GOOD GOVERNANCE IN MALAWI

Impact evaluation of the 'Strengthening Land Governance System for Smallholder Farmers in Malawi' project

Effectiveness Review Series 2019/20

Dr Msukwa standing by the project signpost in Nazimbi village, Phalombe; Credit: Jane Burt, Emerald Network Ltd.

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Emerald Network Evaluation Team

Emerald Network is a niche consultancy that works with multi-level, multi-stakeholder systems change for just and sustainable development through policy influencing, research, evaluation, design, process facilitation and social innovation. Our leading-edge practice is informed by complexity and systems perspectives and transformational learning approaches, bringing together scholar-practitioners with in-depth experience and a wide range of skills to support the design and implementation of interventions. We work both globally and in China, Europe, Latin America, sub-Saharan Africa and South Asia.

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ACRONYMS AND ABBREVIATIONS

CBRLP	Community-Based Rural Land Project
CEPA	Centre for Environmental Policy and Advocacy
CLC	Customary Land Committee
CLT	Customary Land Tribunal
CSO	Civil Society Organization
DC	District Council/Commissioner
DCA	DanChurchAid
DEC	District Executive Committee
DFID	Department for International Development
EU	European Union
FAO	Food and Agriculture Organization
GIZ	German Development Agency
GVH	Group Village Headperson
ha	Hectares
HH	Household
MLHUD	Ministry of Lands, Housing and Urban Development
NLDP	National Land Development Programme
OCS	Oxfam Country Strategy
OGB	Oxfam Great Britain
TA	Traditional Authority
USAID	United States Agency for International Development
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WLR	Women's land rights

EXECUTIVE SUMMARY

Oxfam GB's Strategic Evidence Framework is part of the organization's effort to better understand and communicate its effectiveness, as well as enhance learning across the organization. Under this Framework, a small number of completed or mature projects are selected each year for an evaluation of their impact, known as an 'Effectiveness Review'. During the 2019/20 financial year, one project selected was the EU-funded 'Strengthening Land Governance System for Smallholder Farmers in Malawi' project (henceforth referred to as 'the project').

PROJECT DESCRIPTION

The project was implemented by a consortium made up of Oxfam in Malawi, LANDNET (who withdrew from the project in August 2018) and the Centre for Environmental Policy and Advocacy (CEPA) (henceforth referred to as 'the consortium'), with technical support from DAI (consultant). The project seeks, in the long-term, to contribute towards rural women and men in Malawi being enabled to practise sustainable agricultural production and secure livelihoods. Its specific objective is to pilot, test and recommend for scale-up improved gender-sensitive land governance systems for customary estates. Customary land estates are any land which is owned, held or occupied within a Traditional Land Management Area as private land under the registered Land Act, 2016. To achieve this, the project sought to do the following:

- Develop and test an institutional framework for establishing customary land estates.
- Demonstrate the feasibility of rural land governance systems that conform to international guidelines and to recommend these for scale up.¹
- Influence the enactment of laws relevant to the titling and registration of customary estates and their readiness for implementation.²

The project consortium worked in partnership with the Malawian government. It was recognized as a key learning platform for many other role-players in land governance in Malawi, such as the World Bank, FAO and other national NGOs and government. The project was initiated in September 2015 and is yet to be finalized. It was due to be finalized by March 2020 but because of the COVID-19 pandemic, the final stages of issuing certificates for land has been delayed.

EVALUATION PURPOSE AND DESIGN

The immediate purpose of the impact evaluation of the project is to:

- assess and articulate up to two significant intermediate and/or final outcomes that have been realized through the project and have been chosen in consultation with the evaluation team (these can be different from the official project outcomes)
- investigate the processes by which these outcomes were generated and in the light of other contributing factors
- assess the significance of the consortium's contribution to these realized outcomes.

The evaluation team used Oxfam GB's six-stage process tracing methodology visualized in Figure 1.

Figure 1: Diagram visualizing Oxfam GB's process tracing approach

The focal outcome(s) are shown by the solid blue circle and unintended outcomes by the open blue circle. The original project of interest is within the dotted green box; the system of interest for the impact evaluation is within the solid blue box.

