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# ILRG MALAWI IMPLEMENTATION PLAN

## INTEGRATED LAND AND RESOURCE GOVERNANCE TASK ORDER UNDER THE STRENGTHENING TENURE AND RESOURCE RIGHTS II (STARR II) IDIQ

Contract Number: 7200AA18D00003/7200AA18F00015  
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Cover Photo: Malawi Deputy Surveyor General Alice Gwedeza clarifying the official traditional land management area boundary on the map during boundary dispute resolution meeting in Nkhotakota, ILRG/Malawi

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# LIST OF ACRONYMS

ADC	Area Development Committee
CLC	Customary Land Committee
CLT	Customary Land Tribunal
COVID-19	Coronavirus Disease 2019
DC	District Commissioner
DLT	District Land Tribunal
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GBV	Gender-Based Violence
GIS	Geographic Information Systems
GOM	Government of Malawi
GVH	Group Village Headperson
IDIQ	Indefinite Delivery/Indefinite Quantity
ILRG	Integrated Land and Resource Governance
LRIU	Land Reform Implementation Unit
MAST	Mobile Approaches to Secure Tenure
MLHUD	Ministry of Lands, Housing, and Urban Development
MSDC	Malawi Survey Data Collector
NES	National Engagement Strategy
NGO	Non-Governmental Organization
STARR II	Strengthening Tenure and Resource Rights II
TA	Traditional Authority
TLMA	Traditional Land Management Area
USAID	United States Agency for International Development
WEE	Women's Economic Empowerment

## I.0 BACKGROUND

The purpose of the Integrated Land and Resource Governance (ILRG) task order is to provide support to the United States Agency for International Development's (USAID) Land and Resource Governance Team under the Development, Democracy, and Innovation Bureau's Environment, Energy, and Infrastructure Center to develop and implement targeted, discrete interventions in select USAID presence and non-presence countries to remove the tenure-related barriers to achieving priority development objectives such as conflict prevention and mitigation, countering violent extremism, achieving women's economic empowerment, promoting inclusive economic growth, increasing agricultural productivity and food security, and strengthening biodiversity conservation and sustainable natural resources management.

The government of Malawi enacted a series of land laws in 2016, including the Customary Land Act 2016 that requires all customary landholders to formalize ownership through registration of their parcels. Pilot activities have been done in seven districts in Malawi ahead of a countrywide systematic customary land registration supported by development partners and donors like the World Bank and the European Union (EU).

It is anticipated that formalizing land rights in customary estates through titling will improve security of tenure. However, unless the process of formalizing land rights looks beyond the technical and legal components to address the social and cultural norms and attitudes that often undermine women's land rights, there is potential risk of formalizing exclusion of women and other marginalized groups according to identities such as age, marital status, disability, and ethnicity, among others. The customary laws and practices that do not recognize equitable property rights will render formal legislation ineffective at ensuring gender equality and social inclusion in property rights. Both matrilineal and patrilineal systems are associated with some form of discrimination when it comes to land rights between men and women. The general practice that affects a person's rights to land is the place of residence after marriage as inheritance is the principal way in which a person owns land in customary set ups.

With funding from the Women's Economic Empowerment (WEE) Fund at USAID, ILRG is working against this background to support gender integration in customary land documentation in Malawi. The activity recognizes that while Malawi has put into place the legal framework for customary land documentation, implementation is in its early stages and the framework for action is emerging. The approach recognizes the diversity of patrilineal and matrilineal systems within Malawi and their associated impacts on women's rights, as well as that social barriers are a key challenge to translate legal provisions into women's access to and control of land in both matrilineal and patrilineal set-ups. The materials and manuals developed so far have not included an explicit and intentional gender lens and this can fail to address and/or inadvertently reinforce barriers to women's land rights.

The activity will take place over approximately two years from activity initiation (a year and a half of implementation). There is no assumption that these funds will be followed on by additional investment in the sector in Malawi, and as a result the proposed activities will be stand alone and achieve impact within the two years. The activity links to the Government of Malawi's (GOM) objectives related to customary land documentation, as well as USAID's priority of advancing gender equality and women's empowerment.

ILRG proposes to support gender integration across the full customary estate documentation process and administration on a single traditional land management area (TLMA). This will ensure that funds can be used to complete documentation of a full jurisdiction and feed into a complete administrative system, supporting the broader capacity required for the land clerk and associated structures to sustainably

manage land records in coordination with district land registrar (a new position as well). Specifically, ILRG will:

- Provide technical assistance to a district level land registry and clerks;
- Promote the inclusion of women and youth in the land documentation process through updated gender-responsive land guidelines, process manuals, and implementation practical notes;
- Engage key stakeholders to shift gender norms around women’s land rights at institutional, community, and household levels; and
- Convene dialogues with national and international stakeholders to discuss lessons learned and build positive momentum on gender and customary land documentation work.

It is expected that gender-responsive documentation of customary land in the selected TLMA will benefit up to 45,000 people; the number is to be confirmed upon final selection of the group village headpersons (GVHs) to be supported within the TLMA. In addition, the activity will leave in place structures and links to broader land documentation funded processes for a lasting impact that is not dependent on USAID funding.

ILRG will contribute to USAID/Malawi’s overarching goal of “A More Self-Reliant Malawi that is Gender-Equitable and Democratically Accountable” through the implementation of a gender transformative approach to customary land rights, as well as the three development objectives: 1. Public sector is more accountable and effective at national and decentralized levels; 2. Youth lead healthy, informed, and productive lives; and, 3. Private sector increases inclusive and sustainable wealth generation.

