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Service Delivery in Rural Malawi:
A Review of Institutional Features of Rural Livelihoods**

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ABOUT LADDER

LADDER is a research project funded by the Policy Research Programme of the UK Department for International Development (DFID) that seeks to identify alternative routes by which the rural poor can climb out of poverty. LADDER is working with nearly 40 villages and 1,200 households in Uganda, Tanzania, Malawi and Kenya to discover the blocking and enabling agencies in the institutional environment facing rural people that hinder or help their quest for better standards of living for themselves and their families.

This working paper represents work-in-progress and the reader is advised that it has not been subjected to academic quality control, nor edited for errors of fact or interpretation. The paper forms part of a mosaic of research findings that will contribute towards an overall picture of rural livelihoods and micro-macro links to poverty policies in the case-study countries. The findings and views expressed here are solely the responsibility of the authors and are not attributable to DFID.

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Customary Land Tenure, Taxes and Service Delivery in Rural Malawi: A Review of Institutional Features of Rural Livelihoods

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Sholto Cross*

Summary

Malawian small farmers occupying the land under customary tenure have faced over 100 years of land alienation without compensation. The state during both the colonial and post-colonial periods regarded customary users as a residual group, to be mobilised for labour purposes or more generally limited to the low-input low-output production of staple food crops. This study reviews the evolution of these policies, and utilises the village livelihood studies undertaken by the LADDER research teams to examine the contemporary status of small farmers at the micro level. These show how far the material basis for production has shrunk and been degraded, the breaking down of social networks, and the reduction of social capital. The study examines the operation of certain non-state organisations in terms of their capacity to support livelihood and welfare outcomes, and concludes that the coverage of these is very limited. Notably they lack a sufficient formal articulation with the ongoing attempts to build up local government through the roll-out of decentralization.

The current proposals for fiscal and land reform are assessed in terms of their adequacy and relevance. These presuppose a large administrative competence and rational bureaucratic culture at District Assembly level, and do not deal adequately with the need for transparency and accountability. The 2002 land reform policy does offer some solid grounds for the restitution of formal legal rights to the customary sector; but its implementation requires the operation not only of a land market but also a political market, with dubious prospects for success. The short term measures proposed are unlikely to take place, and would have little effect if they did. In conclusion, consideration is given to the possible role of public-private partnerships by ethically grounded and professionally skilled intermediary organisations in support of the embattled rural poor.

Introduction

In the earliest stage the land and its produce is shared by the community as a whole; later the produce is the property of the family or individuals by whose toil it is won, and the control of the land becomes vested in the head of the family. When the tribal stage is reached, the control passes to the chief, who allots unoccupied land at will, but is not justified in dispossessing any family or person who is using the land. Later still, especially when the pressure of population has given to the land an exchange value, the conception of proprietary rights in it emerges, and sale, mortgage and the lease of the land, apart from its user, is recognised... . These processes of natural evolution, leading up to individual ownership, may, I believe, be traced in every civilisation known to history (Lord Lugard, 1928).

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This study examines the question of land access and tenure in the light of the findings of the LADDER Village Livelihood Reports (LVLRs). A number of subsidiary issues flow from this, including an assessment of access to support services and institutions, and the fiscal environment of small farmers. The central concern, however, is how far and in which directions land reform might proceed in order to have some beneficial impact on the poor.

Malawi is not unique in having the land rights of the majority of the rural poor governed by customary tenure. However with agriculture so dominant in the economy, the scarcity of opportunity for livelihood diversification beyond this sector, and with a century of tangled, conflictual and generally inappropriate regulation, it does present a special case. Yet another wave of land reform is about to break: what are the prospects for this making a beneficial impact? Is it tenure as such that lies at the heart of the problem, or are there other issues of access, service and local institutional governance which are in greater need of reform?

It is appropriate to introduce the study with the (much-quoted and often criticised) extract from Lord Lugard's seminal work. The foundation of Lugard's career lay in his role in combating the slave trade in northern Nyasaland; and the sphere of British influence thus created allowed Britain to swap Heligoland with Germany for the western lakeshore (among other territories) north of the 11th parallel, adding this to the protectorate, and forming the land boundaries of contemporary Malawi. The period of company rule which followed the Berlin conference also saw one of the largest acts of land alienation, the arrogation of 1.08m Ha of this northern sector to the BSA Co. Whatever the merits of Lugard's observation, the crux of the matter is that customary land tenure is by definition subject to evolution via the informal operation of habit and practice. But both during the colonial and post-colonial periods in Malawi this has been very far from the case: externally derived systems were imposed upon it, creating a complex and confusing hybrid. While the institutions of traditional authorities with allocative rights and a regime of usufructuary entitlements via matrilineal and patrilineal succession remain the norm, the customary sector (also referred to as smallholders, and generally to be distinguished from the estate sector where private leasehold and freehold is the norm - the complex question of Crown, state and public land is dealt with below) was disturbed from the first onset of settler colonialism. The introduction of a melange of British land law and modes of regulation imported from other colonial jurisdictions further constrained the ability of the customary system to evolve.

The general presumption behind Lugard's view has become standard in the development literature. The broad argument is that effective, long-term and sustainable development on the land is incompatible with the regime of rights associated with customary tenure. Individualisation of tenure (at least to the household level) and registration of title over a cadastrally surveyed area of land is needed to promote long-term investment; to inhibit environmentally unsustainable practices; to provide an alienable collateral to assist in raising credit; to enable the buying and selling of land so as to promote consolidation; to permit a shift in the balance of crop mix in favour of cash crops; to allow inheritance from parents to children directly; to promote better adapted technologies of production; and generally to allow market signals to operate so as to promote greater efficiency of usage of the land as a productive resource. During both the colonial and post-colonial periods these views were argued particularly vigorously with reference to Nyasaland/Malawi, falling as it did within the policy shadow of its neighbours. Most development professionals (certainly in the earlier years), colonial governors, land commissions, and missionaries tended to favour these viewpoints, with opposition coming - at various times - from commercial growers' associations, nationalist politicians and the African intelligentsia. Most studies of Malawian

land tenure, well into the independence period, have specifically argued for reforms along these lines (Brietzke, 1973).

Defenders of customary systems of land usage raise a different set of issues. It is argued that certainly as far as the poor are concerned, the key is not ownership *per se* but access to the social capital which customary entitlement permits. Life on the land means nothing without the network of social relationships, which it subtends. It is also a known environment: they understand the existing system. They trust the TA to administer land issues and to settle the constant disputes, large or petty, which form the stuff of daily life. Moreover it is argued that effectively smallholders do have security of tenure. Once a usufructuary right is established, this is akin to ownership in the sense that they cannot arbitrarily be removed, and fields accessed thus can be loaned, rented and even pledged. Land shortage, from this point of view, is held to be a consequence of the expansion of the private sector as much as it derives from population growth and sub-division within the customary sector. It is the absence of service and support delivery that is the key constraint, rather than the absence of any ability to raise credit as such - and individualised title is not the only means of accessing credit. The matrilineal system, its defenders argue, is interpreted flexibly and allows for a gender balance, whereby women's rights in a patriarchal world are defended. With increasing levels of vulnerability, and the rising proportion of orphans and the indigent elderly, the social solidarity which the customary system promotes is also held out as a key strength (Englund, 1994; Riddell, 1985).

The LVLRS provide many useful insights into the validity of these arguments. But before examining these, the context of the current proposed reforms needs to be set. Land is not just the basis of the Malawian economy - it is also at the centre of its politics, and struggles over land have profoundly formed the national consciousness.

Malawi is unusual in a number of respects, not least that of its predominant reliance on the land. The combined issues of access and tenurial relations lie at the heart of the well-being of 90 per cent of its population. The total land area of Malawi is 9.4m Ha, of which a liberally estimated 7.7m Ha (as at 2001) is available for agriculture (the rest being national parks, forests and reserves). Currently this latter is divided 6.5m/1.2m Ha (84/16 per cent) between the customary and the private sector. At most some 70 per cent of available agricultural land is suitable for rainfed farming - a national survey in 1993 gave a figure of 65 per cent, and the Customary Land Utilisation Survey 1994/5 63 per cent (Green, 1966). There is significant local variability, with greater land availability in the extreme north, and significant densification in the south. At the gross level this suggests that 4.5m Ha currently support some 1.8 village households (assuming an average household size of 5 persons, with 87 per cent of a population of 10.5m dependent on the land), at an average land availability of 2.5 Ha/household.

The reality is somewhat bleaker. Stratification within the customary sector is such that the National Statistical Office reports 55 per cent of households with less than 1 Ha. The LVLRS for 6 villages in the not untypical Dedza district indicate a land availability average of 0.26Ha for the poor (44 per cent), 0.73Ha for the middling (31 per cent), and 1.4Ha for the better off (25 per cent). The conventional figure for a sufficient subsistence livelihood for a 5-person rural household in south central Africa is 2.2Ha (Allan, 1967): admittedly this reflects less well-watered conditions than generally prevail in Malawi, and refers to farming systems with a larger proportion of reliance on pastoralism. In the early colonial period in Malawi there is evidence that the average farm size was only some 0.8 Ha (excluding access to communal

land) (Krishnamurthy, 1972). But the picture of immiseration from declining access to land is a clear one.

The reasons for this decline are complex, and go well beyond natural population growth and a lack of diversification. A central issue for small producers is that of the alienation of their customary land. A century ago, after the first wave of freehold alienation through 'certificates of claim' (see below), land with registered title, nominally commercially farmed, although with local village occupants regarded as residents, and subjected to various forms of rent, comprised some 15 per cent of overall land. By the end of the colonial period, it was only about 3 per cent (Stobbs & Jeffers, 1985), but the mechanisms created under colonialism came to be elaborated and developed subsequently such that land continued to be alienated, as leasehold land. The estate sector - as freehold and leasehold land is generally termed - dominates much of the more fertile and well-watered land in the south.