Our approach was divided into four phases:

1. *Inception meeting*: The following two focal outcomes were selected, and it was agreed that equal focus should be given to both.
 - **Focal outcome 1**: *By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.*
 - **Focal outcome 2**: *By 2020, women and men in two or more of the target Group Village Headpersons (GVHs)³ in Phalombe, Kasungu and Rumphi districts⁴ have secure land tenure with supporting land governance structures.*
2. *Gathering evidence*: Primary and secondary evidence was gathered. Primary evidence was collected via in-depth interviews and focus groups. Secondary evidence was gathered through a literature review of project documents, as well as documents related to land reform in Malawi.
3. *Reflection on findings with Oxfam in Malawi and Oxfam GB*. A draft report was completed and shared with Oxfam in Malawi and Oxfam GB. Consolidated comments were received from both organizations. These were discussed in a reflection workshop where we verbally shared our findings and discussed how the evaluation could be strengthened
4. *Final report writing based on comments from the reflection workshop*. The evaluation team undertook a small number of follow-up interviews based on the reflection workshop feedback. The report was then finalized.

RESULTS

The results set out below document the impact of the project for two selected focal outcomes.

Focal outcome 1

Focal outcome 1: *By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.*

The evaluation found the following evidence demonstrating the extent of the materialization of focal outcome 1:

By 2017, 10 out of 11 land acts had been passed by Parliament, six of which are especially relevant for the registration of customary estates. These are:

1. Land Act (No. 16 of 2016) replaced the old Land Act 1982
2. Customary Land Act (No. 19 of 2016) replaced the Customary Land (Development) Act 1988
3. Registered Land Act (No. 7 of 2017) replaced the old Registered Land Act 1981
4. Land Survey Act (No. 18 of 2016)
5. Physical Planning Act (No. 17 of 2016) replaced the Town and Country Planning Act 1988
6. Land Acquisition Act (No. 9 of 2017) replaced the old Lands Acquisition Act 1970

The Customary Land Act and the Physical Planning Act were completely new laws, entirely different from the repealed Acts. This was the culmination of a 21-year-long process of land reform, the first milestone being the development of the Malawi National Land Policy 2002. Promulgation of the Customary Land Act in 2016 did not mean that the laws were in force; rather, they came into force after the promulgation of the subsidiary legislation (Customary Land Regulations 2018), which benefited from the work of the consortium to produce the Guidelines and Procedures for Customary Land Governance in Malawi. Furthermore, in 2018 the regulations for the Physical Planning Act, Land Survey Act and Land Acquisition Act were gazetted but not yet in force. In the absence of regulations for these new laws the regulations of the old Acts were still being applied.⁵ However, at the time of this evaluation in January 2020, the new Acts were in force.

A manual for the piloting of adjudication, delineation and verification was developed in a collaborative way with all stakeholders, including the Ministry of Lands, Housing and Urban Development. These were reviewed by DAI based on their technical expertise and experience of land governance implementation in other countries.

Acts relating to changes in the Land Act have also been amended, such as the Forestry Act (No. 5 of 2017), the Public Roads Act (No. 8 of 2017) and the Mines and Minerals Act (2019).

The contribution of the consortium to focal outcome 1

The evaluation found the following evidence relevant to the contribution analysis for focal outcome 1:

- Oxfam in Malawi hired a consultant who assessed the land bills. Based on this assessment the land bills were revised and passed by Parliament in 2013 but were not assented to by the President because they did not adequately provide for the women's land rights and the rights of other vulnerable groups. The revised land bills subsequently became more gender sensitive through collaboration between the consortium, ActionAid and the Women's Caucus in Parliament.⁶
- The consortium contributed to the approval of 10 out of the 11 land bills by Parliament in 2016 by engaging the following key stakeholders to support the revised gender-sensitive land bills in Parliament: ActionAid, the Women's Caucus in Parliament, the leaders of opposition parties in Parliament as well as through facilitating a workshop for the following committees of Parliament: the Legal Affairs Committee, the Agriculture and Natural Resources Committee and the Women's Caucus in Parliament.
- The evaluation also found evidence that the consortium contributed to the assenting of 10 land laws by the President in 2017. When the land bills were approved by Parliament in 2016 presidential assent was withheld. The consortium lobbied and organized a team of stakeholders who participated in an emergency audience with the President, where they successfully lobbied him to assent to the new land bills. The stakeholders who participated in the cabinet meeting included representatives of traditional authorities, lawyers and land administrators, as well as the consortium.
- Prior to the enactment of the new land laws, the consortium developed three guidelines and procedures which together made up the Guidelines and Procedures for Customary Land Governance in Malawi. These included guidelines for establishing customary land institutions, guidelines and procedures for land titling and registration, and guidelines for establishing dispute resolution and conflict management mechanisms. These guidelines were developed through consultations with a wide range of stakeholders including the traditional leaderships; chiefs in the Lilongwe Land Project,⁷ particularly on how they got their land registered; Forestry Departments; the Irrigation Department; FAO and civil society organizations. They were also presented and discussed during a stakeholder workshop. According to the consortium, the guidelines and manual informed the development of the Customary Land Regulations (2018), which in turn were used during the delineation processes.⁸

