be rented out or used for mortgage.<sup>13</sup> Customary landholdings are registered to a family or individual within a specific traditional management area,<sup>14</sup> providing usufruct and bequeathment rights and allowing for the conditional disposition of these through lease, sale or mortgage.<sup>15</sup> The policy dictates that children of both genders inherit land equally and disputes are to be taken to the village land committee, comprising the village head and three elected leaders.<sup>16</sup>

Reform advocates claim customary tenure offers inadequate protection to the disenfranchised against dispossession by elites.<sup>17</sup> Interregional migrants and women report limited land security under customary ownership, and titling has been used elsewhere in Africa to protect ‘outsiders’ from displacement as land value increased.<sup>18</sup> Further, reform

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<sup>10</sup> Tsutomu Takane, “Customary Land Tenure, Inheritance Rules, and Smallholder Farmers in Malawi,” Institute of Developing Economies Discussion Paper 104 JSAS 34:2 (2008): 269-291 (Chiba, Japan: Institute of Developing Economies, JETRO).

<sup>11</sup> Kishindo, “Customary Land Tenure,” 216; Gladys Mutangadura, “The incidence of land tenure insecurity in Southern Africa: Policy implications for sustainable development,” *Natural Resources Forum* 31:3 (2007): 176-187.

<sup>12</sup> Takane, “Customary Land Tenure, Inheritance Rules,” 8; Eylof Jul-Larsen and Peter Mvula, “Security for the Many or Surplus for the Few? Customary Tenure and Social Differentiation in Southern Malawi,” *Journal of Southern African Studies* 35:1 (2009): 175-190.

<sup>13</sup> Pauline Peters and Daimon Kambewa, “Whose Security? Deepening Social Conflict over “Customary” Land in the Shadow of Land Tenure Reform in Malawi,” Center for International Development Working Paper No 142 JMAS, 45:3 (2007): 447-72 (Cambridge, MA: Center for International Development, Harvard University).

<sup>14</sup> Chiosa Silungwe, *Customary Land Tenure Reform and Development: A Critique of Customary Land Tenure Reform under Malawi’s National Land Policy*, Master’s Thesis, Warwick Law School, University of Warwick, UK (2005).

<sup>15</sup> Kishindo, “Customary Land Tenure,” 222.

<sup>16</sup> Government of the Republic of Malawi, *Malawi National Land Policy*, 34.

<sup>17</sup> Kishindo, “Customary Land Tenure,” 219.

<sup>18</sup> Laurel Rose, “Women’s Strategies for Customary Land Access in Swaziland and Malawi: A Comparative Study,” *Africa Today* 29:2 (2003): 123-149; Daniel Bromley,

should increase food output and security, through incentivising land investment, rental and credit access.<sup>19</sup> Critics of reform claim that most Malawians feel secure in their customary title and that reform will disenfranchise the marginalised as inefficient producers are pushed off their land by increasing prices.<sup>20</sup>

The literature implies that individual tenure should increase the security and transparency of land ownership for the 12 smallholders studied, with those whose land claims were unclear clarified and strengthened.<sup>21</sup> While the majority of these smallholders expressed confidence in their security, many strengthened their claims through strategies of land use and relationship building. A push towards patrilineal and nuclear family inheritance was observed.

In line with Silungwe's claims, almost all smallholders felt secure in their land rights,<sup>22</sup> able to make decisions regarding farming practice and rental without impediment, and sell if desired. Ezme explained that "the chief is not involved because the land is the land of the family" and Griffin described the claims of extended family on decisions as "just domestic issues now." However, Nelson said that the chief must be consulted before sale and Othanwell reported that if non-nuclear relatives did not like his crop choices they may consult the chief. Margaret believes her tenure security has been increased by formal titling. Her mother had been involved in a land dispute under customary law and she identifies having "documents to say the land is for [her children]" as changing her attitude towards land security.

Othanwell and Benson supported their ownership through actions other than titling. Othanwell grew sugar cane around unoccupied land to feed the village children, but grew crops in a demarcation pattern for the

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"Formalising property relations in the developing world: The wrong prescription for the wrong malady," *Land Use Policy* 26 (2008): 20-27.

<sup>19</sup> Silungwe, "Customary Land Tenure Reform," 33-35; Kishindo, "Customary Land Tenure," 222-223.