All activities will be carried out in close coordination with the Land Reform Implementation Unit (LRIU) at the Ministry of Lands, Housing, and Urban Development (MLHUD), and in compliance with USAID regulations. The plan will be implemented by ILRG Malawi country team, comprised of the Country Coordinator, Field Coordinator, and Administration and Finance Specialist. ILRG global and home office staff will provide technical and operational support and local consultants will be engaged for specific tasks as needed.

The implementation plan outlines the specific tasks to be undertaken by ILRG. Section 2 provides an overview of preparation tasks that informed the development of the implementation plan, followed by details on the tasks in Section 3, and monitoring, evaluation, and learning considerations in Section 4.

## 2.0 PRELIMINARY WORK

Following approval of the scope of work for the activity by USAID and the signature of a memorandum of understanding with the MLHUD, ILRG recruited a small Malawi team that carried out an assessment of TLMAs. The ILRG Malawi team conducted background research on the potential TLMAs where the government has conducted pilot customary land documentation work with World Bank and EU support, with the goal of assessing the viability of these TLMAs to complete the activity within the project timeframe and budget. The assessment was conducted in Traditional Authorities (TAs) Mkanda and Mawwere in Mchinji District, and TAs Mwansambo and Mwadzama in Nkhokota District.

Following coronavirus disease 2019 (COVID-19) prevention protocols, the ILRG team met with traditional leaders, government officials, and other donors to gather information on which location had the highest probability for success. TLMAs were assessed against a set of criteria that included political will/buy-in of local authorities; appetite to integrate a gender-responsive land documentation process; logistically not complicated to reach; initial success from previous donor activities; and alignment with USAID and GOM priorities. In July 2021 ILRG finalized the TLMA selection assessment that recommended TA Mwansambo in Nkhokota District as the implementation site, as it was the TLMA that best met the criteria stated above and as a result, presented the greatest chance of successfully setting up a functional land registry.

Between June and August 2021, ILRG collaborated with the LRIU to draft the budget and implementation plan. The TLMA assessment report, budget, and implementation plan were presented to the MLHUD in August 2021 for further input and approval. Approval was granted with few proposed revisions to both draft activities and the budget. In accordance with the requirement that the Government be informed of any development initiatives in the districts and to secure buy-in for the activity, in August 2021 ILRG, LRIU, and MLHUD presented and introduced the program to the district executive sub-committee, district executive committee, and area development committee (ADC) of TA Mwansambo. The program was well received by the district and local level leadership, as well as other stakeholders (non-governmental organizations [NGOs], civil society organizations, community-based organizations, etc.) operating in the district. As a formality, the Nkhokota District Commissioner will issue ILRG a letter of approval and recognition of the program in the district.

ILRG identified initial challenges that may impact the success of the activity. The GOM is currently conducting a review of the recent suite of land laws and expects to finalize inputs and present to Parliament in the next couple of months. While changes to the customary land documentation process are not anticipated, adaptations to the process may need to be made, and implementation of some steps may need to be held until the government finalizes the modifications.

Potential roadblocks could include the need to establish a functional district land registry from scratch since the previous District Land Registrar that supported the World Bank work in Nkhokota District was relocated to another district with active documentation efforts. The government has also been upfront that ILRG's focus on gender and women's empowerment is not a priority for them. They are not opposed to ILRG's work plan; however, ILRG could encounter some resistance and may need to negotiate how best to include gender and women's empowerment activities.

ILRG has not yet had access to data collected via the World Bank-supported land documentation efforts, nor has the government issued any customary land certificates following that work. Certificates of customary estates were however issued to the three EU-supported pilot districts. Given the relatively short duration of the ILRG activity, there is concern that certificates will not be issued for the ILRG supported GVHs before the end of the activity. In a similar vein, the government-led approach is not necessarily focused on cost-effectiveness, efficiency and scalability of the process. They are not yet

looking at the big picture of how to roll out the land documentation process nationwide. As a result, the tasks to complete the land documentation are heavy on government field presence and the available funding will not be sufficient to complete the full Nkhotakota TA. ILRG will likely need to omit a few GVHs in the documentation process unless further cost savings can be found. GVHs will be selected based on whether or not there are existing conflicts that can be resolved in the activity period of performance and the accessibility of the community.