For the contribution analysis this evidence was brought to bear on the following four contribution hypotheses:

Hypothesis 1: The Malawian government played an important role and would have been able to register customary estates laws without the consortium or any other civil society role-player.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: While it is possible that on its own the Malawian government might have come to register the customary estates laws without inputs from others, the evidence indicates that the CSO community including the consortium played a critical role in accelerating and strengthening a process that had already been ongoing for over 20 years. The initiation of the project and the government's refusal to allow the project to go forward without the promulgation of the new land laws also fast tracked the process by freeing up resources invested by the consortium in advocating for the new laws to be passed. The CSO community, led by LANDNET (before the project) and later by the consortium (during the

project) and ActionAid with the Gender Network, were instrumental in challenging key aspects of the law that did not speak to the rights of the most vulnerable, specifically by convening and intermediating the influence of key stakeholders, advocating for better provision for women's land rights and the rights of other vulnerable groups, lobbying for presidential assent, and developing guidelines that in turn informed the development of the Customary Land Regulations (2018).

Conclusion: We conclude this hypothesis scored low.

Hypothesis 2: The Malawian government played an important role, but an additional key role was played by the consortium.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: The significant contribution of the consortium is that LANDNET coordinated civil society advocacy at a national level with the support and involvement of Oxfam and CEPA. It can also be argued that they played a mediating role between civil society, traditional authorities and government. For example, government asked the consortium to review the new laws and meet with traditional authorities to understand their concerns. The consortium also engaged with the Women's Parliamentary Caucus. The success of this coordinating role by the consortium, within this broader movement of civil society organizations, can be attributed to historical and capacity factors of the consortium and other role-players. It was the Gender Network, led by ActionAid that pushed for a strengthening of gender rights in the land bills which may not have happened if the Gender Network was not involved. The consortium was also building on over 20 years of engagement and advocacy by civil society (including the partners of the consortium in their individual capacities) and other stakeholders and donors. Without this historical engagement and the gender focus led by ActionAid, it is unlikely the laws would have been strengthened with only the consortium's involvement.

Conclusion: If we are to look at the evidence only for the period of the project, we can conclude that the consortium played a leading role during this time and that this was a key role for ensuring the promulgation of the land laws.

Hypothesis 3: The Malawian government played an important role but an additional key role was played by role-players (other than and not by the consortium).

Evidence status: We have enough evidence from various stakeholders to evaluate this hypothesis but have not been able to triangulate evidence with ActionAid and the Women's Parliamentary Caucus.

Contribution analysis: During the time period of the project, a main influencer in shaping the passing of the new laws was ActionAid, who supported the Gender Network, with the Women's Parliamentary Caucus. Once gender issues were resolved it appears ActionAid's role was reduced, although it was this collaborative effort that led to the emergency parliamentary meeting that culminated in the President assenting to the new land bills. ActionAid was also not entirely satisfied that gender issues had been addressed. The consortium was able to mediate between government and the Gender Network. As one stakeholder explained, the consortium knew how to suggest things rather than demand things, resulting in government thinking it was their idea or that it was a collective initiative.⁹

Conclusion: Given the evidence that the consortium made a strong contribution, we conclude that this hypothesis is not supported by the evidence.

Hypothesis 4: The combined activities of the government, other key role-players and the consortium led to outcome being realized.

Evidence status: We have enough evidence from various stakeholders to evaluate this hypothesis but have not been able to triangulate evidence with ActionAid and the Women's Parliamentary Caucus.

Contribution analysis: The consortium consisted of a national network with a strong history of land advocacy (LANDNET), an internationally recognized civil society organization with a strong human rights focus (Oxfam) and natural resource management professionals (CEPA). All of these organizations have individually been engaged in equality, justice and sustainable development in Malawi for many years. The combination of their skills was significant in mediating the eventual promulgation of the new land acts. However, the Gender Network was vital for ensuring that gender rights were represented in the new land act. Without their contribution the laws would have been weaker in this regard. Civil society advocacy would also not have been as successful if the Malawian government was not committed to land reform however without civil society involvement, and the initiation of the project, the reformed land acts would have been weaker and would potentially have taken a lot longer to finalize. We therefore argue that it was combination of the Malawian government's commitment to land reform, the Gender Network's commitment to gender rights and the consortium's advocacy, mediation and pressure to fast track the process that led to the final promulgation of the Customary Land Act and other relevant land acts. However, during the time of the project, the consortium played the valuable role of advocacy and mediation between civil society, government and traditional leadership.

Conclusion: The evidence under here and under 1–3 above indicates some support for this hypothesis; however, on balance the available evidence suggests a primary role played by the consortium in influencing the government during the timeframe of the project.

