

Land Administration in Malawi

Presentation at the Urban LandMark workshop in Lilongwe
on 18th February, 2013

Oscar Matope
Deputy Commissioner for Lands
Ministry of Lands and Housing
Lilongwe
MALAWI



Introduction

- Background
- Legal framework
- Land reform programmes
- Government interventions to improve access to land and tenure security
- Challenges

Background

- Malawi is generally a land constrained country;
 - 11.8 million ha;
 - 9.4 million ha is land and 2.4 million is covered by water,
 - 6.2-6.4 million ha is customary land,
 - 1.2 million ha is private land,
 - 1.8 million ha is public land
 - 1.1 million ha agricultural estate land
 - 300,000 ha is urban land

Legal Framework

There are various legal instruments that govern land administration and Management in Malawi:

- The Lands Act (Cap. 57:01),
- The Registered Land Act (Cap. 58:01),
- The Deeds Registration Act (Cap. 58:02),
- The Land Acquisition Act (Cap. 58:04),
- The Customary Land (Development) (Cap. 59:01),
- The Local Land Board Act (Cap. 59:02),
- The Adjudication of Title Act (Cap. 58:05), and
- The Local Government Act, etc.

Land Tenure

The Land Act categories land ownership into three:

- Public Land (government land, public roads, protected areas)
- Customary Land (land which is held, occupied or used under customary law)
- Private Land
 - Leasehold
 - Freehold including Lilongwe West area (Ndunda)

Categories of Land in Urban areas


- Public land (Mtandire/Mtsiriza/Piyasani)
- Private land (Chinsapo)

Landlords in Urban areas

- Malawi Government (Ministry of Lands & Housing)
- Malawi Housing Corporation (MHC)
- City Councils
- Airport Development Limited (ADL)

Land Reform Program

- 1996-> Presidential Commission on Land Reform;
- 2002-> Malawi National Land Policy (MNLP) was approved by Parliament. The MNLP recommended decentralized, market-assisted land reforms in order to improve efficiency and equity in land administration and management.
- 2003-> Special Law Commission was constituted to review the Law (currently based on the Land Act of 1965).
- The Special Law Commission was mandated to examine all land related laws.



2004-> the country launched National Land Reform Programme;

2006-> Land related Laws were drafted by the Special Law Commission.

2012-> Land related Bills were approved by Cabinet

2013->Expected the Land related Laws to be enacted into Law.

Interventions implemented after approval of MNLP

- Review of all Land related Laws;
- Computerization of Land Registries through a project known as **Business Environment Strengthening Technical Assistance Project (BESTAP)** funded by World Bank;
- Establishment of Land Information Management System by Surveys Department;
- Capacity Building and development, the ministry initiated the introduction of tertiary education at three local colleges offering degrees and diplomas in Land administration and management;


- Recruitment and training of staff by the key departments in the ministry
- The country is currently conducting Land Governance Assessment Study using world Bank recommended framework known as Land Governance Assessment Framework (LGAF);
 - LGAF has five thematic areas namely: Legal and Institutional Framework; Land Use Planning, Management and Taxation; Management of Public Land; Public Provision of Land Information; and Dispute Resolution and Conflict Management

Expected outcome of the reviewed Land related Laws

- The whole country shall be a planning area;
- All land administration and management functions shall be decentralized to Councils;
- Establishment of Land tribunals;
- Establishment of Land Village committees where women shall constitute over 50% of the composition of the committee;
- Formalization of Traditional leaders roles in land administration and management functions

Reasons for Government's interventions

- To enhance efficiency in land administration and management services,
- Cleaning and computerization of the land records - in the Deeds and Title Registries to improve service delivery



- Establishment of a functional land information Management system- > computerized land records and cadastre;

- Decentralization of land administration and management services – provision of equipment and capacity building and development in the Departments of Lands, Physical Planning and Surveys.

CHALLENGES

- Existence of chiefs in urban areas
- Encroachment
 - The Land Act, section 10
 - The Registered Land Act, section 134
- Delays in enactment of enabling legislation
- Inadequate resources (Human, Finance, Equipments).



Thank you!