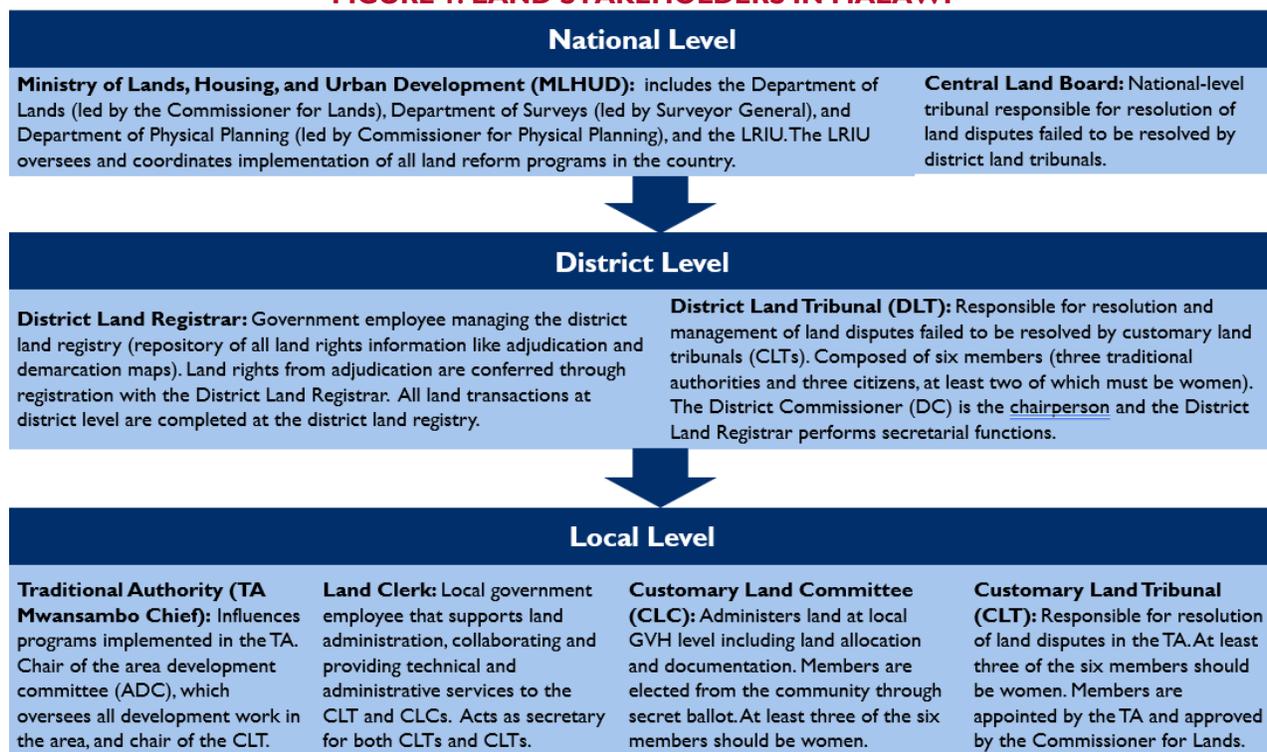
Lastly, ILRG was made aware of boundary disputes between TA Mwanzama and TA Mwansambo which will need to be resolved before work can begin. ILRG will support the MLHUD and district staff to resolve the disputes (see additional detail below); however, when choosing GVHs to support, the project and LRIU may choose to omit the ones with ongoing disputes so as not to further delay the process.

## 3.0 IMPLEMENTATION

The ILRG activity will be implemented in TA Mwanambo, using a gender-inclusive, participatory Mobile Approaches to Secure Tenure (MAST) approach adapted to TLMAs, with coordination at the district and national level, following three main areas of work detailed below.<sup>1</sup> ILRG will ensure that all activities meet existing COVID-19 preventive measures, including limiting the number of people gathered for indoors and outdoors meetings, mask wearing, hand sanitizing, and social distancing. ILRG might adapt or postpone certain activities according to the evolution of the pandemic.

For reference, the roles of stakeholders involved in the land documentation process are explained below:

**FIGURE I. LAND STAKEHOLDERS IN MALAWI**



### 3.1 AWARENESS, OUTREACH, AND FIELD IMPLEMENTATION MATERIALS ON SCALING GENDER-RESPONSIVE CUSTOMARY DOCUMENTATION AND LAND GOVERNANCE PROCESSES

ILRG will coordinate closely with the Flanders-funded Food and Agriculture Organization of the United Nations (FAO) documentation support activity in the review of materials associated with customary documentation in partnership with the LRIU. The FAO documentation support also has a strong gender component, so this engagement is to ensure coordination and alignment in terms of technical support to the LRIU. ILRG will not provide any implementation support to the FAO activity, but rather coordinate on gender integration of operational manuals.

<sup>1</sup> See USAID's LandLinks for ILRG's approach in using MAST in Mozambique and Zambia: <https://land-links.org/document/community-land-administration-analysis-an-approach-to-sustaining-community-based-land-rights-documentation-in-mozambique-and-zambia/>

ILRG’s global Gender Advisor will support ILRG’s Country Coordinator to review and provide input to the existing drafts of all materials under development to ensure that they are gender and youth responsive. The Country Coordinator will engage with government and donor stakeholders to incorporate lessons learned from all donor-supported pilots to inform the revised drafts.

A gender assessment will provide a better understanding of the barriers and opportunities for gender equality, social inclusion, and women’s access, ownership, and control over land during customary land documentation. The gender study will inform the approach for sensitization and training of different stakeholders, which will also draw from ILRG’s experience in land documentation and women’s empowerment in other countries like Zambia and Mozambique. This area of work will feed directly into the other two areas, as these materials will be used for gender-responsive land documentation supported by ILRG in TA Mwansambo and the overall approach will be disseminated to others supporting land documentation in Malawi.

Evidence from other countries establish potential linkages between women’s land rights and gender-based violence (GBV). Although in some contexts secure land rights can decrease women’s vulnerability to GBV, in other instances secure land rights increase women’s agency and socioeconomic status within families and communities, which can in turn increase intra-household conflict and GBV. Bearing in mind these potential risks, the activity will develop and refine GBV mitigation strategies. These will draw from baseline information from the gender assessment related to prevalence and acceptance of GBV in TA Mwansambo, as well as existing support services and redress mechanisms. Preliminary mitigation strategies include:

- Provide capacity development training and ongoing guidance on GBV for key stakeholders involved in land documentation (government sensitization teams, data collectors/processors, land clerk, and members of DLT, CLT, and CLC);
- Facilitate dialogues to shift harmful gender norms, including on GBV, for local traditional leaders;
- Facilitate household level dialogues on harmful gender norms, including on GBV;
- Include GBV-related topics in community sensitization prior to documentation;
- Present joint registration as an option, explaining its benefits, but without forcing it on households;
- Develop GBV referral pathways and resource materials for key stakeholders; and
- Include GBV in training and technical support related to conflict resolution.