Rating of the consortium's contribution to focal outcome 1

In the light of the above, we have applied a G/A rating to the consortium's contribution to this focal outcome, as follows:

Focal outcome	Rating	Short commentary
<p>Focal outcome 1: <i>By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.</i></p>	<p>Outcome realized in part and evidence that intervention made a crucial contribution.</p>	<p>Materialization of the outcome: The Customary Land Act and the Customary Land Regulations are both now in force. While other relevant laws, including the Physical Planning Act and the Land Survey Act, have been enacted, their regulations are not yet in force. Relevant guidelines are still being written and relevant decentralized governance structures for implementation are not yet in place.</p> <p>Significance of the contribution by the consortium: The consortium made a crucial contribution to the realization of this outcome. They did this by coordinating civil society advocacy and through the mediating role they played between government, traditional authorities and civil society (meetings, workshops and reviews). This resulted in several relevant land acts – in particular the Customary Land Act – being passed by Parliament and assented to by the President. It is argued in the evaluation that the relevance of these acts to the registration of customary estates – particularly from a gender-equality perspective – is likely stronger than if the consortium, along with ActionAid, had not played this advocacy and mediating role. ActionAid were particularly involved in advocating for more gender-sensitive land laws. The consortium mediated between ActionAid and the Malawian government in relation to gender and land rights, with ActionAid pushing for the laws to be adequately gendered. Once this was resolved to some degree it seems as if ActionAid's role was reduced. Because of resource constraints we were limited in the extent to which we were able to establish the strength and significance of these two contributions relative to each other. However, it is clear that the consortium played multiple roles that led to the promulgation of the land acts. These included advocacy, capacity building and mediation.</p>

KEY:

Focal outcome 2

Focal outcome 2: *By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secure land tenure with supporting land governance structures.*

The overall target was to adjudicate, demarcate and register land for 1,000 households in each of the group village areas in the three districts (a total of 3,000 households). As of January 2020, no one had received land tenure in the target GVHs in Phalombe, Kasungu and Rumphi. However, as of July 2020 there had since been significant progress¹⁰ as follows:

- In *Phalombe*, 993 households had had their land adjudicated, demarcated and confirmed pending issuance of customary land certificates, and in total 2,187 land parcels were confirmed.
- In *Kasungu*, 685 households had had their land adjudicated and demarcated with 1,124 parcels confirmed.
- In *Rumphi*, 405 households had had their lands adjudicated and demarcated covering 897 parcels.
- Community level governance structures – CLCs and CLTs – were established, although sustainability of these structures was uncertain.

The district level governance structures were yet to be established.

The contribution of the consortium to focal outcome 2

The evaluation found the following evidence relevant to the contribution analysis for focal outcome 2:

- The most significant contribution of the consortium was in the manner in which information on land rights was shared and the learning that many role-players in land governance gained from this pilot project. The consortium brought to the table a valuable set of skills in relation to grassroots mobilization, community engagement, capacity building, rights advocacy, gender rights and grassroots networking. This enabled them to clear misconceptions and fears surrounding new land laws. It led to the effective establishment of local governance structures (CLCs and CLTs); enabled the community members to understand and clearly articulate the gender benefits of the land reforms and worked towards breaking the culturally engrained gender dynamics and other issues related to customary land titling and registration. Although this was so, there was evidence of pressure within the different matriarchal and patriarchal systems when it came to registering land in the name of both the husband and wife.
- We were not able to gain quantitative evidence as to how many land registrations contained both men's and women's names and in how many cases a spouse's name was removed because of pressure from the family when it came to final registration.
- On the part on the Ministry of Lands, Housing and Urban Development, the involvement of the consortium helped support the government's activities in terms of financial accountability. With the consortium managing the project finances for the pilot implementation of the land bills, the ministry officials involved in the project could concentrate on technical issues. Often, even if budget is allocated to a particular project within the ministry, this can change at any time if the minister decides to use the budget elsewhere. Securing money through the project meant that the finances for land reform could not be reallocated.
- The project has led to the piloting of a civil society and ministry partnership regarding the roll out of the Customary Land Act. Although this has not been a straightforward relationship and has led to some tensions, on the whole the ministry sees the relationship with civil society as a valuable one

and acknowledges that without the grassroots networks that civil society has nurtured over many years this pilot land reform initiative would not have been as successful.

For the contribution analysis this evidence was brought to bear on the following four contribution hypotheses:

Hypothesis 1: The Malawian government played a leading role and would have been able to facilitate the securing of land tenure and support land governance structures without any other role-players.

Evidence status: We have enough evidence to evaluate this hypothesis.