<sup>20</sup> John Bruce and Shem E. Migot-Adholla, *Searching for Land Tenure Security in Africa* (Washington D.C.: World Bank, 1994), 259; Stein Holden and Hailu Yohannes, "Land Redistribution, Tenure Insecurity, and Intensity of Production; A Study of Farm Households in Southern Ethiopia," *Land Economics* 78:4 November (2002): 573-590.

<sup>21</sup> Peters and Kambewa, "Whose Security?," 452.

<sup>22</sup> Silungwe, "Customary Land Tenure Reform," 12.

purpose of showing ownership.<sup>23</sup> Benson appropriated land through his relationship with the chief, and was careful to please him.

There was some evidence of a shift towards nuclear family inheritance. Kifymo, Margaret and Carla received land under gender differentiating systems (Kifymo, patrilineally, Margaret and Carla, matrilineally) and will bequeath land equally to their children of both genders. However, Othanwell will not give land to his daughters and Griffin will discriminate based on birth order, both illegal under the reforms. Margaret expects her children to share land with their cousins, and Naomi will pass on her land, inherited from her parents, to the extended family as she only has one child, a girl.

Someone who may benefit from tenure reform is Isabella. The chief has claim over Isabella's land, which was obtained by her parents from the previous chief. The land cannot be sold or rented out; if Isabella leaves the land or dies she may pass it onto a relative (including her husband) with the chief's blessing. Isabella appears to perceive her tenure as secure, referring to the land as "given" to her parents with the conditions stipulated. However, her husband describes it as "lent" to the family, implying that he sees his tenure as dependent on social rules and the chief's dictates. The District Land Commissioner (DLC) claimed the land was titled to Isabella and her husband (presumably under leasehold title), however, in line with Takane and Rose's observations,<sup>24</sup> her security is seemingly a result of continuous use and her relationship with the chief rather than titling.

Another whose land security may be affected by tenure reform is William. William obtained land in Kaumbi from his (now deceased) paternal uncle who was from the Zomba region of southern Malawi. His uncle also bequeathed to his own children in accordance with the traditions of the family that he married into, meaning William and his uncle's children farm together. The land is titled to both William and these children, however, he fears dispossession, stating "the children might say '[William] is not doing well so he must sell his land and leave' and then the chief must decide." In a similar manner to Isabella,

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<sup>23</sup> Deborah Fahy Bryceson, "African Rural Labour, Income Diversification and Livelihood Approaches: A Long-Term Development Perspective," *Review of African Political Economy* 26:80 (1999): 171-189.

<sup>24</sup> Rose, "Women's Strategies," 137; Takane, "Customary Land Tenure, Inheritance Rules," 20.



William's title to the land does not provide security, his ability to use the land as he desires is limited by fear of conflict and his security is poor.

As the literature implied, the studied residents found title a secondary concern regarding inheritance and land security. Combining the academic literature with the experiences of these 12 smallholders implies that further research as the MNLP is rolled out and the population increases should focus on the link between tenure reform and land security for the marginalised, changes to inheritance patterns and the use of informal strategies to secure tenure. This article will now focus on aspects of food security that the MNLP claims will be enhanced by tenure reform (farming practice, credit access and land rental), using the lives of the 12 smallholders to guide the discussion of the academic literature.

### **Changes to Farming Practice**

Improving land security through tenure reform should alter farming practice in the areas of input use, tree planting and fallowing. Land security provides incentives to invest in land improvements and sustainable production,<sup>25</sup> as well as credit for productivity-enhancing technologies.<sup>26</sup> Some literature claims that farmers with secure land rights, particularly bequeathment rights,<sup>27</sup> are more likely to farm sustainably<sup>28</sup> and use yield-enhancing technologies,<sup>29</sup> while others believe that broader social and economic circumstances primarily determine farm practice.<sup>30</sup>

Literature on East Africa has associated formal tenure with technology adoption and (in a Malawi-specific example) security with tree

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<sup>25</sup> Robert Smith, "Land Tenure Reform in Africa: A Shift to the Defensive," *Progress in Development Studies* 3:3 (2003): 210-222.

<sup>26</sup> Shahidur Rashid, Manohar Sharma and Manfred Zeller, "Micro-Lending for Small Farmers in Bangladesh: Does it Affect Farm Households' Land Allocation Decisions?," *The Journal of Developing Areas* 37:2 (Spring 2004): 15-29.