The struggle for access has been the central fulcrum of the country's politics since the beginning of the colonial period. Grievances over land led to the Chilembwe rising in 1915, which foreshadowed so many of the struggles throughout east and central Africa. The various land commissions and enactments of the mid and late colonial period were dominated by the need to balance the interests of the large commercial users and the smallholders in the customary system, yet suspicions and tensions over the land formed a powerful current within the wave of nationalism which brought about independence. The first president, Dr Banda, lost little time in underpinning his vision of Malawi as an agrarian state with the passage of several key acts of legislation in the mid and late 1960s which largely consolidated the thrust of colonial land law, with however some vital and ironic differences. During the nearly three decades of his rule, his attempts to create a powerful agricultural commodity exporting economy subtained by a centralised party-state mechanism saw a massive further reduction in the circumstances of the smallholder. He created a *rentier* class of leaseholders within the estate sector who neither matched the earlier established freehold estates in terms of their productivity, yet were equally created by the wholesale transfer of land out of the customary sector by government.

The resentments and bitterness over declining land access were a large part of the reason why Banda and the Malawi Congress Party (MCP) were overwhelmingly defeated in the multi-party elections of 1994 by the United Democratic Front (UDF), which fought the election on a land reform ticket. The Presidential Commission on Land Reform, which worked through the 1990s to provide substance to these promises ultimately reported in 2001, and a new national land policy was announced early in 2002. Yet the decade of the 1990s, dominated by policy prescriptions driven by donor funding on the one hand and the continuing pressure from *rentiers* on the other, produced highly volatile outcomes for smallholders. Where a good season, good markets, and a favourable set of micro policies supporting inputs came together, the smallholder sector surprised many with its ability to contribute up to some 45 per cent of GDP. Yet overall the second republic has seen yet further deterioration in the conditions of the small scale sector. The crisis is indeed a profound one. For an understanding of its roots it is useful to trace briefly some of the background.

Customary Land Tenure: The Early Colonial Period

The initial vision in Nyasaland was significantly different from that which prevailed in the neighbouring territories where white commercial settlement on the land largely followed the South African model (Palmer, 1972). Sir Harry Johnson, the first governor (1891-1902), was

a pragmatist who - under pressure from the Treasury to make the protectorate self-sufficient once the subventions from the BSA Co ceased - largely looked to settler enterprise and the emergent coffee-growing economy to provide this. The missionaries, precociously influential following the role of Livingstone, looked to the promotion of small commercial African growers and the rapid production of a native intelligentsia and artisanry through their industrial mission schools to build the nation. Some chiefs while vigorously protesting the actions of their predecessors sought to maintain their rights to sell land, while villagers clamoured for restitution. Johnston's Settlement marked the first formal act of colonial land law: this confirmed the claims of those who had obtained concessions from traditional rulers - often exploiting fierce traditional rivalries (Stokes, 1966) - granting in the eyes of these claimants (subject later to much dispute and bargaining) freehold title. This comprised some 1.4m Ha, including the claim in north Nyasa of just over 1m Ha, the rest being smaller titles mainly in the Shire Highlands. The certificates of claim required that no African village, plantation or garden situated on land covered by the title should be disturbed. It was Johnston's intention only to allow tenure outside these original claimants on a leasehold basis, as he was a firm opponent of land speculation. No further provision was made for Africans, but those cultivating for subsistence purposes were confirmed in their holdings which were held to be on land vested in the state as Crown land, and Johnston sought to encourage willing and able individuals to buy or lease Crown land on an individual basis. The rest of the land being waste or unoccupied was also acquired on behalf of the Crown (Johnston, 1897; Hanna, 1956).

Sharpe (1903-1911), Johnston's successor, sought to reserve as Crown lands the parts required for African use, and to alienate land not required by them for commercial production. He aimed to promote smallscale African commercial producers in the cotton industry on the one hand (but was largely thwarted by the largescale growers who sought to prevent African access to non-food cash crops), and to promote white settlement on the other. A Land Ordinance (Native Locations) of 1904 was passed with the intention of securing protection for African tenants on alienated land, but this was to prove largely a dead letter, with the major influx of 'Anguru' migrants from the neighbouring Portuguese colony leading to the entrenchment of the *thangata* labour system (work in lieu of rent). Johnston's non-disturbance clause was now pushed aside. Sharpe submitted to pressure from would-be settlers to become leaseholders rather than outright purchasers, but introduced an 'option to purchase' clause into the lease which entitled the lessees to convert their tenure into freehold after the expiry of the first term of the lease on favourable terms. All in all, Sharpe alienated some 40,000 Ha to new and old settlers and - under pressure from the Foreign Office - a further 144,000 Ha to the BCA Co (successor to the BSA Co), which had undertaken to build a railway. About a third of this land was designated for the cotton-growing areas of the Shire, fairly densely occupied by small farmers. Sharpe faced major political difficulties in removing Africans from the land, and the final years of his incumbency were dominated by the political outfall of forced removals (Buell, 1928; Krishnamurthy, 1972).

Sharpe's successor, Manning (1911-1913), brought land policy back towards a more favourable stance towards Africans. He instituted cotton markets for small growers, securing a grant from the Colonial Office for this purpose. He took control of the blocks of land acquired for transmission to the BCA Co, compensated for by the British government, for redistribution to African smallholders. In an effort to secure a sufficiency of agricultural land for these, he proposed to stiffen the conditions for settlers by imposing a land tax, which provided that leaseholds would be given for short periods of 7, 14 or 21 years only at a reassessed rental of 5 per cent of the value of undeveloped agricultural land; that freehold of

not more than 100 Ha would be granted only in exceptional circumstances; and that the site of any existing African village, settlement, plantation or pasture land would be excluded from alienation and would be calculated at the rate of 3.2 Ha per hut. However the Colonial Office was opposed to the policy that the Shire Highlands be reserved for African occupation, and required that allowance be made for 99 year leases for slow-maturing products, and that rent be based on improvements rather than on the extent of unimproved land. Manning understood and sympathised with the scattered basis of African settlement, whereas the Colonial Office was allied with those interests who wished to move Africans into consolidated reserves and allow ample clear land for settler expansion.

On the eve of the great war, the Nyasaland protectorate had thus seen not only a substantial alienation of land, but the imposition of constantly changing rules affecting the status of villagers both living on the estate sector, and on as yet unalienated land. In addition to the insecurity of tenure caused by the predilection of landowners to evict Africans who did not pay rent and refused *thangata* terms, hut taxes had been imposed to promote the flow of both internally and externally demanded migrant labour. It was not without significance that settler opposition to the Native Tenants (Agreement) Ordinance debated in 1914 to try to ameliorate this highly unsatisfactory state of affairs was led by A.L. Bruce, director of the Bruce Estates (300 square miles in extent). The settlers succeeded in blocking the reforms; but the planter on the Bruce Estates (a lineal descendant of David Livingstone) ended with his head on a pole in the Chilembwe rising, where land grievances played a major role in fomenting discontent (Shepperson & Price, 1958). The Native Rents (Private Estates) Ordinance passed in 1917 explicitly sought to address these grievances, but only affected those who could demonstrate residence over the previous 20 years, and in any event preserved the landlord's right to demand a cash rent.

Customary Land Tenure: The Mid Colonial Period

The Land Commission of 1921 was the first of a number of boards of enquiry, which sought to provide some order in the tangled confusion of the status of settlers and small farmers in the Nyasaland protectorate. It recognised the abuses of the *thangata* system, and considered the possibility of a reserve system along the lines developing in South Africa and Southern Rhodesia. It preferred however to recommend the assignment of limited areas for white settlement, after the fullest provision had been made for Africans. The visit of the East Africa Lands Commission in 1924-5 tipped the scale back in favour of a quasi-reserve system, however, with the advocacy of a Native Lands Trust Board on the Kenyan model, where insecurity following land alienations to settlers was also growing. An ordinance for this purpose was enacted in 1927, and certain areas were gazetted as 'Crown lands for the settlement of Natives'. In 1928 the Natives on Private Estates Ordinance reinforced the *thangata* system. But the balance of interests represented by the Colonial Office, the Protectorate government, and settlers and missionaries was disturbed by the powerful voice of the missionary societies, inveighing against the reserve system. The wrangling continued until a solution was found (helped by the collapse of commodity prices during the depression), based on a tripartite system drawn from Nigerian and Tanganyikan precedence, rather than on the segregatory models of the south.

The Native Trust Land Order in Council of 1936 divided the territory into Crown Lands (limited to those acquired for strictly public purposes), Reserved Lands (townships, forest reserves, and land already alienated), and Native Trust Land, which included the vast bulk of what had previously been designated Crown land. Native Trust land was vested in the

secretary of state 'to be administered for the benefit of the native inhabitants'. However, taking the view that some development by commercial settlers was in the interests of small farmers, provision was made for some alienation after consultation with traditional authorities and subject to 99 year leasehold tenure.

The difficult question of villagers living on the alienated land remained. In the 1920s in the Shire Highlands up to half the local inhabitants resided on private estates, and with the demand for labour for tobacco cultivation, landlords preferred *thangata* to cash rents. In terms of the 1928 ordinance, tenants could only be evicted by the owner at intervals of five years and if alternative land was found. However the rising prices caused by the Second World War led to a rapid rise in eviction notices. The political tensions which followed, together with the altered vision of the future of colonies induced by the war, brought a new commission of enquiry into being, the Abrahams Commission of 1946.

Customary Land Tenure: The Late Colonial Period

The policy measures, which followed this commission, marked the formal end of the *thangata* system, and the ultimate triumph of Johnston's hopes for the predominance of African over settler interests. Central to the vision of the late colonial period was the construction of independent smallholders with registered title. The creation of a class of yeoman farmers, with secure but negotiable title to his land, was the avowed aim of postwar colonial policy. "It is government's aim to create a class of full-time professional farmers with sufficient land to provide a reasonable standard of living, and, as a corollary, gradually to squeeze the subsistence cultivator off the land into full-time alternative employment" argued the senior agricultural development officer of the day. The Master Farmer Scheme was at first a failure. Reintroduced with cash inducements it produced 282 first class farmers after 4 years, where the benefits were mainly seen to be the impact on neighbouring subsistence farmers. Accompanying this was the Village Lands Improvement Scheme aiming to introduce basic practices of crop rotation and fallowing. But opposition to the imposition of fines for contravening agricultural regulations rapidly became part of the general agitation against colonial rule, which considerably limited the impact of these schemes on customary tenure (Kettlewell, 1958).