Contribution analysis: The evidence showed that the consortium made critical contributions to the facilitation process – both in ensuring financial security of the process and in bringing to the table a valuable set of skills in relation to grassroots mobilization, community engagement, capacity building, rights advocacy, gender rights and grassroots networking.

Conclusion: We therefore concluded that this hypothesis was not supported.

Hypothesis 2: The Malawian government played an important role but an additional key role was played by the consortium.

Evidence status: We have enough evidence to evaluate this hypothesis

Contribution analysis: This project was a pilot in two ways: firstly, piloting the implementation of the new land laws in three districts and secondly, piloting the role of civil society partnering with government to implement the new land laws. From the evidence it is clear that the consortium brought particular skills that led to a more effective community sensitization process. Channelling funds through the consortium also ensured that the money earmarked for the implementation of the land acts was not redirected. However, it is unlikely that the consortium alone would have achieved the registration of land parcels without the broad participation of other key stakeholders, such as FAO and the World Bank, and service providers, such as DAI, who have an equally long history of engagement with the land reformation process. These organizations often played a mediation role between government and the consortium during the implementation phase of the project, as well as providing expertise.

Conclusion: It is without doubt that the consortium led the implementation process. However, without the support of other stakeholders it is unlikely to have been as successful as it was or to have been such a useful platform for learning. The evidence does not entirely support this hypothesis.

Hypothesis 3: The Malawian government played an important role but an additional key role was played by other role-players (other than and not by the consortium).

Evidence status: We have enough evidence to evaluate this hypothesis.

Contribution analysis: There has been a lot of historical work around land reform that has gone a long way to paving the way towards implementation. Stakeholders who have been involved for many years have continued to be involved in land reformation. This historical work was built on by the consortium. Engaged stakeholders also continued to play a significant role through the different governance and advisory structures linked to the project. In fact, the EU, the World Bank, and particularly the FAO, played an important mediation role between government and the project, given that this was also a pilot in terms of a civil society–government partnership in implementing the land acts. DAI also provided technical

support to the process. However, once the land laws were promulgated there was widespread uncertainty amongst all stakeholders on how to proceed. All the attention of civil society had been to advocate for the laws to be passed, which stakeholders described as all-encompassing over a period of 21 years.¹¹ There was a need for something to shift civil society into a new relationship with land reform, which the consortium project provided.

Conclusion: The evidence shows support for the role of other stakeholders besides the consortium, but the project is what enabled the broader community to move forward with the land reform process. The evidence does not support this hypothesis.

Hypothesis 4: The combined activities of government, other key role-players and the consortium led to the outcome being realized.

Evidence status: We have enough evidence to evaluate this hypothesis.

Contribution analysis: The project provided the pilot that both government and civil society organizations needed to learn together how best to proceed with the implementation of the land acts. A collaborative spirit had developed between civil society during the many years of advocacy, but there was now uncertainty about how to proceed. The consortium project provided the platform around which all role-players could engage with each other. Organizations like the FAO and the World Bank mediated government relationships that were tense at the start of implementation because of the project team and government officials having to negotiate their roles and responsibilities in relation to each other and the stipulations of the acts. The most significant contribution of the consortium was in the manner in which information on land rights was shared and their embedded networks in grassroots communities. They understood what it takes to work with communities through developing relationships of trust and collaboration. The project has led to the piloting of a civil society and ministry partnership with regard to the roll out of the Customary Land Act. The ministry sees the relationship with civil society as a valuable one and acknowledges that without the grassroots networks that civil society has nurtured over many years the project would not have been as successful. Local civil society networks also increased the potency of the consortium's awareness campaigns by spreading these throughout their networks and working at the intersection between land and other relevant issues such as mining and gender.

Conclusion: The evidence supports this hypothesis.

Rating of the consortium's contribution to focal outcome 2

In the light of the above, we have applied an A rating to the consortium's contribution to this focal outcome, as follows:

Focal outcome	Rating	Short commentary
<p>Focal outcome 2: <i>By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secure land tenure with supporting land governance structures.</i></p>	<p> </p> <p>Outcome realized in part and evidence that intervention made an important contribution.</p>	<p>Materialization of the outcome: Land tenure was not yet secure in any of the three districts by January 2020 although significant progress had been made with Phalombe moving towards issuing certificates. This has been delayed by the COVID-19 pandemic. There were some concerns about the legality of certificates given that the District Registrar's Office was not yet established at the time of the interviews. The records were being domiciled at the office of the Surveyor General who is in charge of the spatial data in Malawi. Currently the Ministry of Lands, Housing and Urban Development has deployed the District Registrar's Office. There were also concerns about whether the land certificates would get to the right people. Not all land parcels were completed according to the target set. This is largely due to the three-year delay in implementation where the consortium shifted focus to advocate for the passing of the relevant land acts. There were also tensions with the Traditional Authorities (TA), with some land demarcated and verified and some not, and unresolved tensions between neighbours' and chiefs' boundaries.</p> <p>Local governance structures, such as the CLT and CLC have been established. There were some issues with the establishment process in Phalombe but the project team learnt from this experience and establishment in other areas has been a success. These local land governance structures are highly committed in some areas. However, training was reported to be inadequate. The sustainability of local governance structures, particularly the CLC, is at risk owing to this feeling that members lack capacity, both in terms of capability as well as resources to travel to different areas. Time demands in amongst daily chores was also unexpected.</p> <p>Significance of the contribution by the consortium: A significant contribution of the consortium has been its in-depth sensitization and awareness work in the three GVHs – this made a crucial contribution to the communities' understanding and support for the new land acts. The particular attention to gender and vulnerable groups was apparent in this sensitization work.</p>

KEY:

KEY LESSONS AND RECOMMENDATIONS

Key lessons	Recommendations
Focal outcome 1: <i>By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.</i>	
Strong, long-term partnerships with local Malawian grassroots networks has collective political influence.	Include National CSOs in consortiums that have strong networks in civil society and a record of being able to mobilize and advocate for change.
The pooling of skills between partners enables a much stronger position when negotiating with government.	A consortium should have a diverse skill set to contribute to policy and legislative change which includes the ability to mobilize, advocate, research, convene and negotiate.
The ability to coordinate around conflict and disagreement led to a quick and consolidated resolution for civil society. A consortium made up of civil society organizations that include skills in negotiating with government is valuable for mediating between government and civil society.	Ensure the project consortium has personnel that are able to resolve conflicting views while privileging equality and justice with regard to land issues.
A systemic position on land, gender rights and health makes it possible to develop partnerships across civil society sectors and to strengthen grassroots engagement across sectors, such as women's groups that are addressing gender-based violence and who see the importance in mobilizing around land issues at a national scale.	Work with CSOs whose mandate extends beyond the short time frame of the project and who have the ability to situate a funded project within a systemic picture of what needs to change.
Coordinated and consolidated mobilization by the CSO community strengthens policy and law. This takes resources and long-term relationships with, and support for, grassroots communities, movements and organizations.	Invest in resources collaborations and networks beyond project boundaries and project targets.
Focal outcome 2: <i>By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secured land tenure with supporting land governance structures.</i>	
Networked CSOs, that are embedded and trusted by local communities, are highly skilled at sensitization, awareness and capacity building. These organizations understand how to facilitate local action and adapt as they learn.	Implementing land governance requires a partnership with CSOs particularly when projects require grassroots support.
CSOs are both implementing agents and the watchdogs for civil society. Their mandate and way of operating is very different to that of government. Government is the implementor of law. At times there were tensions in the project relating to roles and responsibilities. Skilled mediators in more neutral organizations helped to resolve these tensions.	Ensure that there is a skilled mediator who works for a relatively neutral and influential organization. The mediator should have experience with Malawian CSOs and government. This person could be situated on a reference group or steering committee. The organization should have a stake in the project.

1 INTRODUCTION

1.1 DESCRIPTION OF THE PROJECT

The EU grant consisted of two calls for bids: the first to support the Ministry of Lands, Housing and Urban Development with capacity and the second, a call to civil society to pilot customary land governance. The 'Strengthening Land Governance System for Smallholder Farmers in Malawi' project (henceforth referred to as 'the project') was the second bid implemented by a consortium consisting of three organizations, starting in September 2015. It was planned to finish in March 2020 but due to the COVID-19 pandemic, land tenure certificates have still not been officially issued. A €1,665,935 EU grant was awarded through Oxfam Great Britain (Oxfam GB) and was managed by Oxfam in Malawi as consortium lead. LANDNET, a land network that has been active in Malawi since 1999, was responsible for sensitization and awareness raising, community engagement and advocating for women's land rights. The Centre for Environmental Policy and Advocacy (CEPA) was responsible for the more technical aspects of the project, including the delineation and registration of the land parcels (Oxfam, LANDNET and CEPA are henceforth referred to as 'the consortium'). DAI won the first bid to support the Ministry of Lands, Housing and Urban Development, which included facilitating development of the relevant infrastructure. This included conducting an institutional assessment of the ministry as well as a land marketing study, facilitating development of a sectoral devolution plan and a land registry plan, and budgetary support to the ministry.