<sup>27</sup> Geoffrey Payne, Alain Durand-Lasserre and Carole Rakodi, "The Limits of Land Titling and Home Ownership," *Environment and Urbanization* 21 (2009): 443-462.

<sup>28</sup> Frank Place, and Peter Hazell, "Productivity Effects of Indigenous Land Tenure Systems in Sub-Saharan Africa," *American Journal of Agricultural Economics* 75 (1993): 10-19.

<sup>29</sup> Klaus Deininger and Gershon Feder, "Land Registration, Governance and Development: Evidence and Implications for Policy," *The World Bank Research Observer* 24:2 (August 2004): 233-266.

<sup>30</sup> Sarah Gavian and Marcel Fafchamps, "Land Tenure and Allocative Efficiency in Niger," *American Journal of Agricultural Economics* 78 (1996): 460-471.

planting.<sup>31</sup> However, other African studies find farming decisions are primarily related to poverty and capacity.<sup>32</sup> These two positions are not mutually exclusive; tenure security may be a secondary concern that incentivises good farming practice while being less significant than capacity constraints. This was certainly the case when examining the 12 smallholders' tree planting and manuring activities, two investments incentivised by secure tenure and which have been weakly correlated in other studies to tenure reform.<sup>33</sup>

Only Ezme and Lauren planted trees and Griffin, Ezme and Naomi manured. The tree planters seemed secure in their tenure, but would not be passing land on to their direct descendants, and presumably used fruit growing as a low-intensity farming supplement. Naomi and Ezme used manure because they could not afford nitrogen fertiliser, whereas Griffin claimed that it was better for the land and used it on both his own and rented land, implying his decision was not related to tenure. Those who did not use fertiliser either could not afford it (and would use it if they could) or did not need to use it (and would use it if they did). Carla referred to nitrogen fertiliser as “real” fertiliser, deriding the effectiveness of manure. Importantly, those with the least land security (Isabella and William) used nitrogen fertiliser, as did residents like Kifymo with secure tenure. For these 12 respondents there appeared to be little relationship between tenure security and the use of food-security-enhancing tree planting and manuring; this does not mean that a more general correlation does not exist, but that future research exploring this correlation should be aware of local preferences for nitrogen fertiliser and the (possibly primary) use of trees as a low-intensity farming supplement.

The MNLP also claims that tenure reform will increase the use of nitrogen fertiliser and *ganyu* use, claims supported by some academic literature.<sup>34</sup> The effects of these on food security is contested, with

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<sup>31</sup> Frank Place and Kejiro Otsuka, “Population, Tenure and Natural Resource Management: The Case of Customary Land Area in Malawi,” *Journal of Environmental Economics and Management* 41:1 (2001): 13-32; M.G. Maiangwa et al., “A Review of Institutional Alternatives to Collateralized Lending,” *African Development Review* 16:3 (2004): 472-491.

<sup>32</sup> Place and Hazell, “Productivity Effects of Indigenous Land Tenure,” 10; Chilot Yirga, “Poverty Soil Conservation Efforts among Smallholder Farmers in the Central Highlands of Ethiopia,” *Southern African Journal of Economic and Management Sciences* 9:2 (2006): 244-261.

<sup>33</sup> Gavain and Fafchamps, “Land Tenure and Allocative Efficiency,” 461.

<sup>34</sup> Holden and Yohannes, “Land Redistribution.”

advocates claiming they increase total food availability and employment<sup>35</sup> and critics pointing to the environmental damage and reduced crop diversification that they associate with input use<sup>36</sup> and the neglect of their own lands that seasonal *ganyu* requires of employees.<sup>37</sup> This article does not have the space to do either of these arguments justice; yet it should be noted that neither nitrogen fertiliser nor *ganyu* is a panacea for food insecurity.<sup>38</sup>

Most of the 12 respondents used all of their land without assistance, but those who did not preferred *ganyu* use over leaving land fallow. Nelson uses two seasonal *ganyu* and leaves fields fallow, which he would hire *ganyu* for if he could. When future research examines the effects of tenure reform on *ganyu* use it should consider Malawians' reluctance to leave land fallow,<sup>39</sup> with Kifymo acknowledging that the landless in a community had a claim on land left fallow.