<b>Outcome</b>	Government officers, traditional leaders, and communities support women’s land rights during land documentation process
<b>Outputs</b>	<ul style="list-style-type: none"> <li>• Revised training manuals and field implementation guides</li> <li>• Practical notes and guides to integrate gender in each step of the documentation process developed and disseminated</li> <li>• Government officers involved in land documentation have enhanced understanding of gender equality, women’s land rights, and GBV</li> <li>• Traditional leaders in TA Mwansambo promote shifts in harmful gender norms</li> <li>• Community members in TA Mwansambo better understand gender norms influencing land ownership and pursue the inclusion of women in land certificates</li> <li>• Women in leadership positions equipped with the skills to meaningfully participate in land governance</li> </ul>

Activities under this area of work include:

Activities	Responsible	Period
3.1.1 Source field operation manuals, training manuals, and community sensitization materials from the Government and other stakeholders with experience in land documentation (World Bank, EU, Centre for Environmental Policy and Advocacy, Oxfam, LandNet Malawi, FAO, ActionAid Malawi, and Women's Legal Resources Centre)	ILRG	August 2021
3.1.2 Review materials gathered from activity 3.1.1 to recommend amendments to integrate gender equality and social inclusion	ILRG	August – October 2021
3.1.3 Hold a stakeholder workshop to validate revised materials, promoting adoption by government and other stakeholders	ILRG	October 2021
3.1.4 Facilitate review of land laws to ensure they are engendered through participation in a workshop with representatives of various parliamentary committees (Natural Resources and Climate Change, Agriculture, Women Caucus, and Legal Affairs etc.), MLHUD, and land rights and/or human rights NGOs and experts. The workshop will aim at identifying gaps and grey areas in the land law focusing on gender and social inclusion issues and lobby for the amendment	ILRG and LRIU	November 2021
3.1.5 Conduct gender assessment study to generate evidence-based information on gender equality, social inclusion, and women's empowerment in relation to access, ownership, and control of land. The gender assessment will inform other activities, especially sensitization and capacity development	ILRG and consultant	September – October 2021
3.1.6 Plan approach for sensitization and capacity development for different stakeholders involved in the documentation process. This includes awareness-raising and training before documentation starts and in parallel to documentation. Target audiences include the documentation team, traditional leaders, and community members. The approach will be informed by information gathered by the gender assessment, to ensure that the best outreach strategies and messaging are employed for different audiences.	ILRG	October 2021
3.1.7 Develop practical guides and tools to orient data collectors, CLC members, land clerk and others on gender integration in every step of documentation. The practical guides and tools will be shared with the LRIU and other organizations carrying out land documentation in Malawi	ILRG	October – November 2021
3.1.8 Support MLHUD and LRIU to carry out gender- and youth-responsive sensitization and awareness meetings and campaigns in selected GVHs about the new land law, other land governance instruments, the land documentation process. establishing CLCs, complaint handling mechanisms, gender equality and women's land rights, and land use management. These meetings will be held at national level targeting MLHUD and LRIU staff; district level targeting the DC, District Planning Department, Lands Officer, District Land Registrar, and District Land Tribunal members; and at local level targeting traditional authorities, CLCs, CLT, land clerk, men, women, young men, and young women in the communities	ILRG and consultant	October 2021 – February 2022
3.1.9 Develop the capacity of traditional leaders/local authorities to promote changes in gender norms that impact negatively on how women, youth, and other marginalized groups access, use, and control land, as well as the prevalence of GBV related to land	ILRG and consultant	October 2021 – January 2022
3.1.10 Promote household and community level dialogues on harmful gender norms, gender equality in land rights, and GBV to foster gender-responsive land	ILRG and consultant	January – April 2022

registration. Through a training of trainers approach, community members will become trainers for others in a multiplier effect		
3.1.11 Train women in leadership positions (CLC, CLT, and DLT members) on technical and socio-emotional skills that will enable them to meaningfully participate in land governance and decision-making	ILRG and consultant	February – May 2022

### 3.2 SUPPORT TO LRIU FOR DOCUMENTATION OF ONE TLMA

ILRG will fund the documentation of at least 18 GVHs in TLMA Mwansambo (estimated 5,000 – 10,000 parcels of land). ILRG technical staff will liaise with the LRIU, MLHUD, and stakeholders at national, district, and local level to facilitate the processes of land documentation. ILRG’s Field Coordinator will support the LRIU, national staff, district land registry staff, and land clerk in the implementation of the customary land documentation process and registration work-flow. The Field Coordinator will further liaise with and provide technical guidance and training throughout the process to government and local authorities (district land registries, land clerks, CLCs, CLTs, GVHs, and traditional authorities) to align with international best practices. Supported by the ILRG global Gender Advisor and local consultants, the ILRG’s Country Coordinator will provide capacity development on gender equality and barriers to women’s land rights to these stakeholders, ensuring that gender equality and social inclusion are integrated and implemented throughout the documentation process and that women are included in land registration and governance.

The Malawi Survey Data Collector (MSDC) tool that was developed by Regional Center for Mapping of Resources for Development will be used for data collection and management. The LRIU will ensure that all data captured for the purpose of land registration is approved to ensure integration into the existing World Bank supported land information management system.