The consortium worked alongside DAI (consultant) who were responsible for capacity building with the ministry. DAI also assisted the consortium with building capacity around the more technical aspects of land governance.

At a local level, the project has been implemented in three **districts**: Phalombe, Kasungu and Rumphi and in one **traditional authority** (TA) in each of the three districts. These districts are in the southern, central and northern regions of Malawi and represent the socio-cultural diversity of the country, which potentially has a bearing on how land governance reforms are implemented. Specifically, Kasungu district was recommended in the call for proposals as it represents an area where the displacement of customary landholders is high because of the creation of leasehold estates. Rumphi and Phalombe districts were selected as these represent areas stronger in patrilineal and matrilineal systems, respectively. Furthermore, Oxfam and LANDNET both have extensive networks and experience with local CBOs and NGOs in Kasungu, Rumphi and Phalombe.

Figure 1.1: Map of Malawi showing the three districts where the project was implemented and Lilongwe City (OCHA, 2020)

The long-term goal of the project is to enable rural women and men in Malawi to practise sustainable agricultural production and secure livelihoods, with a specific objective to pilot, test and recommend for scale-up improved *gender-sensitive* land governance systems for customary estates. The intended results of the pilot are to benefit approximately 15,000 people and lead to 3,000 households (HHs) having land tenure (1,000 in each TA). The higher-level intended result is to develop a tested institutional framework for establishing customary land estates and guidelines for scale-up (Oxfam GB, 2015).

1.2 CONTEXTUALIZING THE PROJECT

The project under review was developed within two main contexts: (i) the broader Malawi land governance context and (ii) the Oxfam Country Strategy (OCS) in Malawi (2015–2020), itself nested within the Global Oxfam Strategy, and the strategies of LANDNET and CEPA.

Oxfam's Country Strategy in Malawi

The vision of the OCS in Malawi, which reflects its Global Strategy, is that *Malawian women, men and boys and girls are more equal, have improved livelihoods and as active citizens have greater influence over decisions that affect their life*. The project also responds to Oxfam's Global Land Programme on land rights that is being implemented in 40 countries and draws on years of cross-country experience and learning. This programme has contributed to the international Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) principles. The findings from the project were also intended to feed into Oxfam's global GROW campaign on food and climate justice, which includes advocacy for land rights particularly for women. Figure 1.2 illustrates this nested set of interlinkages within the Oxfam ecosystem.

Figure 1.2: Nested interlinkages within the Oxfam ecosystem

LANDNET's land advocacy

LANDNET is a network of land CSOs that advocate for pro-poor and equitable land and natural resources policy, legislation and decision making. It was started in 1999 in response to lack of engagement between the government and civil society in relation to the development and implementation of natural resources management policies and legislation, specifically in relation to land. It was a leading organization in the land reform process before the project started. It has been leading civil society advocacy around the land reform struggle since 2006. The project resources supported LANDNET in taking a lead in mobilizing civil society and advocating for the promulgation of the new land acts, which could ensure more equitable access to land. The consortium project also provided LANDNET with the opportunity to develop the capacity of Malawian civil society around land reform. This was one of LANDNET's key objectives.

CEPA and sustainable development

CEPA's mission is to ensure a just and equitable society that promotes sustainable development through research and advocacy. The organization is seen as a think tank for promoting sustainability and natural resource management in Malawi. This includes strengthening institutions and policy. CEPA particularly focuses on strengthening governance mechanisms for natural resource management, which intersects with the governance of land particularly for small-scale farmers who are most at risk of unjust land practices. This consortium project gave CEPA the opportunity to be involved in piloting the implementation of the new land acts. This included tools and methods for delineating small land parcels used by small-scale farmers, setting up local land governance structures and, through a bottom up approach, advocating for strengthening institutions at a district scale.

How the project is situated within the Malawian context on land

The project proposal cites the following country contextual considerations as having informed the project:

- Rising population and rising intrusion of commercial farming on customary land leading to increased pressure on land.
- Weak legal and institutional frameworks, inadequate provision of land information, and poor conflict resolution and dispute management.
- Which together lead to increasingly frequent land-based conflicts, as well as dispossession and threats of dispossession;
- In addition, as customary land is governed predominantly within a framework of patriarchy, this results in inequalities in land tenure security for women.

More than 80% of Malawi's population depends on subsistence agriculture. Rising population rates and the increase in commercial farming is putting pressure on land available for subsistence farming. This is leading to land-based conflicts and land dispossession or threats of dispossession. There is very little trust between different role-players, be they government departments or traditional authorities, when it comes to land.

Most of the land used for subsistence agriculture is customary land. Customary land ownership in Malawi gets transferred within clans. This means that land has been governed by customary law.