With the wider settler hopes of amalgamating Nyasaland with the two Rhodesias into a new dominion being defeated, the new nationalism fed vigorously on the deep currents of unrest over the questions of access to land and conditions of tenure. Following Abrahams, the Africans on Private Estates Ordinance of 1952 extinguished claims arising from historic occupancy, and substituted the owner's consent. Residents were required to pay a standard rent, or two-thirds in lieu of work, but one third on behalf of unmarried women or plural wives. These terms led to widespread disturbances, actively supported and fanned by the Nysaland African Congress, leading to major land riots in the Thyolo district. Abrahams also recommended that land already under African occupation should be purchased by government and reserved for controlled settlement. This was adopted as policy, and in the closing years of the colonial period large areas of land were recovered from mission societies, estate companies and private individuals. The BSA Co withdrew from its vast land rights in north Nyasa in return for substitution by mineral rights. The final years of formal colonialism were marked by the shrinkage of formally alienated land to some 5 per cent of the territory, 70 per cent of which was concentrated in 11 large commercial estates.

The consequences of some sixty years of changing regulation for the bulk of the rural population were unfavourable. The colonial period saw a significant increase in population, and a diminution of land available for customary occupancy. This occupancy was in itself of a lower legal status than freehold, being on land defined essentially as public, and still capable of being alienated or rezoned by the state, which was to have major adverse consequences during the regime which followed. No systematic attempts were made to reform farming systems or to extend the benefits of non-food cash crops to smallscale growers. Even though the reserve system was avoided, nevertheless the thrust of much of the land policy was highly coloured by the desire to mobilise labour both within the colony, and for the labour-hungry neighbouring states. The combined consequences of customary inheritance and the treatment of villagers on alienated land as 'occupants' also gave rise to a substantial fragmentation of land holdings. While a number of schemes were instituted to consolidate these (81,000Ha by 1959) there was little impact on agricultural productivity (Nothale, 1986). The actions of the colonial state gave rise to much legitimate resentment by customary land holders; progressive policies in the closing years provided too little and came too late. It was the successor regime however which was to preside over their ultimate downfall.

The First Republic

It is perhaps not surprising that Dr Banda, despite his avowed nationalism, should essentially have continued the thrust of colonial land policy. His vision for Malawi was that of a modern economy based on labour intensive agricultural exports, notably tobacco, which was a highly profitable crop at this time. The smallholder sector should concentrate on its own food security, which meant maize. To this end a series of land acts were passed, which were essentially modelled on more recent British colonial experience, particularly in east Africa¹. The Malawi Customary Land (Development) Act 1967 established the means for adjudication of disputes over customary land, and for its 'conversion' for 'better agricultural development'; this was supplanted in 1971 by the Adjudication of Title Act (extending the machinery beyond customary land). The Malawi Registered Land Act 1967 created the legal means for the registration of title, and re-enacted the distinction between public and private land, with land under customary tenure being considered part of public land, and so subject to alienation. Local Land Boards were established. The Land Amendment Act established criteria for the privatisation of customary land, and vested its control in the head of state.

This legislation did attempt to secure customary rights through registration of title in a limited experimental area of Lilongwe West, but very little was done to implement this beyond granting title to an important political ally (Namaleza Kalumba, wife of Chief Kalumba, and leader of the Women's League of the MCP [Pachai, 1978]); or to extend the benefits beyond the project area. The intended reforms consequently remained a dead letter (Mkandawire, 1983; Mwakasungura 1986). Of much greater significance was the passage of the Special Crops Act (1968), which forbade the cultivation of cash crops on any holding of less than 12 Ha, and required that tobacco - then the easiest and most profitable crop - be cultivated on no more than 25 per cent of the holding. This forced smallholders out of most cash crops, and in 1974 Asians out of tobacco as well (Pachai, 1978).

Following the Land Acts of the late 1960s, the most striking feature affecting customary land was its shrinking size. This resulted from the conscious policy pursued by the Banda government of transferring land to the leasehold sector - i.e., owned by government, but leased out to private landlords. This was the primary resource underpinning the system of

patronage whereby Banda and the MCP consolidated their hold over the country, and it was exploited in full measure². By the end of the 1980s the amount transferred was in excess of 700,000 Ha. The engine apparently driving this process was the limitation of cash crops, mainly burley and flue-cured tobacco, to the private sector, and to landholdings in excess of 12 Ha, with the avowed intent of modernising agriculture and promoting exports. The beneficiaries were however largely members of the political elite, party functionaries, and a smattering of richer peasants (Kamchedzera, 1992; Mkandawire, 1992). Much of the land was sub-let to tenants at several times the rent which was payable to government (set at 1.5 per cent of the value of tobacco at average yields on 20 per cent of the gross arable component of the estate). The intention of promoting tobacco exports was however thwarted by the very low levels of utilisation of this land. Only some 8 per cent (permitted maximum 25 per cent), was under tobacco by the late 1980s, and the yield trend was downwards. The absence of investment and failure to innovate despite the lucrative nature of tobacco farming provided further evidence that essentially an indigenous *rentier* class was replacing the former settler farmers³. Once again it was the subsistence producers who were the losers.

Mchinji district (Central region) was fairly typical of an area targeted for land transfers with an eye on tobacco production. The average landholding size per household fell from 3 Ha in the mid 1960s to 2 Ha in 1980, to 1.5 Ha in 1988. The population growth rate of 3.2 per cent over the later decades of the 20th century obviously contributed to sub-division and fragmentation, and nationally Malawi was producing an additional 30,000 households pa to be absorbed in the rural sector. However, the political economy of land lay at the base of this: in Mchinji over 45 per cent of the district's land was transferred to leasehold estates during the period 1965-1988 (Harrigan, 2001). Generally, estate land was found to be under-utilised by 30 per cent (Green, 1996). This steady decline in land availability characterised the condition of customary landholders.

The condition of the small farm sector was further affected by a highly adverse regime of taxation (Chalira, 1993). Admarc (Agricultural Development & Marketing Corporation) was the major vehicle utilised to promote the estate-led agricultural export strategy, and it was granted a legal monopoly on all cotton and tobacco purchases at fixed prices. It also had the right to purchase all other produce grown on customary land, including the food staple, maize. During the 1970s Admarc pricing instruments were used to tax smallholder production, channelling benefits to the estate sector (Kydd & Christiansen 1982). The estate sector itself was largely untaxed. From 1981 to 1988 smallholder income terms of trade declined by 25 per cent, while those for estates increased by 44 per cent.

The arrival of structural adjustment did little to help smallholders. The World Bank sought to impose conditionalities in order to remove what it saw as 'distortions' in favour of maize. Banda at first over-ruled the Bank's attempts to promote export crops in the smallholder sector; he fixed prices biased towards maize production, with the stated aim of promoting food security in the customary sector, and leaving export earnings to the leasehold sector. The 1979-80 maize harvest failure led to the first maize imports since 1949-50. This triggered submission to structural adjustment conditionality. However, the gap between macro level policy and its impact at the micro level was a large one. Harrigan concludes that 'despite evidence of high own-price crop production elasticities, the technological, land and credit constraints which faced smallholders by the early 1980s were such that price increases alone, in the absence of complementary non-price policies were unlikely to elicit an aggregate supply response' (Harrigan, 2001).

The late 1980s saw catastrophic declines in maize production (to 59 per cent of that achieved in 1986/7). Partly this downturn resulted from the turbulent effect of the flood of Mozambique refugees, and of successive droughts. But the basic causes lay in the failure to implement any effective reforms, which could address the questions of declining land availability, fragmentation, and the degradation of soil fertility. Neither Banda's promotion of a new class of estate leaseholders at the expense of the land available to small farmers, nor the Bank's attempts to monetise production and introduce market efficiencies amounted to the deep and systematic reforms which were required. They indeed aggravated the position by massively increasing direct and indirect taxes, while removing subsidies and a measure of market access. By the early 1980s, 95 per cent of all arable land was utilised and over half of rural households had access to less than 1Ha (Annual Survey of Agriculture, 1984-85). Successive failures of the maize crop now became normal, over-shadowing various attempts at policy reform, which increasingly sought to deal with problems of governance, rather than market reform as such.

The sectoral adjustment period 1988-92 saw the end of Admarc's monopsony in smallholder markets, and its general restructuring, with the aim of ending agricultural dualism. The ASAC programme (Agricultural Sector Adjustment Credit) which in 1990 provided a \$170m facility recognised the key structural constraints of inadequate smallholder land due to two decades of the expropriation of customary land by estate producers, and finally brought about the scrapping of the 1952 Africans on Private Estates Act, and the 1968 Special Crops Act which had prevented smallholder production of high value crops such as tea and tobacco. The new emphasis on food security did not amount to a land reform package, but it did lead to more realistic policies for the smallholder sector. These included appropriate technological packages for maize, with increasing fertiliser use, and crop diversification, and a focus on poor smallholders and female-headed households. The transfer of customary land to estates, still ongoing, was finally halted - at least nominally - and taxes on this sector increased, with an immediate doubling and three-yearly revisions thereafter.

But with an irony that Harry Johnston might have appreciated 100 years before, these measures came to be introduced at a stage when smallholders had reached the limit of their capacity to grow cash crops while retaining land for food security purposes. There had been some apparent progress, with the agricultural sector growing by 5 per cent pa 1987-1994, except for the two bad drought years. There was an increasing adoption of a suitable flint maize hybrid, and the extension of tobacco, and private trading saw more cash flowing into the rural areas. But over the period 1980-94 agricultural GDP grew only at 1.6 per cent pa, while the population growth rate was double that.

Also the small producer was faced with a wide range of non-price non-land constraints: low income levels, seasonal labour shortages, inadequate access to fertiliser, credit and extension support limited to the top 25 per cent of semi-commercialised producers (the growing number of female-headed households were largely excluded); inappropriate and inadequate extension advice; inadequate markets; and poorly adapted maize varieties. HIV/AIDS was also beginning to make an impact on household demographic profiles.

The severe drought of 1992 - the worst in a century - with a 40 per cent decline in the maize harvest, a doubling of inflation, the major costs of maize imports and the drawdown of strategic reserves, brought what painfully earned economic gains ASAC and other adjustments had brought about over the previous 4 years to an abrupt halt. The external political environment was also changing. The shift towards a concern with human rights and

a declining tolerance of African dictators led in May 1992 to a suspension of international aid to Malawi by the World Bank Donor Consultative Group. In 1994 with multi-party elections and the signing of the Mozambican peace treaty, a new era was possible.