<b>Outcome</b>	Customary land in 18 GVHs in one TLMA is documented in a gender-responsive and socially inclusive manner, so that men, women, youth, and other marginalized groups have their land rights secured
<b>Outputs</b>	<ul style="list-style-type: none"> <li>● Community members have enhanced understanding and knowledge of the land law, land documentation process, and gender equality</li> <li>● CLCs established and fully operational</li> <li>● CLCs, CLT, and DLT are trained and effectively deliver on their respective land governance roles</li> <li>● District land registry operational and resourced</li> <li>● Government officials trained on land documentation processes, land governance, and gender equality</li> <li>● Between 5,000 and 10,000 land parcels formally registered, with final adjudication maps, land registers, and certificates of customary estates issued</li> <li>● TLMA boundary disputes between TAs Mwansambo and Mwadzama resolved, with boundary map produced</li> <li>● Village land use map for ILRG-supported GVHs in TA Mwansambo produced and validated</li> </ul>

Activities under this area of work include:

Activities	Responsible	Period
3.2.1 Conduct stakeholder mapping to identify relevant stakeholders at all levels who will provide a platform for ILRG consultation and collaboration in various activities at different stages of implementation	ILRG	August – September 2021

3.2.2 Conduct a physical verification of gazetted GVHs in TA Mwansambo and produce working clusters for strategic community engagement. The Customary Land Act 2016 stipulates that customary land committees be elected in gazetted GVHs only. ILRG will therefore liaise with the office of DC, Land Clerk, and TA Mwansambo to identify and locate all gazetted GVHs, and a GPS-enabled tablet will map positions of these GVHs	ILRG	October 2021
3.2.3 Compile specifications for devices and equipment to support field data collection and verification	ILRG	August – September 2021
3.2.4 Facilitate resolution of existing disagreements over the boundaries between TAs Mwansambo and Mwadzama. Key officers from MLHUD, LRIU, and local government will hold meetings with the concerned TAs to help resolve the disagreements. Resolving existing boundary disputes will allow ILRG to focus resources only on GVHs that belong to TA Mwansambo. This will also avoid ambiguous parcel cataloguing/referencing (addressing).	ILRG, LRIU, and MLHUD	September – October 2021
3.2.5 Procure, configure, and deliver district land registry equipment and materials necessary for land documentation, including plotter, heavy duty printer, computers, mapping tablets, external hard drive, etc. The procurement will be appropriately scrutinized to ensure they comply with USAID policies	ILRG	September – November 2021
3.2.6 Assess CLT and DLT capacity and develop a capacity development plan on customary and statutory land laws, women’s land rights, principles of good land governance, etc. as they apply to the governance of customary land tenure in Malawi	ILRG	October 2021
3.2.7 Map boundaries of gazetted GVHs in TA Mwansambo, in collaboration with the LRIU, department of surveys, local government directorate, office of the DC, TA Mwansambo, GVHs, and Land Clerk. This will be important for parcel numbering and identification	ILRG, LRIU and Surveys Department	October – November 2021
3.2.8 Facilitate participatory community land use planning for TA Mwansambo, prior to adjudication and demarcation. This is crucial as it will allow the community to reserve and avoid encroachment on spaces intended for communal use and community development such as schools, clinics, playgrounds, community forests, and grazing lands. The physical planning department in the MLHUD will hold meetings with the concerned traditional leaders and community members to discuss, agree, and produce land use maps for the area. ILRG and LRIU will provide backstopping support during the exercise and ensure that men, women, and youth have the opportunity to participate, verify, and produce their own maps	ILRG, LRIU and Physical Planning Department	October – December 2021
3.2.9 Call for nomination of candidates for CLC elections, calling attention to the 50/50 gender quota mandated by law. This is an administrative arrangement in compliance with the customary land regulations of 2018 Section 4, whereby the land clerk will request a list of residents above the age of 18 from each GVH, call, and receive nominations of candidates for election to form a CLC (no less than 21 days before the day of elections). MLHUD officers will support the land clerk with the process in all GVHs. Notice of elections will be issued at a community gathering during which sensitization and awareness messages on gender equality and women’s participation will be disseminated.	ILRG, LRIU, MLHUD	October – November 2021
3.2.10 Compile information from the Office of Surveyor General and Commissioner for Lands about existence and status of land leases in TA Mwansambo. Collection of land lease information in TLMA Mwansambo in advance of land use planning, adjudication and demarcation is crucial to prevent trespassing on other registered private tenure rights	ILRG, LRIU, MLHUD	October – November 2021
3.2.11 Support establishment of a district land registry at Nkhotakota District Council for land records storage. In collaboration with LRIU, ILRG will liaise with the MLHUD and Nkhotakota District Council for the provision of office space and	ILRG, LRIU, MLHUD	October – November 2021