### **Land Rental**

The Government of Malawi hopes that reform will increase the security of out-renters, improving the rental market.<sup>40</sup> Before reform rental rights were unclear, allowing in-renters to claim permanent title and chiefs to unjustly provision land to powerful members of the community.<sup>41</sup> The Traditional Authority of a southern Malawian village told Smette (2008) that “people do not rent out land because...they are afraid someone will

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<sup>35</sup> Richard J. Tobin and Walter L. Knausenberger, “Dilemmas of Development: Burley Tobacco, the Environment and Economic Growth in Malawi,” *Journal of Southern African Studies* 24:2 (1998): 405-424; Alastair Orr, Blessings Mwale and Donata Saiti, “Market Liberalisation, Household Food Security and the Rural Poor in Malawi,” *The European Journal of Development Research* 13:1 (2001): 47-69.

<sup>36</sup> Gautam Hazarika and Jeffery Alwang, “Access to Credit, Plot Size and Cost Inefficiency among Smallholder Tobacco Cultivators in Malawi,” *Agricultural Economics* 29 (2003): 99-109.

<sup>37</sup> Jeffery Alwang and Paul Seigel, “Shortages on Small Landholdings in Malawi: Implications for Policy Reforms,” *World Development* 27:8 (1999): 1461-1475.

<sup>38</sup> Rachel Benzer Kerr, “Informal Labour and Social Relations in Northern Malawi: The Theoretical Challenges and Implications of Ganyu Labour for Food Security,” *Rural Sociology* 70:2 (2005): 167-187.

<sup>39</sup> Greenwell Matchaya, “Land Ownership Security in Malawi,” *African Journal of Agricultural Research* 4:1 (2009): 1-13.

<sup>40</sup> Stein Holden, Randy Karrhus and Rodney Lunduka, “Land Policy Reform: The Role of Land Markets and Women’s Land Rights in Malawi,” *Noragric Report* 36 (October 2006), (Aas, Norway: Department of International Development and Environment Studies, Noragric, Norwegian University of Life Sciences).

<sup>41</sup> Maiangwa et al., “A Review of Institutional Alternatives,” 451-455, 461-463.

occupy it”<sup>42</sup> and renting out land is considered “greedy” compared to lending to relatives.<sup>43</sup>

Land rental should increase food security by moving land to efficient producers, enhancing total food production and allowing poorer farmers to focus their limited inputs on smaller areas of land.<sup>44</sup> Smette’s study found that land rental was typically done by wealthier Malawians with access to both fertiliser and *ganyu* to increase production. However, smallholders in both Malawi and Ethiopia treat rented land worse their own, meaning increased rental may translate into a short-term spike in productivity at the expense of long-term food production.<sup>45</sup>

The smallholders interviewed treated land rental with caution because of both the effects of renters on the land and the chance they would claim ownership. Naomi stated that “other people won’t care about [the land].” Ezme confirmed Smette’s finding that relatives with insufficient holdings felt they could claim land the owner may otherwise rent out.<sup>46</sup> Many refused to rent for fear of dispossession; Margaret claims her mother lost land she rented out and states “they have changed the system but we won’t rent.” Othanwell and Kifymo both lend out land but won’t accept payment, fearing that their tenants will claim the land was sold rather than rented, a situation they believe is common.

Carla was the only out-renter and Griffin the only in-renter. Through rental Carla gained cash to buy fertiliser; her tenant had a three-year lease, however, as he was a Tanzanian without permanent residency the risk of his claiming Carla’s land was minimal. Griffin rented-in land as his holding was small; he claimed to use manure to keep it fertile so he could rent for longer.

These interviews show that these specific residents were reluctant to engage in land rental both due to familial expectations and a fear of dispossession or damage to the land. Future studies should examine

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<sup>42</sup> Marie Ervik Smette, *Renting in Land – A Study in Two Villages in Malawi*, Norwegian University of Life Science, the Malawian Land Tenure and Social Capital research project (2008): 45.

<sup>43</sup> Smette, “*Renting in Land*,” 51.

<sup>44</sup> Samuel Benim et al., “Development of Land Rental Markets and Agricultural Productivity Growth: The Case of Northern Ethiopia,” *Journal of African Economies* 14:1 (2005): 21-54.