The Second Republic

Coming to power as it did on a wave of rural unrest over land issues, the UDF government took early steps to acknowledge the basis of its political platform. The run up to the multi-party elections in 1994 had seen groups of militant squatters in the southern region squatting on land, and demanding immediate action. A presidential commission was established to review the whole question of land policy: naturally this was a highly sensitive issue, as the interests of the official class and those of small farmers were hardly compatible, and political parties at the dawn of the multi-party era were far more top-down than they were bottom-up (Cross & Kutengule, 2001). However the UDF government did take the important immediate step of completely liberalising the cultivation and marketing of burley tobacco, and introducing free primary education.

The emergence of a poverty focus led to the Growth Through Poverty Reduction strategy, which entailed the expansion of employment opportunities, the enhancement of small smallholder productivity, and a range of welfare and social services. Liberalisation and favourable weather saw a high response from the smallholder sector. In 1995 and 1996 growth exceeded 40 per cent annually, largely driven by tobacco, with the smallholder sector showing a sevenfold increase in its production over a 3 year period (20 per cent of national production).

But the structural problems over land access were such that this growth spurt was the probable final swan song of the class of smallscale agriculturalists capable of both providing for their domestic food security, while also growing a sufficiency of cash crops on a sustainable basis to secure their livelihoods. The Customary Land Use Survey undertaken in 1994/5 as part of the presidential land commission revealed a devastating picture (cf. Table 1 and Legend, from Green, 1996). This was based on 6 ADDs in the centre (Kasungu, Lilongwe and Salima) and south (Machinga, Blantyre, Shire Valley), and 2 in the north (Karonga, Mzuzu). Overall, of the 157,000Ha surveyed, it was found that only 63.3 per cent was suitable for agriculture, and only 39.8 per cent was actually cropped under the predominant rainfed system (the only other system of cultivation of any significance was *dimba* at 1.5 per cent). The availability of woodlands is also shown to be highly constrained: while the overall average of 19 per cent appears not unfavourable, this is distorted by the much greater availability in the north. For the densely populated centre and south, woodland is only 11.5 per cent. Fallow land is under 2 per cent in the key smallholder areas of Blantyre and Shire Valley (Machinga and Kasungu, where leasehold transfers were the greatest, show fallowed land at 9.3 per cent and 14.8 per cent respectively - even in the least densely settled north, it was 2 to 4 per cent).

Given these fundamentally adverse circumstances, reformist macro policies aimed at market liberalisation alone were clearly insufficient. While poverty alleviation was placed at the centre of development policies, the World Bank in the mid 1990s also surprisingly reverted to its previous neo-classical policies in the agricultural sector, insisting on a complete subsidy removal together with export crop promotion and food imports. This only made sense if it was to be combined with radical policies favouring land distribution, which the political economy of patrimonialism was hardly disposed to allow. In 1996-97 fertiliser subsidies were removed and the Kwacha devalued, causing input prices to soar. This led to a sharp decline in

the profitability of the maize crop and a consequent collapse of the smallholder economy. The Starter Pack programme for 1998-99 reintroduced untargeted subsidies for all smallholders for 0.1 Ha of staple foods, but this was little more than a welfare measure. Meanwhile, low levels of land utilisation and productivity in the leasehold sector, with negative growth in 1998 and 1999 and a labour cost push, had caused many tenants to sell to intermediate buyers, swelling the ranks of the landless. By 2001, the marginalisation of smallholder agriculture was complete, and in the absence of an immediate and drastic redistribution of land, widespread starvation the immediate prospect.

Table 1: Customary land use survey: 8 Agricultural Development Divisions, 1994/5

ADD	s		LAND USE CATEGORIES														TOTAL
	1	2	A	B	C	D	FA	EG	EF	ED	FR	GW	GR	M	R/W	Z	
Karonga																	
Ha '000	11.3	8.7	3.6	0.6	0.2	0.0	0.8	0.1	0.8	0.1	0.0	5.3	8.2	0.1	0.0	0.2	20.0
%	56.5	43.5	17.8	2.9	1.1	0.2	3.9	0.7	3.8	0.5	0.1	26.3	41.0	0.7	0.2	0.9	
Mzuzu																	
Ha	16.0	15.1	3.3	0.1	0.1	0.0	0.6	1.2	0.9	0.9	0.0	12.8	10.8	0.0	0.0	0.3	31.1
%	51.5	48.5	10.6	0.4	0.2	0.0	2.0	3.7	3.0	3.0	0.1	41.3	34.8	0.0	0.0	0.9	
Kasungu																	
Ha	20.3	7.8	12.2	0.0	0.6	0.0	4.2	0.9	0.1	1.3	0.0	1.9	5.7	0.2	0.0	1.0	28.1
%	72.3	27.7	43.6	0.0	2.2	0.0	14.8	3.3	0.3	4.5	0.0	6.8	20.4	0.6	0.0	3.4	
Lilongwe																	
Ha	14.4	5.9	13.5	0.0	0.6	0.0	0.7	0.4	0.0	2.2	0.0	0.2	1.4	0.0	0.2	0.9	20.2
%	71.0	29.0	66.9	0.0	3.0	0.0	3.7	1.8	0.0	11.0	0.2	0.9	7.1	0.0	1.2	4.3	
Salima																	
Ha	8.8	4.7	7.0	0.4	0.0	0.0	0.7	0.0	0.1	1.3	0.0	1.8	1.0	0.0	0.2	0.8	13.5
%	65.1	34.9	52.4	3.0	0.1	0.0	5.5	0.2	1.1	9.6	0.0	13.0	7.7	0.3	1.5	5.8	
Machinga																	
Ha	16.3	4.5	10.6	0.1	0.4	0.0	1.9	0.2	0.0	0.1	0.0	4.9	0.9	0.0	0.1	1.5	20.8
%	78.3	21.7	51.0	0.5	1.8	0.0	9.3	1.2	0.1	0.5	0.0	23.6	4.4	0.0	0.6	7.1	
Blantyre																	
Ha	6.8	6.4	7.8	0.0	0.2	0.0	0.1	0.8	0.3	0.0	0.0	1.4	1.5	0.0	0.0	1.1	13.1
%	51.5	48.5	59.6	0.0	1.1	0.0	1.0	6.0	2.1	0.0	0.0	10.7	11.1	0.1	0.0	8.3	
Shire Val.																	
Ha	5.5	4.5	4.3	0.0	0.3	0.0	0.1	2.6	0.1	0.0	0.0	2.0	0.1	0.0	0.0	0.4	10.0
%	55.1	44.9	43.0	0.0	3.4	0.3	1.2	25.7	0.8	0.3	0.0	19.9	1.4	0.0	0.0	4.1	
TOTAL																	
Ha	99.4	57.5	62.5	1.2	2.4	0.1	9.2	6.2	2.3	5.9	0.1	30.3	29.8	0.4	0.6	6.0	156.9
%	63.3	36.7	39.8	0.8	1.5	0.0	5.9	4.0	1.5	3.8	0.0	19.3	19.0	0.2	0.4	3.9	

Legend for Table 1: Customary Land Use Survey, 1994/5

LAND SUITABILITY	
1	land suitable or moderately suitable for rainfed agriculture
2	land unsuitable for rainfed agriculture
PRESENT LAND USE	
Cultivated Land	
A	rainfed cultivation: land cropped in the 1994/95 cropping season
B	wetland cultivation: rice grown under naturally flooded conditions 1994/5
C	<i>dimba</i> cultivation, any crop
D	irrigated cultivation, on controlled schemes
FA	the above land under fallow conditions (clear field patterns discernable, but crops not grown for one or more seasons. After about three seasons under fallow, this land would be classified as EG, EB, or GR).
Grassland	
EG	dry grassland or scrub (usually secondary)
EF	seasonally wet grassland of floodplains and lake margins
ED	seasonally wet grasslands associated with upland drainage systems (<i>dambos</i>)
Plantation Forests	
FR	forest plantations of mainly exotic species
Natural Forest and Woodland	
GW	woodlands, woodland and tree savannas and thickets
GR	recent regrowth of undifferentiated woody vegetation
Marshes	
M	marshes, reed and sedge communities
Uncultivable	
R/W	bare or sparsely vegetated rock outcrops, open water (lakes, ponds, rivers)
Z	built-up areas: towns, villages, significant buildings

LADDER Village Development Studies: Land Access, Quality and Tenure

Between June and September 2001 the LADDER research team conducted 8 Village Development Surveys in the Dedza (Kanyezi, Lumwira, Kunsinja, Phumula, Mpango, Chiwamba) and Zomba (Sauka, Katanda) districts. These provide a detailed insight into the condition of household livelihoods within the customary landholding sector, revealing in specific and fine-grained terms the conditions of land access and tenure, access to state and non-state services, and the capacity to support local revenue-raising activities.

Table 2 summarises some of the major findings. It is likely that household sizes are something of an under-estimate (figures for Phumula and Kunsinja are questionable, others are stated as estimates only) and other contemporary sources suggest 7-8 might be more accurate (e.g. OXFAM, 2001). Problems of household definition in a context of absences for *ganyu* labour and rapid breakups reflecting the high levels of vulnerability make this a difficult issue. But even taking the low average of 5.7, it is clear that survival from agricultural production alone on land available to the bottom 75 per cent of between 0.3-0.8 Ha/household is not possible. Even the top 25 per cent are unlikely to have as much as 2Ha, while in a poor village such as Kunsinja the 'better-off' are in a state bordering on indigence. In Lumwira, even the top stratum depends on seasonal *ganyu*. Only the Zomba villages with their fish/rice/lakeshore *dimba* farming systems appear to have some adequacy in land resources with the intensity, which these systems allow; in all other villages land is absolutely scarce.