staffing (District Land Registrar) to support the USAID-funded land documentation and beyond. The customary land documentation process will produce bulk records, both paper and digital. ILRG will support the registry with desktop computers and filing cabinets for safe records storage, as well as basic office furniture		
3.2.12 Train DLT and CLT members on land dispute resolution, conflict management, new land law, gender equality, and GBV. This will equip both CLT and DLT with knowledge and skills to properly resolve disputes and manage conflicts arising from customary land, including gender-based conflicts	ILRG, LRIU, MLHUD	November 2021
3.2.13 Establish a temporary field data processing office at Mwansambo headquarters in Nkhotakota to handle all data processing activities during adjudication and demarcation period. The office will house the processors who will be recruited to support with data processing (digitization, title plans, and certificates production), using GIS mapping software. It is most convenient that data processing occurs closest to the data source so that it is easy to correct errors emanating from data collection	ILRG	November 2021 – January 2022
3.2.14 Facilitate deployment of the District Land Registrar at Nkhotakota District Council to manage the district land registry. ILRG will support the LRIU and MLHUD with vehicle fuel and allowances to facilitate the Land Registrar’s transfer	ILRG, LRIU, MLHUD	January 2022
3.2.15 Recruit data collectors and data processors, who will on short-term contracts and based at TA Mwansambo headquarters. Both the LRIU and MLHUD will work together during the entire recruitment process to ensure collective ownership and endorsement of outcomes. ILRG will take full responsibility of field staff once recruited through payment of wages for services rendered. With assistance from the LRIU, ILRG will draft job descriptions/ads for data collectors that are gender-sensitive and encourage women applicants. Advertise data collection and processing vacancies will be advertised in newspaper and other channels to reach women. ILRG and the LRIU will shortlist, interview, and recruit data collection and data processing candidates, according to criteria that promote gender balance and social inclusion and comply to Gender Equality Act 2013	ILRG, LRIU, MLHUD	October – December 2021
3.2.16 Facilitate elections to establish CLCs in gazetted GVHs in TA Mwansambo. It is a requirement by a Customary Land Act 2016 to establish a CLC in a gazetted GVH to administer and manage customary land including carrying out adjudication and demarcation for creation of customary estates. In collaboration with LRIU and MLHUD, ILRG will facilitate gender-responsive and socially inclusive elections following comprehensive sensitization to ensure voters are well informed about the voting requirements and voting processes	ILRG, LRIU, MLHUD	January 2022
3.2.17 Facilitate orientation and training of elected CLC members on new land law, other relevant land governance instruments, adjudication and demarcation field guidelines, best practices in land governance, gender equality, and GBV	ILRG, LRIU, MLHUD	February 2022
3.2.18 Train data collectors on technical aspects of spatial and attribute data collection using android tablets with GPS functionality and train data processors on data processing using QGIS mapping software used for data entry, digitization, title plan, and certificate production. ILRG will ensure data collectors and processors are also trained on gender equality and GBV, and familiar with the main barriers to women’s land rights. Field practice notes and guides on gender integration in all steps of documentation will be used in this training	ILRG, LRIU, MLHUD	February 2022
3.2.19 Facilitate issuance of notice of adjudication and demarcation by the Land Clerk in every GVH, as prescribed in Section 23 of the Customary Land Regulations 2018. The notice ensures that all people within the GVHs and other people elsewhere whose land rights will be affected by adjudication and demarcation are informed and aware. The notices will be issued at a community	ILRG, LRIU, MLHUD	January – June 2022

<p>sensitization and awareness meeting, using information from the gender assessment to ensure that messages reach all community members. The Land Clerk will also travel across the target GVHs with a public address system to bring to the attention of the community about the upcoming adjudication and demarcation, emphasizing gender equality and social inclusion messages</p>		
<p>3.2.20 Conduct field adjudication and demarcation of land parcels (actual land documentation work). Trained data collectors will collect spatial data and attribute records for every land parcel for further processing and production of land information database, public display maps, title plans, and certificates of customary estates. Data processors will support the Land Clerk with data processing. Data collectors will use knowledge and skills acquired during training to promote gender-responsive adjudication and demarcation, including presence of women in boundary walks and promotion of joint titling. Government land surveyors and government GIS Officer will be deployed to provide instant technical support to the Land Clerk, data collectors, data processors, and CLCs. Having local knowledge of the community, the CLCs will be divided in groups and assigned to each data collector to guarantee ownership/rights by claimants during adjudication and demarcation exercise. CLC members will handle minor land issues arising from adjudication and demarcation. In circumstances where the CLCs fail to resolve land issues in the field it will be referred to the CLT, DLT, and the Central Land Board (in such order) for resolution before the concerned parties can register the land under contestation. Data collection will use the MSDC tool, a platform that supports the MAST approach which will be integrated into existing World Bank supported land information management system. Adjudication and demarcation will be conducted in parallel with data processing at the temporary data processing office established at TA Mwanambo headquarters. Data processing will involve digitizing land parcel shapefiles and producing public display maps. The ILRG Field Coordinator will lead and provide overall logistical and technical support to the field team</p>	<p>ILRG, LRIU, MLHUD</p>	<p>February – July 2022</p>
<p>3.2.21 Conduct quality assurance and archiving in a phased approach for 18 GVHs, monitoring data collection and processing to ensure the process and products meet the prescribed standards. Technical officers from the Department of Surveys will carry out quality control at regular intervals at TA Mwanambo for both data collection and processing. Quality assurance will ensure certification of ILRG data by the Department of Surveys and allow for integration into the existing World Bank supported land information management database</p>	<p>ILRG, LRIU, MLHUD</p>	<p>March – July 2022</p>
<p>3.2.22 Produce public display map from data collected during adjudication and demarcation. This will involve computer digitization of parcel shapefiles (gardens, roads, footpaths, graveyards, grazing lands, settlements, playgrounds, other community spaces) and correction of overlaps. Data processors will be assisted by the government GIS Officer. The ILRG Field Coordinator will provide overall technical support and guidance</p>	<p>ILRG, LRIU, MLHUD</p>	<p>March – August 2022</p>
<p>3.2.23 Support the Land Clerk to issue a no less than 14 days’ notice for community inspection of public display map and preliminary adjudication and demarcation records to allow concerned land holders to make any objections and initiate corrections. The notice will be issued in all gazetted GVHs, as mandated by Section 26 (1) of the Customary Land Regulations 2018. The notice will be issued at a community sensitization meeting, using information from the gender assessment to ensure that messages reach all community members. The notice will specify the venue, period, and time of the day for public inspection, which will be selected to ensure that women, youth, and other marginalized groups can attend</p>	<p>ILRG, LRIU, MLHUD</p>	<p>March – August 2022</p>
<p>3.2.24 Place the public display map on a secured and accessible place for community inspection and validation. The Land Clerk will keep adjudication and</p>	<p>ILRG, LRIU, MLHUD</p>	<p>April – August 2022</p>