<sup>45</sup> Benim, “Development of Land Rental Markets,”

<sup>46</sup> Smette, “*Renting in Land*,” 45-51.

whether changing attitudes to land ownership will overcome these concerns, as otherwise tenure reform may not increase land rental.

### **Credit Access**

Land tenure reform should improve credit access through the use of titled land as collateral. Most Malawian formal credit comes through input programs<sup>47</sup> or requires a bank account (found only among the urban elite).<sup>48</sup> Harold Jiya, head of Corporate Bank Division of The National Bank of Malawi, believes his institution would welcome the use of titled land as collateral.<sup>49</sup> Collateralised loans have shortened provisioning periods and reduced costs compared to other loan types.<sup>50</sup> However, credit supply depends on the lender's confidence that they can seize and liquidate the borrower's land,<sup>51</sup> problematic in Malawi, as enterprise involving the collateralisation of land is socially subject to familial claims.<sup>52</sup>

Increased formal credit may enhance food security for smallholders by assisting income generation, allowing investment to smooth disposable income and providing the means to meet emergency consumption needs.<sup>53</sup> Malawian farmers borrow an average of \$4 a year and over half of the nation is locked out of the formal credit market.<sup>54</sup> However, credit access reduces income diversification, particularly in Malawi where it means focusing on maize production, and the use of credit to purchase inorganic fertiliser impedes long-term conservation practices.<sup>55</sup> The 12 smallholders studied expressed their desire for credit and an absence of collateralised loans but, in so doing, raised issues for further study relating to the link between credit access and food security, and tenure reform and full usufruct rights.

Griffin and Margaret borrow money informally, as neither can receive credit from the banking sector without either a bank account or a business

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<sup>47</sup> Wiseman Chirwa, "Land Use and Extension Services at Wovwe Rice Scheme, Malawi," *Development South Africa* 19:20 (2002): 307-327.

<sup>48</sup> Graeme Buckley, "Microfinance in Africa: Is it either the Problem or the Solution?," *World Development* 25:7 (1997): 1081-1093.

<sup>49</sup> Silungwe, "Customary Land Tenure Reform," 35.

<sup>50</sup> Maiangwa et al., "A Review of Institutional Alternatives," 474.

<sup>51</sup> Smith, "Land Tenure Reform in Africa,"

<sup>52</sup> Smette, "Renting in Land,"

<sup>53</sup> Manohar Sharma and Manfred Zeller, "Many Borrow, More Save, and All Insure: Implications for Food and Micro-finance Policy," *Food Policy* 25 (2000): 143-167.

<sup>54</sup> Sharma and Zeller "Many Borrow, More Save"

<sup>55</sup> Yirga, "Poverty Soil Conservation Efforts among Smallholder Farmers," .

for 'surety.' Lauren previously borrowed informally but her financiers have passed away; despite her good informal credit record she cannot secure a bank loan. Kifymo and Benson borrowed formally, while Kifymo was also able to borrow money by putting up his business as collateral.

While these farmers believed that increased credit would improve food security, the results were inconclusive. Benson and Kifymo identified soil erosion as a major reason for credit use; however, they used their credit to purchase nitrogen fertiliser, further damaging their land. Several other respondents wanted credit to buy fertiliser and focus their farming on high-yield maize. Naomi stated that she would no longer grow cassava (an insurance crop) if she could afford fertiliser, as inter-cropping the two would take fertiliser away from the maize.

Further, the respondents' desire for credit highlighted the potential unsuitability of land as collateral even after reform. All residents may have title over their land and offer it to the bank as credit, but some will presumably have more secure tenure than others. It appears unlikely that tenure reform would stop the chief or other interests from interfering should the bank need to foreclose on insecure land. Carla has no more right to use her land as collateral than Isabella or William, a situation that must change in order for titled land to serve as collateral. Future research should monitor both the link between collateralised land and nitrogen fertiliser use, and the ways in which banks and other lenders determine the legitimacy of a titled property when considering its use as collateral.

### **Increased Landlessness**

Critics claim tenure reform will increase landlessness, particularly for women without the resources to maintain titling. The inherent ambiguities in customary tenure reduce landlessness and, despite a chronic land shortage, only 11% of rural Malawians are landless, with little link between wealth and plot size.<sup>56</sup>

The MNLP will supposedly facilitate land movement from inefficient to efficient producers. While this will ideally take place through rental, land sales are increasing.<sup>57</sup> These (illegal) sales are discouraged by risk, which is mitigated by tenure reform. The disadvantaged have been coerced into selling their land or have lost it through less deliberate market-based

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<sup>56</sup> Jul-Larsen and Mvula, "Security for the Many," 44.