This has several consequences. The very poor with some land are likely to rent out to others better placed to farm, at annual rates equivalent to MK1700-2500, sufficient for bare survival (MK500/month - the safety net public works wage rate - covers bare necessities) for 2 to 4 months. *Ganyu* labour for food (mainly, also called *msuma*) or cash (where it is available), *ndiwo* (gathering non-cultivated edible plants) and *kukunkha* (gleaning) are the main strategies, where access to a public relief programme is not available. In Kanyezi seasonal outmigration by the young (17-30) for *ganyu* was a significant strategy, with little or no remittances back to the village. At Chiwamba, local land availability has declined to the extent that the once common practice of shifting cultivation is no longer possible, with villagers fragmenting their holdings and establishing small gardens on steep and rocky ground, and also some distance away on the borders of the Malialinazo Forest Reserve. The entrepreneurial landless must migrate to make a living.

The increase in *obwera* farmers (land hungry inward migrants, strangers) has also altered traditional tenurial relationships. Land pressure, and new opportunities for cash crops, have caused a shift in the nature of the traditional gifts given to TAs by *obwera* to those of exploitative rents. In Katanda and Sauka, the *ndunas* allocate land for rice and maize cultivation to migrant fishermen in exchange for cash payments, and a 50Kg share of the harvest. The bargaining power over land of women in this matrilineal society has consequently been significantly diminished. Land is only rented to outsiders at Phumula, although loans of land within the village have been noted. Here fragmentation of land allocated by clan heads amongst households is a common response. Sauka on the shores of Lake Chilwa - largely populated by *obwera* - is not fully recognised by the local authorities, and hence are seen not to deserve the same attention to development as the more settled residents of the hinterland.

Table 2: Village development studies

VILLAGE NAME	H/HOLDS		STRATIFICATION %			FARMING SYSTEM	LAND avge Ha/Hh			MAJOR CONSTRAINTS	OPPORTUNITIES
	No.	Size	Poor	Med	Rich	Poor	Med	Rich			
Lumwira (Dedza)	300	5	45	36	19	hillside maize dambo veg small irrig	0.6	1.6	2	acute land shortage poor rent land at K1700-2500/Ha labour concentrated on low yield maize poor water, waterborn diseases lack of capital	Access to Care Intl credit at 100 per cent interest
Sauka (Zomba)	66	5 est	43	30	27	fishing fish trading fish workers rice other crops poultry dambo grazing				brack water except one well withdrawal of MRFC no formal recognition of village status no agric or veterinary extension high rentals for obwera rice farmers CB fish management distorted by graft arable areas flood prone Wood fuel scarcity High HIV/AIDS impact from migrants	primary school, clinics fisheries extension access to larger markets MASAF infrastructure support multiple livelihood sources
Kunsinja (Dedza)	172	12 ?				maize gdambo veg potato	0.1	0.1	0.3	Closure of local ADMARC; alt 15km High level female-headed HH fragmentation of landholdings land shortage over last 10 yrs declining soil fertility maize pests Highly differentiated, conflictual High levels of theft, physical insecurity Deteriorating access to credit	MASAF borehole Concern Universal highly ranked renting out land at K1750-2500/Ha
Mpango (Dedza)	1800	5	46	28	26	maize mixed vegetables potatoes, beans paprika	0.4	1.2	1.6	Poor market access Unsafe water, poor sanitation Farmers World credit unaffordable no unused land available pests and diseases	perennial stream Churches and primary school community-managed forest reserve

VILLAGE NAME	H/HOLDS		STRATIFICATION %			FARMING SYSTEM	LAND avge Ha/Hh			4fold increase in fertiliser price since 95	MAJOR CONSTRAINTS	OPPORTUNITIES
	No.	Size	Poor	Med	Rich		Poor	Med	Rich			
Phumula (Dedza)	199	2.4	44	28	27	maize cassava, sw pot g'nuts, banana sugarcane forest products	0.3	0.6	1.2	population emigration, little immigration unprotected shallow wells few field assistant visits CBNRM counter productive	school feeding scheme dam forest reserve land loans, no rentals	
Katanda (Zomba)	2500	5 est	48	36	16	rice, fish <i>damba</i> fish trading	0.7 0.1	1 0.5	1.5 1.6	wet season market access localised seasonal flooding weakening bargaining power of women heavy rentals for migrants no access to credit for fertiliser declining staple food yields high levels of corruption in administration declining fish yields Newcastle, foot-and-mouth diseases depletion of forest resources declining formal employment exorbitant interest rates	multiple activities possible multiple farming systems Chinese Agricultural Scheme informal employment in fishing new cash crops (watermelon)	
Chiwamba (Dedza)	200	5.1	40	32	28	mixed veg maize, potato paprika livestock	0.2	0.6	1.4	poor water access polygamous households land scarcity, fragmentation Crop and livestock thefts soil erosion, fertility loss farm inputs unaffordable	road improvement (Care) locally protected forest resource isolation inhibits stock thefts	
Kanyezi (Dedza)	900	6.6				maize mixed veg tobacco	0	0.4	2	poor road access no agric, vet extension lack of info linked to poor prices	six good boreholes progressive church organisations health centre	

						paprika, potato				soil infertility, declining manure cattle rustling, no dipping service	Concern Universal active
AVERAG	767	5.7	44.3	31.7	23.8		0.3	0.8	1.5		

Also commonly reported were modifications in the traditional *chikwamwini* (matrilocal) system as a consequence of land scarcity: *chitengwa* (patrilocal) practices (e.g. Mpango) are on the increase. An interesting development at Lumwira is that more sons than daughters are being given land by their mothers, as opposed to the traditional practice of men accessing land upon marriage from the wife's parents. This runs alongside a significant rise in the number of female-headed households (usually remnant households) which are amongst the poorest in the village, and may comprise up to 20-30 per cent of all households.

A structural change in village relationships is emerging as a consequence. The commoditisation of land and the absolute constraint on its availability is transforming the social network of relationships which has traditionally enabled people to cope. At Katanda it was noted that households would rather devote their activities to selling produce and engaging in wealth-generating activities than to supporting family ties, especially when times were hard. The better-off are expanding their holdings through renting from the poor, and utilising their capacity to accumulate sufficient wealth to invest in fertiliser, livestock, intermediate agricultural implements, and/or to diversify into small non-farm entrepreneurial enterprise. (Even so, 'better-off' is a relative term, and this group hardly deploys significant wealth). Theft and physical insecurity are widespread, and again impinge most heavily on those most reliant on their non-economic assets.

The barrier to cattle ownership - a traditional means of escaping from poverty - appears now to be unsurmountable. In Lumwira, cattle owners are usually returning migrant men from the South African mines (a door now closed). The cost of a cow is beyond the reach of someone dependent on smallscale agricultural commodity production. Theft of livestock is commonly reported, further evidence of the rise in social anomie. While those villages on the Mozambican border attribute the onset of this to the inflooding of refugees, the problem is in fact widespread; the isolated mainly Yao (muslim) village of Chiwamba is the only village not to report endemic problems of livestock theft. The response of establishing village crime prevention committees (*inkatha*) has had mixed successes (Table 3).

The recourse to gathering in woodlands for fuelwood and poles is also a source of conflictual relationships between locals and outsiders who compete to deplete the same resource. In Lumwira this power struggle was said to be the primary cause of the unmanageability of the over-utilisation of the forest. This even took place in private (*tsala*) mature woodlands. A similar struggle is reported at Chiwamba, where there are significantly different outcomes in terms of sustainability between well maintained resources under local customary authority, and heavy depletion under the state. There is a widespread and growing resentment amongst villagers over the suspicious ease whereby the better off were able to get certificates and buy forest products from forestry authorities.

The impact of HIV/AIDS is widely noted, converging with malnutrition, the rise in the number of orphans and the displacement effects of the caring required to deplete further the stock of social capital to which households have access. These findings strongly confirm those of a national study on safety net transfers, which concluded that 'community social security informal transfer networks are weak at best and non-existent for some' (Adams, 2001). Some 30 per cent of households at Kunsinja are female-headed, largely as a consequence of AIDS deaths. These have little recourse to a wider social network: renting out their land is their main strategy, such that there is the combination here of idle plots and starvation.

Service Access: State and non-State

Table 3 reveals in stark form the general disregard in which state services are held. The key supporting agencies (agricultural and veterinary extension, department of fisheries, Admarc) for these primarily agricultural and fishing communities are rated not only the least helpful but in many instances are viewed as part of the problem - corrupt, conniving with theft, and in league with the richer and more powerful to extract exploitative rents and fees. For arable farming, the intensification of production on constantly degrading land has made the problem of crop diseases and pests significantly worse. This is rated alongside the high cost or physical unavailability of inorganic fertiliser as one of the major constraints on agriculture - and the absence of state services to assist in countering these is a cause of vocal criticism. Livestock rearing, large and small, is likewise unsupported. Poultry rearing as a mainstay for households at Kunsinja has been destroyed by Newcastle disease, and cattle-raising wiped out by foot-and-mouth. In those villages still with cattle, veterinary officials are likely to be accused of being hand in glove with stock thieves and are chased away (e.g. Kanyezi). Cattle-rearing is one of the most profitable of activities, but it faces high entry costs, and high risks, to which physical insecurity has now been added. In some cases villagers not only had to pay dipping fees, but also purchase the chemicals. Cattle are stockaded within the compound at night. Forestry patrol officers are accused of promoting depletion by making illegal sales from woodlands under their control (Chiwamba), accepting bribes, and generally failing to make follow up visits to plantations.

In several cases (Lumwira, Sauka, Mpango, Phumula, Chiwamba) poor water access owing to failed boreholes and broken pumps is a primary cause of disease and labour displacement for women. At Lumwira villagers complained that the Water Department asked the community to bear all the costs of repair, and pay their officials daily service allowances, which was beyond their means. Dissatisfaction with the Village Beach Committee at Sauka was high, with residents accusing its members of illegally taxing fishermen and colluding with fisheries officials to confiscate gear from those who refused to pay gratifications. The agricultural officer at Kunsinja was charged with visiting only when he was paid additionally by the local NGO.

There are some isolated examples of assistance, such as the extension support to Irish potato growers in the Dedza district, fishing advice and new technology at Sauka. The paucity of follow-up visits by extension services was generally remarked, however.