demarcation records on display for a period of 60 days to allow all interested parties to verify the records and make complaints for corrections, in compliance with the Customary Land Regulations 2018		
3.2.25 The Land Clerk, supported by data processors and collectors, will receive claims and make corrections to the preliminary adjudication records and demarcation maps. All individuals within the community will have equal opportunity to verify the records and lodge a complaint for correction. As this is one of the critical stages of land documentation, ILRG will continuously sensitize traditional leadership, GIS Officer, Land Clerk, CLCs, CLTs, data processors, and data collectors of their duty to protect land rights of all people, particularly marginalized groups	ILRG, LRIU, MLHUD	May – November 2022
3.2.26 Produce final adjudication records and demarcation map, Data processors will be directly assisted by the GIS Officer and the ILRG Field Coordinator, in collaboration with the Department of Surveys and LRIU	ILRG, LRIU, MLHUD	June – December 2022
3.2.27 Produce title plans and certificates of customary estates for issuance to all land rights holders appearing on a land register validated under the activity above. The Land Clerk, supported by the GIS Officer and data processors, will produce the title plans and certificates of customary estates	ILRG, LRIU, MLHUD	January – February 2023
3.2.28 Facilitate signing and stamping of certificate of customary estates, in compliance with Customary Land Regulations 2018. The rights holder, Land Clerk, Chairperson of CLC, and District Land Registrar will formally sign for the certificate of customary estates, as provided for in the Customary Land Regulations 2018. The District Land Registrar will further seal the certificate with the District Land Registry seal before copies are issued and filed	ILRG, LRIU, MLHUD	March 2023
3.2.29 Begin the process of the issuance of certificates of customary estates with a symbolic event led by the Minister for Lands. The presence of the Minister for Lands, department directors, and DC will send a strong message to communities in Nkhosha and the public at large to support national roll out of customary land documentation	ILRG, LRIU, MLHUD	April 2023
3.2.30 Facilitate issuance of certificates of customary estates by the Land Clerk and CLC. ILRG will monitor the entire process and ensure that all registered rights holders in target GVHs receive their certificates. This will provide the opportunity to interact with land certificate holders to assess their reaction and/or perception towards their receiving of certificates	ILRG, LRIU, MLHUD	April – May 2023

### **3.3 CONDUCT EVIDENCE-BASED LAND AND WOMEN'S EMPOWERMENT-FOCUSED DIALOGUES**

There are ongoing platforms focused on customary land documentation and governance within Malawi, including through the National Engagement Strategy (NES) Platform, funded by the International Land Coalition, as well as the former United Kingdom Foreign, Commonwealth and Development Office Sustainable Agricultural Intensification Research and Learning in Africa program. ILRG will finance up to three platform meetings/dialogues of the NES (or other learning platform) to bring together government, academia, communities, traditional authorities, and civil society actors to share lessons learned, consolidate experience, and build positive momentum on gender integration in customary land documentation. As feasible, the meetings will link to the three USAID/Malawi development objectives of public sector accountability and effectiveness at national and decentralized levels; youth leading healthy, informed, and productive lives; and the private sector increasing inclusive and sustainable wealth generation. ILRG will also develop and disseminate communications and learning materials for national and international audiences. These materials will be used to guide the national platform dialogues and participation in strategic international events.

<b>Outcome</b>	Lessons learned, approaches, and tools for gender-responsive customary land documentation are shared with national and international stakeholders to inform policy development and/or reviews and implementation
<b>Outputs</b>	<ul style="list-style-type: none"> <li>Stakeholders from diverse organizations and expertise share meaningful information and lessons learned to inform the design of gender-responsive land documentation programs</li> <li>Revised government land policies, approaches, and tools with improved gender equality and social inclusion</li> <li>National and international audiences are aware of USAID-funded work to promote women's land rights in Malawi</li> </ul>

Activities under this area of work include:

<b>Activities</b>	<b>Responsible</b>	<b>Period</b>
3.3.1 Facilitate first national level learning and sharing platform dialogue on gender and customary land documentation	ILRG, LRIU, MLHUD	March 2022
3.2.2 Participate in the World Bank Annual Land and Poverty Conference	ILRG, LRIU, MLHUD	March 2022/March 2023 (tbc)
3.2.3 Facilitate second national level learning and sharing platform dialogue on gender and customary land documentation	ILRG, LRIU, MLHUD	September 2022
3.2.4 Facilitate third national level learning and sharing platform dialogue on gender and customary land documentation	ILRG, LRIU, MLHUD	March 2023
3.2.5 Produce and disseminate blog posts and technical reports on the activity's impact and lessons learned	ILRG	Ongoing

## 4.0 MONITORING, EVALUATION, AND LEARNING

As detailed in the previous section, the three areas of work directly relate to the three expected outcomes, which in turn contribute to the broader activity goal.

<b>Goal</b>	Roll-out of customary land documentation under the Customary Land Act 2016 in Malawi promotes gender equality and social inclusion
<b>Outcomes</b>	<ul style="list-style-type: none"> <li>Government officers, traditional leaders, and communities support women's land rights during land documentation</li> <li>Customary land in one TLMA is documented in a gender-responsive and socially inclusive manner, so that women, youth, and other marginalized groups have their land rights secured</li> <li>Lessons learned, approaches, and tools for gender-responsive customary land documentation are shared with national and international stakeholders</li> </ul>

The monitoring, evaluation and learning (MEL) approach will follow this results framework to monitor progress towards outputs and assess outcomes and impact. To that end, data will be collected throughout land documentation and during related sensitization and capacity development activities. Data will be collected for USAID indicators included in the broader ILRG MEL plan, as shown in the table below.