<sup>57</sup> Peters and Kambewa, "Whose Security?," 468.

displacement, both in Malawi and other African countries.<sup>58</sup> As Malawi's elite are often businessmen or government employees, land sales do not serve as a transfer to more efficient farmers.<sup>59</sup>

The smallholders studied were unlikely to sell land and gave varying accounts of their ability to do so. The residents of Kaumbi and Chikami, barring William, were able to make decisions regarding the sale of their land without the chief's or their extended family's approval, whereas all the Tanoff villagers interviewed claimed that the chief would be involved in any sale. It is possible that Tanoff's history of land disputes caused the chief's involvement in land sales and that the increased value and scarcity of land closer to the lake regulated Kaumbi and Chikami's land markets.

Those studied were reluctant to sell as they feared landlessness. Carla stated that "I can't sell because I need the land for food," and residents implied that buying land was difficult. Isabella said "you can have money for a while but then it will be spent and you will be in trouble with land." However, most Tanoff residents claimed that land sale would not leave them landless. Further, Ezme identified business opportunities as a reason for land sales and Othanwell believed in a social imperative for land-rich farmers to sell to land-poor, claiming "it is part of looking after each other, it is good to sell to them." This implies the possibility of an expanding land market that does not instantly lead to landlessness.

More research will be needed as sales are legalised and become more common. If the value of land leads to empowered sellers engaging in more off-farm business, and land-poor but efficient farmers buying unused fields, sales may improve food security. However, poorer smallholders may be priced out of the closer villages and Tanoff's fields may remain unfarmed due to property speculation.

## **Conclusion**

This article provides a summary of the literature relating to the links between tenure reform, land security and food security for smallholders in Malawi. The Government of Malawi claims that titling will increase tenure security; however, the existing academic literature relating to titling in Malawi, and Africa more generally, problematises this

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<sup>58</sup> Frank Place and Shem E. Migot-Adholla, "The Economic Effects of Land Registration on Smallholder Farms in Kenya: Evidence from Nyari and Kakamega Districts," *Land Economics* 74:3 (1998): 360-373; Peters and Kambewa, "Whose Security?" 458, 461.

<sup>59</sup> Silungwe, "Customary Land Tenure Reform," 34.

assumption. Titling may increase tenure security over time and play a role in guiding the naturally occurring shift towards patrilineal inheritance and the spontaneous development of a land market. However, as perceived tenure appears to be socially determined, those with the least secure tenure under customary law may not be emancipated by reform, with smallholders protecting their tenure through actions and relationships. The anecdotal evidence of the smallholders interviewed furthered the idea that future research should focus on the interplay between social actions to maintain ownership assurance and legal tenure.

Presumed improvements in farming practice, land rental and credit access are all utilised by reform advocates to justify changes to land tenure. Perception of land security appeared to be correlated with changes to farming practice but was less important than factors such as wealth and input access. These changes may not increase food security; for example, increased nitrogen fertiliser use exacerbates environmental degradation. There was evidence of a desire for increased land rental, but residents were wary of out-renting. The literature implies that attitudes regarding the security of rented land are more important than legal tenure when deciding whether to rent land, and rentals may increase when these views change.<sup>60</sup> Despite a desire for credit among Malawian smallholders, titling is problematic due to the imprecise link between tenure and land rights. Finally, Takane's<sup>61</sup> work implies that the MNLP will almost certainly increase sales and more research will be needed into the prospects for both seller and buyer.

Research into the following areas must be done as the MNLP is rolled out:

- Whether titling reform increases land security for the marginalised, and which actions or strategies are used to maintain land security.
- Whether, over time, patrilineal families move towards gender-neutral inheritance and, if so, how this impacts on long-term farm investment and technology uptake.
- How an expanding land market affects land usage decisions, food availability and employment, and how the MNLP shapes this process.
- Credit options for smallholders, particularly whether the MNLP changes attitudes among smallholders and credit providers towards collateralised credit.

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<sup>60</sup> Smette, “*Renting in Land.*”

<sup>61</sup> Takane, “Customary Land Tenure, Inheritance Rules,” 10.



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