Table 3: Perceived utility of local institutions

Institution	(4)								Average Rank
	L'wira	Sauka	K'sinja	Mpango	P'mula	Katanda	Chiwamba	Kanyezi	
Village Headman	1 fair		1	3	1	2	1	3	1.7
Trad Birth Attendants					2				2.0
Concern Universal			3					1	2.0
Lutheran Church								2	2.0
Primary School	2		2	2	4	5	4		3.2
Church Groups	8		4	1	6	9	2		5.0
Village Health Cttee					5	8		4	5.7
Secondary School			7						7.0
Roads Authority					7				7.0
Catholic Comm (P&J)					8				8.0
District Assembly							8		8.0
Health Clinic	4 weak			5	9	1	23		8.4
Burial Society	7		12	11		6	6		8.4
School Cttee	weak		11	6			12	5	8.5
Canals/Flood Cttee	14					3			8.5
Headman's Council	6				12		9		9.0
Adult Literacy Classes	9								9.0
Health Assistants	3		9	4	18	10	11		9.2
Care International	5			8			15		9.3
MASAF	good		6		14			8	9.3
Borehole/Water Cttee			8			4	13	12	9.3
<i>Gule Wankulu</i> (1)	10			9			3	16	9.5
Crime Prevention Cttee	16			15	3	7		7	9.6
Sports Cttee							10		10.0
Rural Finance Co	average							10	10.0
Home Care Group					11				11.0
PAMA (6)				12					12.0
APIP (7)					15			9	12.0
<i>Namkungwe</i> (2)	11		10			15	14		12.5
<i>Katapila</i> Credit (5)			5				18	15	12.7
Trad Dance Societies				13		13			13.0
Development Cttee					13				13.0
CBNRM Cttee				7	21	12			13.3
Ward Councillor			13	17	10	11	16		13.4
Market Cttee	13							14	13.5
Beach Village Cttee	bad					14			14.0
Agr Ext Services	18				19			6	14.3
<i>Sing'anga</i> (3)	12		14	16	20		17		15.8
Political Party/MP	17 weak			16		17	19	13	16.4
Admarc	19 weak						20	11	16.7
CatholiCADECOM					17				17.0
Vet Ext Services	15					16	21		17.3
Farmers Credit Club				14			22		18.0
Fisheries Dept	bad								

NOTES

1 Informal education, males

2 Informal education, females

3 Traditional healer (aka *Amzimu*)

4 Qualitatively ranked: assessed weightings - good/fair/average/weak/bad

5 Informal credit union for maize production

6 Paprika Association of Malawi

7 Agricultural Productivity Investment Programme (credit provision)

The comments on Admarc are of interest. General dissatisfaction was expressed regarding the lateness and inefficiency of their operation, the propensity to run out of cash in the middle of the buying season, the failure to advise on their buying strategy, and generally low prices. But there was also some nostalgia for the old days, when prices at least were stable, inputs supplied and purchases guaranteed. The failure to replace this administered marketing system, whatever its role in extracting taxes from small producers, by efficient and competitive local markets was one of the major criticisms expressed against liberalisation.

The exceptions to these perceptions of state services are notably primary schools, and also clinics. (A number of the latter result however from non-state initiatives) At Lumwira villagers prefer to use the fee-charging mission clinic to the local government health centre, which frequently runs out of drugs and where personnel are accused of favouring patients who pay bribes (the same accusations are made at Chiwamba). A general criticism of health and education services were the hidden charges to supposedly free services, in the form of requirements to pay for patient books, drugs, school uniforms and notebooks.

Community-based initiatives such as committees for Natural Resource Management, Crime Prevention, Development, Health, Flood Control, and Water had a mixed assessment: where they had succeeded in solving a local problem they were well rated, but on the whole performances appeared intermittent and lacking in cohesiveness. Traditional figures and roles such as healers and social induction groups were also not highly rated, with the exception of burial societies. These however were much more warmly regarded than were MPs, Ward Councillors and political parties, generally seen to be completely unhelpful. The District Assembly only received a single mention. The only authority figure of any importance - and rated as clearly the highest ranking across the 8 studies - is the village headman (with the exception of Sauka, where the special circumstances of its *obwera* make-up explain this). This suggests that despite the breakdown of social cohesion and the insufficiency of community-based initiatives there is nevertheless a deep social conservatism and encapsulation within local culture, and its status hierarchies.

Perhaps the most striking feature revealed by the utility ranking of institutions however is the high regard in which a number of non-governmental institutions are held. The development NGO Concern Universal even displaced the village headman at Kanyezi, and it is clear that this valuation was based upon the effectiveness of its delivery of agricultural extension services and credit. CARE International was also generally well rated, but criticised for its expensive (100 per cent) credit charges, small scale and targeting which was missing the really indigent. MASAF was generally well rated.

Church groups were also valued, for their contributions to school and clinic development as well as for the more traditional welfare and spiritual services. Of particular interest are the findings at Chiwamba, predominantly a Yao community, where the mosque is at the centre of a community welfare strategy whereby alms are given to the poor (although even here it is noted that there has been a recent decline). A review of status rankings indicates the high value and ongoing functionality of traditional institutions. Woodlands under the control of the headman are hardly degraded whereas those under the state are noticeably so - with the suggestion that these differences are the consequence in part of a power struggle between the forestry department and customary authority within the village. It is interesting to note that as a polygamous village, Chiwamba has a notably low number of female-headed households (8 per cent); despite the poverty which is driving the community to farm on increasingly

marginal and unsuitable land, social cohesion remains strong and community-based management appears to be effective.

Generally a picture emerges then of official institutions which have not only failed to perform sectoral functions, but which are seen by villagers to be part of the adverse world of gouging and exploitation which deregulation has brought into being. Traditional institutions have by and large been unable to make up the gap, and it is a small handful of NGOs and semi-parastatals, which provide some sparse and intermittent cover.

The LVLRs in Dedza district overlapped villages falling within the Dedza Sustainable Livelihoods Project (DSLPL), implemented here by Concern Universal (CU). The DSLPL was recently subjected to an independent evaluation, and it is interesting to compare these findings with the views that have emerged from the village studies (Feldman, 2002). Generally, the activities of CU were confirmed as having made a beneficial impact. High on the list of reasons for success was the fact that CU was bringing in agricultural and livestock extension which were sorely needed, and effectively linking producers with national markets. It provided a window of opportunity for innovation. 'The establishing of community-level grassroots organisations to sustain technological change and social investments has been a major project achievement'. However the degree of stratification encountered meant that despite CU's attempts to target the poorest, the benefits 'continue to disproportionately accrue to the more prosperous'. Criticisms were also leveled for an overly wide range of sub-projects, over reliance on PRAs and insufficient diagnostic research on local farming systems, a low IRR, and a neglect of HIV/AIDS issues. But the evaluation concluded that 'a useful start has been made by initiating community organisations, by providing appropriate training, by promoting a wide range of agricultural improvements and by implementing important social infrastructural investments'.

A significant point relating to the structuring of CU in relation to local government is made. Designed as a 'stand-alone' project, it was decided not to have a project steering committee, or other formal linkages. One consequence has been that while CU has 'encouraged empowerment to demand and control development services...Problems remain because the parallel DSLPL structure of PVCs (project village committees) can compete with and undermine the materially weaker but legally identified VDCs' (village development committees, the remnant structures of an earlier politico-administrative approach). CU has clearly been effective in fulfilling what might be considered as the functions of a number of line ministries, with the added element of focus on community empowerment. A further degree of formalisation of a public-private partnership at a number of levels might allow it to perform even more effectively.

This consideration is born out by several other studies reviewing the inter-relationship between the promotion of livelihoods and social welfare initiatives. A study in Mulanje concluded that informal social networks, the extended family and formal support via community-based institutions such as the church are 'ad hoc and unreliable' (OXFAM, 2001). A review of the operation of a number of safety net providers (MASAF, Targeted Inputs, Targeted Nutrition, Integrated Food Security, Central Region Infrastructure Maintenance, Public Works) confirmed this decline. Here it was concluded that 'the overriding picture is that beneficiaries seek security of livelihoods rather than short-term social protection transfers', and that the inherent limitations of the programmes were often a result of deficiencies in administrative systems and/or institutional capacity (Adams, 2001).

Credit Access and Revenue-raising Capacity

A primary cause in the deepening socio-economic stratification noted in every village study was the inaccessibility of credit to all but a very few households, and its high cost.

At Sauka the Malawi Rural Finance Credit Co (MRFC) was welcomed for providing farm loans, assistance to female traders, and training, but it ceased to operate after 2 years, claiming a high default rate. It is clear that constantly changing rules and target groups was a primary cause for the default rate. A similar tale was recounted at Kunsinja. The Farmers World Credit Club and various Self-Help schemes also came and went rapidly to the wall, with membership charges and high interest rates making them unaffordable. The Katapila credit scheme (loans to small maize farmers) was the subject of heated debate at Kunsinja, being welcomed by women who saw it as a lifeline and criticised for its 200 per cent interest rates by men. Chiwamba and Kanyezi villagers also saw little of merit in Katapila.

The inability to access affordable loans locks the poor into a cycle of low productivity, inability to diversify, increasing risk of disease and malnutrition, and depletion of all forms of physical and social resources. At Lumwira it was noted that even access to a handcart may mean the difference between survival and penury.

Second in vociferousness to credit worries were complaints over the ubiquity and unaffordability of fees, licences, and informal payment expectations. In Lumwira, the direct effects of decentralisation were seen as the major problem: the DA had imposed fees on every single crop or livestock item brought to market, and every round of home-brewed beer, with the effect that the poor who depend on marketing the very small surpluses from their range of risk-minimising food crops and home crafts were pushed out of trade. Fisherfolk at Katanda complained of the 'daylight robbery' of requirements to give the village headman a basin of fish each Wednesday and Saturday market, plus a cash payment for a premise at the market, in addition to cash access payments and levies to the DA, the Village Beach Committee, and *Inkatha*. All payments are unreceipted. Access to state woodlands were possible to the rich through illegal payments.

The collapse of the Admarc marketing structure has led to the emergence of intermediate buyers, who have attracted considerable resentment. Food insecure households remote from produce markets, or with difficult wet season access, are captive consumers. They accuse traders of extracting monopoly profits, cheating on measurements, and taking advantage of illiterate and poorly informed producers. Small farmers at Kanyezi complained that the deregulation of the produce market had in essence caused its disintegration. (A further complaint against produce markets is that they are increasingly stocked with cheap manufactured goods, second-hand clothing, bottled drinks and processed snack food, rather than handicrafts and home produce, and as such contribute more to the urban than the rural economy). Farmers at Chiwamba were introduced to paprika as a new cash crop, but the intermediate buyers looked elsewhere and sales were only possible at the distant Kanyama Extension Planning Area centre, where membership fees, numerous trips and constant demands for payments rendered the crop uneconomic.