### ILRG INDICATORS FOR MALAWI ACTIVITY

N°	PERFORMANCE INDICATOR [AND TYPE]	REPORTING FREQUENCY	TARGETS				LOP TARGET
			BASELINE	Y3 (JUL - SEP 21)	Y4 (OCT 21 - SEP 22)	Y5 (OCT - MAY 23)	
2	Number of specific pieces of land tenure and property rights (LTPR) legislation or implementing regulations proposed, adopted, and/or implemented positively affecting property rights of the urban and/or rural poor [EG.10.4-1]	Annual	0	N/A	1	1	2
1a	Number of adults provided with legally recognized and documented tenure rights to land or marine areas [EG.10.4-7]	Quarter	TBD	N/A	0	10,000	10,000
13	Number of groups trained in conflict mediation/resolution skills or consensus-building techniques [DR.3.1-2]	Quarter	0	N/A	0	2	2
32	Number of persons trained with USG assistance to advance outcomes consistent with gender equality or female empowerment through their roles in public or private sector institutions or organizations [GNDR-8]	Quarter	0	N/A	100	100	200

30	Percent representation of women in community governance structures within project areas [Custom]	Annual	0	N/A	30%	40%	40%
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The ILRG Malawi Country Coordinator, with support from the Field Coordinator and ILRG home office staff, will be responsible for MEL. The gender assessment will provide baseline data for the indicators above as appropriate and for the learning agenda detailed later in this section.

Quantitative data will be gathered throughout the land documentation process and will include attendance in sensitization and training, data from adjudication and demarcation, data from claims for corrections, and data from land conflicts. Most data will be collected automatically through the MSDC tool. All data will be disaggregated by gender, age, community, and other relevant variables.

Qualitative data will be obtained through pre- and post-training surveys to assess gained knowledge and shifts in perceptions and attitudes by stakeholders trained. Although the timeframe of the activity will not allow for substantial shifts in gender norms that hinder women’s land rights, the MEL approach will capture initial shifts in attitudes and behaviors informed by such norms, particularly around inclusion of women in land certificates, women’s meaningful participation in land governance, women’s decision-making over land use and control, and gender-based violence related to land documentation. This will be captured through information from the initial gender assessment and case studies using the Most Significant Change approach. Stories of significant change will be generated and analyzed from interviews with couples before and after activities and focus group discussions with men and women farmers in the target communities.

This activity builds into ILRG’s broader learning agenda on cross-cutting themes related to women’s land rights and women’s empowerment:

- **Land Law and Policy**

- In which ways do local community groups participate in public processes, and how can access to land information be increased?
- To what extent are ILRG-offered tools used in the policy development process and adopted in practice?

- **Land Documentation**

- How can land administration records be kept up to date and accessible when government and customary capacities are not yet able to manage data for the long-term? How can capacity of state and communities be developed for local administration?
- Under which conditions does rights documentation actually weaken rights or leave households more vulnerable?
- What benefits can communities or households access based on documentation process and on actual documentation?
- Are there any biases in the rights registered based on the enumerators (characteristics)?
- Under which conditions does rights documentation actually weaken women’s rights or increase intimate partner violence? What strategies or interventions can be put into place to mitigate these negative impacts on women?
- What is the relationship between inclusive representation on land committees and capacity and governance of committees?

- What are the gendered dynamics of matrilineal chiefdoms with respect to land documentation, land decision-making, etc.?
- Gendered inheritance: What are the dynamics of who has been named as primary beneficiaries?
- **Social Norms Change**
  - What approaches, strategies, and activities were most effective to change gender norms, empower women and increase gender equality? Why and how?
  - Who are the critical groups of influence that need to be engaged to shift gender norms and promote women's land rights and women's empowerment?
  - How can women's representation in resource governance entities transition into meaningful participation? Do quotas help? What else is needed?
  - What is the relationship between rights documentation of women and their decision-making power over land? What are the particular gaps and needs related to equal decision-making on land and other resources at the household and community levels?
- **Linking Land Rights to WEE**
  - How can formalization/recognition of women's rights to land turn into opportunities for economic empowerment and entrepreneurial opportunities? What else besides a name on a certificate or title is needed?
  - Where and how do land rights recognition for women enhance women's access to input, extension, and credit?
- **GBV:**
  - Are there any unintended negative impacts of documenting customary land? If negative impacts are identified, how can land project best prevent, mitigate, and respond to them?

# ANNEX I: IMPLEMENTATION SCHEDULE

ACTIVITIES		2021					2022										2023						
		Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>1</b>	<b>TLMA Assessment</b>																						
1.1	Carry out TLMA assessment (completed before implementation plan)																						
<b>2</b>	<b>Preliminary Work</b>																						
2.1	Develop the implementation plan with LRIU																						
2.2	Present an assessment report to identify a TLMA ear marked as a project area and implementation plan draft to the Ministry of Lands for approval																						
2.3	Present ILRG program to district executive committee members at Nkhotakota District Council																						
2.4	Present ILRG program to the full council at Nkhotakota District Council																						
2.5	Present ILRG project to ADC for TA Mwansambo																						
<b>3</b>	<b>Implementation</b>																						
<b>3.1</b>	<b>Awareness, Outreach, and Field Implementation Materials on Scaling Gender-Responsive Customary Documentation and Land Governance Processes</b>																						
3.1.1	Source project manuals, training kits from stakeholders																						
3.1.2	Review and engender project training manuals																						
3.1.3	Hold a stakeholder workshop to validate revised materials, promoting adoption by government and other stakeholders																						









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