Monetisation has also invaded the traditional exchanges of symbolic gifts, which underpin social networks and status hierarchies. Village headmen and lineage heads with allocative rights extract heavy cash and crop share requirements from producers of the major cash crops (rice, Irish potatoes). The *chidziwitso* custom whereby village notables take a gratification

bucket from home-brewed beer is also constraining the profitability of this traditional means of coping by the poor.

One may draw several conclusions from these circumstances. The first is that there is very little cash wealth circulating in the villages, yet with the decline of traditional forms of social security, cash is a prerequisite for survival. There has been a sharp decline over the past 5 years in the capacity of the agricultural base to generate this income. There has been considerable diversification - much of it into renting out the small plots and labour resources of the poor - with some palliative effect, but overall livelihood conditions have worsened. But the barriers to access to higher forms of agrarian production or diversification into non-farm enterprise are high, and for many insurmountable. The localisation of demand for fees has made a large contribution to this state of affairs, while the theoretical benefits of deregulation and local revenue-raising have failed to materialise. There is indeed a seamless web connecting officially sanctioned revenue-raising through licences, illegal payments made to state and non-state gatekeepers for access to scarce resources, and the monetisation of reciprocity within traditional culture.

This state of affairs poses a major challenge for fiscal decentralisation, which is a central pillar of the effective implementation of the Local Government Act of 1998. This legislation introduced two major changes to the structure of revenue raising, namely the shifting of the power to licence from central to local government, and the grant of powers to DAs to raise further revenues from property rates, ground rents, and a variety of fees and service charges. The Schroeder report (GOM, 1998) considered that there was considerable potential for local revenue raising, especially from business licences and property rates. The Nkhata Bay field exercise which informed the final report to government on local revenue mobilisation appears to have confirmed this, identifying 721 businesses and 471 properties which could respectively raise MK1.1m and MK6.3m (at 0.5 per cent of assessed value) annually (Kelly & Montes, 2001).

This potential should however be questioned. It is not clear from the report to what extent the survey was confined to the small towns and trading nodes of the district, but the assumption must be that this was the case. The proposal for a Single Business Permit (SBP) covering all trades and occupations and differentiated by type and size is a sensible one - what is not clear is how far down the chain of informality of petty hawking and value-added services this would extend to in the deeper rural areas. To what extent would this displace or simply add to the stock of monetised access gateways identified in the LADDER studies? In what ways could SBP payments be regularised and made to flow to the public account as opposed to the neo-patrimonial beneficiaries who in practice are likely to control the system?

The property taxes pose even greater problems. While licence fees may be payable from the cash flow generated by the business, the current state of agricultural production suggests that the vast majority of smallholders would be unable to generate a cash surplus from their land where the costs of collection would in any way be justified by the receipts. The enforcement tools which are considered (tax liens, clearance certificates, cancellation of title, foreclosure, seizures and auctions) appear mainly to be feasible for certain urban properties. Tax liens however might be appropriate for under-performing larger rural estates. These are strongly recommended because they are less drastic than seizure, and prevent sale, transfer or use as collateral until the debt is cleared. As such this might be a useful instrument to promote effective utilisation and/or the freeing up of land for redistribution from the leasehold sector.

The current recommendations (Table 4) on the implementation of fiscal decentralisation face deep-seated structural constraints, which the Report does to some extent acknowledge in its call for training and skills development. Local revenue collection rates are extremely low (20-50 per cent), with no political will to enforce them. Tax registers are largely incomplete and out of date, and much basic property information - certainly for the rural areas - is not captured in a utilisable form. The role of the state in arrogating large amounts of land to itself has meant that there is little if any market data on its value. To provide an effective informational base on business licences and properties will require the services of a very large cadre of skilled professions in an intensive administrative exercise. The information base will need regular updating and management.

A local fiscal system as currently proposed is in other words way beyond the viability of the current DAs. The expectation that in a crash programme of a few years' duration they will be able to deploy a range of skilled professionals in extent and depth through a chain of activities from property valuation through to information management, dispute settlement and enforcement is hardly realistic. There is also the question of the political system within which local bureaucracy operates. Current recommendations are based implicitly on the legal-rational model of bureaucratic behaviour, and adopt the stance that the massive capacity gap is a matter for solution by pouring in training, and admonitions on the maintenance of standards of probity.

Table 4: Recommendations on Fiscal Decentralisation

Local Licensing

- Transfer business licence revenue to the DAs immediately
- Introduce single business permits to cover all occupations, appropriately differentiated
- DAs to construct a comprehensive business register
- Train and provide technical support to DAs to administer licensing
- Rationalise and simplify licensing to reduce costs
- Make register information transparent and available to general public
- Computerise information and management
- Mount PR campaign to ensure public and business support

Property Taxes

- Strengthen DA property tax administration capacity
- Utilise a computer-based integrated financial management system at DA level
- Prioritise collection, coverage, and valuation
- Ensure strict enforcement against non-compliance
- Regulations and proper procedures for property tax registers
- Adopt a mass valuation approach to rating
- Establish an independent ratings board
- Train DA personnel on new procedures
- Mount PR campaign
- Cap tax rates initially at a maximum of 1 per cent

(Source: Kelly & Montes, 2001)

Decentralisation, if it is to work, requires certain prerequisites of phasing, and local institutional development (Cross & Kutengule, 2001). Enhancing the ability of DAs to deliver basic improvements on an accountable basis requires a change in the structural relationship between communities, their intermediary leadership, and local government. The simple transposition of a techno-rational plan as suggested by Kelly - quite apart from the huge assumptions of capacity that it makes - in no way addresses this problem. Fiscal reform should start at the inter-face between community economic activities and the operations of local government, rather than being imposed in blueprint fashion according to legal-rational imperatives. This approach will admittedly be necessarily episodic and more contingent in its operation, but should crucially maintain the linkage between taxation and service delivery. To be effective, a taxation system has to be based on a large amount of voluntary compliance: this means that it has to be seen to be fair and equitable. There needs to be a constant pressure for accountability and transparency as to how funds raised from the local fiscus are in practice applied. Local service organisations may potentially have a useful function in promoting this, provided that a proper basis for their operation is established.

In summary, then, the LVLRs display a picture of rural Malawi in a grave state of collapsing livelihoods. There is an absolute scarcity of land, and fragmentation has proceeded to the point that the vast bulk of small producers are farming on sub-economic holdings. It is not so much the ill adaptation of the customary system of tenure to change that lies behind this, but rather the cumulative failure to secure the effective balance for such farmers between domestic food security and properly supported access to cash-generating farm and non-farm activities. One hundred years after the Johnston Settlement set the disturbance of customary land access in motion, the end of the road appears to be at hand. Neither the market nor the state have been able to supply effective services, and the hoped-for benefits of decentralisation lie far in the future. Is a radical restructuring through a classic redistributive land reform the way ahead?

National Land Policy

The Presidential Commission on Land Reform, established in 1996, conducted a series of surveys and consultations, leading to the formulation of a national land policy approved by Cabinet in January 2002 (GOM, 2002).

This policy document demonstrates the level of political sensitivity of the land question by addressing initially the many causes of confusion and dissatisfaction. It acknowledges that at the heart of the matter is the process whereby land was removed from the customary sector very largely without compensation, ending up in private hands, often through fraudulent means. The mechanism for this throughout the colonial and post-colonial periods, as has been seen, was the designation of such land as 'crown' or 'public' land, and selling or leasing it on an inter- or intra-elite basis whereby it effectively became private land, without compensation to customary occupiers.

The new policy proposes to terminate this system, and provide some redress. It sets out three categories of land. Government land is that reserved for use by government and public institutions (schools, hospitals, etc), and land owned by the state leased out to private individuals and corporations. Public land comprises two classes: land accessible to the public at large such as reserves, national parks, monuments and the like, and land restricted for the benefit of a specific community under a traditional authority, i.e. unallocated customary land falling under the authority of a TA and also land subject to common access by a restricted

group such as *dambo* and grazing areas. Chiefs and headmen are considered to be trustees of this restricted public land, and while they may lease it they do not own it, and it is not their private land. Private land is defined as both land under freehold tenure and that customary land which has been allocated exclusively to a clearly defined 'community, corporation, institution, clan, family or individual' (to be known as customary estates). Leasehold estates may be created out of any category of land; with existing leaseholds on what was previously known as public land being reclassified as leaseholds on government land.

This sets out to close the stable door through which so much land was funneled out of the customary sector into the hands of settlers and *rentiers*. Provision is made to classify all land in Malawi, not being expressly registered as private land or gazetted as government land, as customary land. The question of what has happened - or should - to the horse is less explicit. Existing leases created out of customary land (on the basis that it was previously a form of public land) will continue to be protected, and will enjoy the same rights as private land, provided it is registered as a customary estate. Government reaffirms the reversionary rights of customary landowners over this leased land, but 'under no circumstances will...condone any illegal acts and/or customary interpretation of the law that deliberately or indirectly interferes with the exclusive use and occupation legally granted to existing leaseholders'. The administration of leases granted by the state out of land previously under a TA will however be transferred to the traditional owners. 'Lease management will also allow local governments and TAs to use their discretion in determining whether to create and/or renew leaseholds, reassign leases or to revoke and return estates to customary owners for redistribution'. This treads a delicate line between seeking to reaffirm the validity of the customary system and its status in law, without however offering anything too challengingly radical by way of redistributive land reform from those who have benefited from the depredations of customary land. (Non-citizens and foreign companies are dealt with more uncompromisingly: freehold tenure is restricted to citizens, and non-citizens 'will be encouraged' to obtain citizenship in order to retain their freeholds).

The policy recognises however - if not in so many words - that Banda's policy of extracting leasehold land from the customary sector was a massive error. In combination with the placement of the administration of the lease with traditional owners, it is also proposed to empower DAs to enforce land policy regulations. This, it is clearly hoped, will bring much of this land onto the market for private purchase and/or resettlement. With many of the estates extending to 400-500Ha, and about 30 per cent deeply under-utilised it is hoped the scope for resettlement at 2Ha/household will be large.

The aim indeed is to promote a land market for customary land, by encouraging communal property regimes to recognise the exclusive property rights of both groups and individuals, with the demarcation of boundaries, defining of ownership, and the formal recording of transactions at open market value. The logic of the equation between security of tenure and economic development for the customary sector is asserted. The new policy proposes to recognise the customary estates as private usufructuary rights in perpetuity, once the owner is registered; and such title may provide the basis for leasing or pledging as security. The administrative rights and duties of traditional authorities will be clarified, codified and made transparent; and the laws of both matrilineal and patrilineal succession will be modified to permit spouses and children to inherit the land. Taking account of the growing number of market-driven liquidations of leasehold estates (on customary land), it is proposed that dispositions grant only the usufructuary rights, and not the residual property interest, and that such dispositions require the approval of the head of the landowning group, the Chief and an

independently elected member of a Customary Land Committee. The express written consent of all persons named on the land certificate will be required for a sale to be considered legal. Sales of registered customary estates will not be permitted for the first five years after registration. District land registries will be established as part of the decentralisation measures in which the information on registered properties and titles will be captured to be maintained by land clerks. A new cadre of Traditional Land Clerks will operate at village level.

The implications of these measures is that the open market through land sales, and the political system through the enhanced powers of DAs under decentralisation and the vested interests of TAs pursuing land acquisition, will restructure land availability in the interests of smallholders. However it is recognised that:

the preferred long term strategy of encouraging more intensive land use in the smallholder sector will unfortunately, not address the immediate and short-term demand for land in some of the nation's most congested farming districts. Instead, due to political expedience and the immediate need to avoid social unrest, particularly in the south, this government will seek support to develop and sustain a land transfer and resettlement scheme (GOM, 2002).

Consequently a proposal is made to acquire from abandoned and defaulting estates some 14000Ha for the resettlement of 3,500 farm households at an estimated cost (from donors) of \$25m. Detailed plans are also outlined in the policy for the establishment of land use planning and development regulations; surveying, mapping and cadastral surveying; titling, registration and dispute settlement; environmental management; and inter-sectoral coordination. Land tax policy instruments are listed, although no recommendations on their application are made.

What prospects does the long-term strategy hold out for the smallholder sector? It is in accordance with contemporary thinking on effective land reform strategies for the rural poor in a number of respects. It accords validity to the customary usufructuary basis of entitlement and sets out to protect this, while encouraging further progress along the scale towards individual ownership. It recognises the value of land as means of transferring wealth between generations, as collateral for credit, as a source of social security, and as an essential entry point into the web of social networks which upholds individuals and families within Malawian society. It proposes a consistent legal framework for the securing of rights. The reforms will be executed at a decentralised level and integrated with development objectives. This reflects current thinking on the evolution of land reform policy for the customary sector (Deininger and Binswanger, 2001).

There are however a number of points of concern. There are powerful reasons (as de Janvry *et al*, 2001 point out) why formal land sales markets are highly unfavourable towards the rural poor. Do the new institutions and powers for acquiring back the land for the customary sector from leaseholders represent a sufficient form of assistance to counteract the negative tendencies, which have been so widely observed? The answer to this question depends greatly on the administrative capacity developed by district and village administration to enforce land policy, and the extent to which land deals in which they are involved can float free of neo-patrimonial tendencies. Essentially it is not only a land market which is being created, but a political market, where the vested interests of leaseholders controlling large and under-utilised estates will interact supposedly at the local level with TAs and other political

interlocutors representing the smallholders of the customary sector. This calls into question the whole nature of the relationship between MPs and their constituencies, and the extent to which political parties validly represent the popular interest. The evidence and expectation for this (Cross & Kutengule, 2001) are not encouraging.

The short-term approach may also be questioned. It is miniscule in scale, beyond the resources of the state, and depends entirely on donor attitudes, at a time when donors have demonstrated a strong antipathy towards the government's management of the food economy in general. It is also administratively intensive, when it is already the case that the bureaucracy is severely under-performing. The scheme may also fall within what Lipton has described as the 'Two Great Evasions' of land policy, being settlement schemes and the reform of tenurial conditions. These typically fail to achieve their goal because they do not attack the rural power structure, or the fundamental unequal distribution of land (Lipton, 1974). The redistribution proposed would at best meet the needs of 10 per cent of new households, which are annually created, and hardly make an impact on the land hunger of some 1.8m households. They would in no way counter agricultural dualism.

Overall, then, the policy outlined following the Presidential Commission proposes a land reform which depends on a great number of highly uncertain variables: generous donor support; the further formulation of land policy instruments which can provide the basis for challenging land use practices on the poorly managed leasehold estates; the enhancement of the powers and administrative capacity of DAs in conjunction with TAs to pursue claims against such estates; and the positive support of MPs and political interests to support a process which will materially affect the land-holding interests of the *rentier* class.

This does not amount to the radical redistributive reform, which is required.

Conclusion

Running throughout the relationship between the customary sector and the state over the history of the colonial and post-colonial periods are several common threads. The most striking is that administrative and legislative interventions have generally acted against the interests of customary land users. Land availability has been severely curtailed. The state has preferred the villager to become a labourer rather than a small farmer, has discriminated against his/her capacity to produce profitable cash crops, failed to provide services, and generally relegated the rural household to the bottom of the political food chain. The reforms, which have been proposed, require an intensity of administration and skills, which defy any likelihood of effective implementation. This is generally the experience within Southern Africa, where there has been considerable experimentation with various reforms of customary land tenure apparently favouring and protecting the interests of the small producer. Even where such favourable policy is legislated into being, the actual implementation falls far short of the promise. This reflects both low levels of capacity and prioritisation, and the operation of powerful vested interests which can overturn promised security of tenure, deny access to services, and prevent the effective upholding of legal rights (for a review of South Africa, Mozambique and Zimbabwe, cf. Lahiff, 2002). The current land reform policy in Malawi holds out little prospect of improvement on this record.

There may however be some possible roads ahead. While historically it has been the case, it is not so much security of tenure that is the central issue now in Malawi. Land availability and quality is central, but little can realistically be expected in these regards from current

proposals of either fiscal or land reform. The smallholder sector has however demonstrated an impressive capacity to respond when provided with the opportunity to do so, which means accessible markets, inputs, and credit, and an equitable tax regime. The state on its own has demonstrated its inability to provide these, and the gap between macro policies favouring market solutions and the micro level of implementation has been far too wide to allow for any short term beneficial transition from this quarter.

The rebuilding of service delivery at grassroots through a massive expansion of the public-private partnerships represented by the new breed of NGO does however offer some hope. The preference ranking of the LADDER studies demonstrates how important such intermediate organisations can be, particularly at a time when the welfare function of the extended family is breaking down. The evaluations of DSLP/CU, TIP, MASAF, CARE, and a number of similar programmes suggest that there is considerable scope for the enlargement of such programmes, provided there is an enhancement of scale and capacity⁴. To this may be added the need to ensure a proper structuring in relationship to government at both the national and local level.

It is interesting here to consider developments within the region in another major sector, water, where a new capacity is being developed.

A notable feature of most of the largest and more influential African NGOs operating in the water and sanitation sector today is the approach they are taking to working with government. Whereas in the past their efforts tended to be more locally focussed and often independent of government programmes, they now seek to have a bigger impact at a larger scale by supporting or complementing government initiatives. This not only enhances the chances of sustainability of their work, but allows them to influence government approaches and practices through advocacy work based on demonstrating good practice and by having a "seat at the table" when policy issues are considered. In particular, the NGO focus on community based approaches and on their greater understanding of what poor communities want and can sustain, has impacted on the way governments approach rural development.....There are a number of prominent NGOs in the water sector in Africa today, for example in South Africa, Ethiopia, Uganda, Tanzania, Kenya, Madagascar and Ghana, amongst others.....examples of the new generation of NGOs that has emerged over the past decade, that combine service delivery with advocacy through engagement with government (Rall, 2002).

The customary land sector may not be readily comparable to the water sector, and the comparative contexts can also vary widely (part of the problem as we have seen has been the import of systems from other contexts). But there are some lessons. Effective support to smallholders requires a substantial administrative intensity at the local level, which is generally unavailable from the state. The incorporation of local bureaucracy within the politics of neo-patrimonialism also means that community-based organisations need the vision, commitment and external neutrality, which the professional NGO can offer. But such NGOs have to be able to operate at a significant scale, with a proper administrative capacity and deployment of professional skills within their areas of sectoral focus, and should have a formal standing in relation to other stakeholders in the areas where they operate. The inclusion of representatives of such bodies in the enabling legislation for DAs in Malawi provides an obvious platform for this.

A final thought on rural Malawi is that while it may be strongly socially conservative and proud of its traditional culture, there is also a well-established confessional base deriving

from the long history of Christian and Muslim institutions and values to which it has been exposed. There is fertile ground for the expansion of ethically grounded public-private partnerships, covering both welfare and sectoral development functions. They may even have a role to play in tapering in a fair and equitable tax regime - it has long been the case that various forms of tithing through such institutions have been the most effective form of progressive taxation for poor rural households.

Footnotes

- ¹ These drew heavily on Sudan, in particular the Gezira scheme adjudication; Sudan was the highest in the pecking order for colonial civil servants, and saw the import of many Indian customary land tenure regulations, which in turn drew on local jurisprudence of a much earlier date (Rowton Simpson, 1967, 1976).
- ² Despite the view of Mkandawire & Matlosa (1993) that ‘academics and other commentators have...been conspicuously silent on the tragedy of food insecurity and poverty that has characterised Malawi’s three decades of independence, Banda’s personal role in adverse land reform is well discussed by David Williams (1978), McCracken (1984), Kydd (1984) especially, and Pryor (1990). Cf. Also Chilivumba (1978), Mhone (ed.) (1992), and Lwanda (1993). A useful spotlight on the detailed machinations surrounding Banda’s rise to autocratic power via political gifts of land is provided by Baker (2001).
- ³ For a devastating critique of the performance of the leasehold sector, cf. Mkandawire M. (1999).
- ⁴ There has been a continuing debate over the under-performance of NGOs in Malawi. Cf. E.g. Glasgow M. *et al.*, 1997.

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