Women are a particularly vulnerable group. In matrilineal communities, women own the land but do not necessarily have a say as to how the land is used and managed, which usually is done by the brothers or

uncles in the family. In patrilineal societies women are not able to own land and are particularly vulnerable if marriage ends in divorce or after the death of the husband.

In 2012 the Malawian government, along with the World Bank, investigated the status of land governance in Malawi and found that there were weaknesses and gaps in all five thematic areas under the Land Governance Assessment Framework (LGAF) with particular weaknesses in the following:

- The legal and institutional frameworks: customary land tenure is recognized but cannot be enforced, leading to many vulnerable people losing their land. Vulnerable groups, such as women and children, cannot secure land rights easily.
- Public provision of land information: information on land is incomplete and difficult to access by the general public. There are only three centrally located offices, and information has not been digitized, only existing on paper, which has led to information going missing.
- Conflict resolution over land disputes: decisions made by customary law are ignored by the courts.

Malawian land reform has been a 21-year-long process involving advocacy by CSOs, government reform and international development support. It has culminated in the promulgation of 10 acts relating to land. The following summary of this process has been generated through first-hand accounts and a brief review of the literature (Figure 1.3).¹²

Figure 1.3: Summary of the Malawian land reform process over the past 21 years

1.3 DESCRIPTION OF PROJECT ACTIVITIES

The original project design of the consortium was to pilot implementation of decentralized land governance before the Malawian land acts were revised. The consortium had already developed guidelines for implementation and was encouraged to test these guidelines, particularly the process of delineating land and verifying delineations. A further reasoning for piloting implementation before the land law was finalized was that results could inform the new land law. The Malawian government would not agree to this proposal, arguing that the laws needed to be finalized before any implementation could take place. This meant adapting the focus of the project to mobilizing civil society around the land reform process.

Although this evaluation is specifically focused on the strengthening land governance project, this adapted focus of the project aligned other Oxfam projects with this particular initiative. It is also important to note that this project builds on previous Oxfam projects (particularly around gender) and the networks formed through these projects as well as the networks and work of LANDNET and CEPA.

To achieve its aims, the project sought to influence the enactment of laws relevant to the registration of customary estates and their readiness for implementation, to develop and test the institutional framework for establishing customary land estates, to demonstrate the feasibility of rural land governance systems that conform to international guidelines and to recommend these for scale up.

The Customary Land Act was put into force on 1 March 2018. Between September 2015 and March 2018, the main focus of the consortium was advocating for the land acts to be finalized, with the consortium engaging with the Ministry of Lands, Housing and Urban Development to provide support for policy, legislation and institutional frameworks. This included pushing for the establishment of district registrar offices which have not, to date, been established.¹³ Once the land acts had been finalized the project moved into piloting the roll out of the law in three pilot TAs in three districts: Phalombe, Kasungu and Rumphi. Roll-out action consisted of three distinct processes:

- Awareness raising (in communities and with local government) and sharing information on land rights, which included advocacy for the new laws and mediating between different stakeholders.
- Establishment of local governance structures.
- Adjudication, delineation and registration of land.

In 2018 the consortium began visiting the three districts to raise awareness in the communities about the local institutions that would be established for the roll out of the new Customary Land Act. This included introducing communities to the new governance structures for customary land, the Community Land Committee (CLC) and the Customary Land Tribunal (CLT), and then establishing these new governance structures through a democratic process, while at the same time ensuring the support of local leaders. Preparations began for community members to vote for members for the CLC. The consortium also developed a manual for training field staff, land clerks, ministry staff and local structures.

Once the local governance structures were established, the consortium began the process of delineating land parcels with the assistance of the CLC. In January 2020, at the time of this evaluation, this was still in process in Phalombe, at a stage where land certificates were being finalized, while Kasungu was reviewing some conflicts in relation to the verification process, and Rumphi was finalizing delineation.

2 EVALUATION DESIGN

2.1 EVALUATION PURPOSE AND SCOPE

The immediate purpose of this evaluation of the Strengthening Land Governance Systems for Smallholder Farmers in Malawi intervention is to:

- Assess and articulate up to two significant intermediate and/or final outcomes that have been realized through the project.
- Investigate the processes by which the outcomes were generated, in light of other contributing factors.
- Assess the significance of the consortium's contribution to the jointly selected realized outcomes.

A broader purpose of the evaluation is for Oxfam to develop, both in Malawi and globally, a deeper understanding of how impact is being generated through its contribution. This means that the broader purpose is to support programmatic learning, which has design and process dimensions, within Oxfam and among its stakeholders. It is worth noting that, using a process tracing approach, Oxfam has been working on and learning about how it can generate insight into its contribution to impact since 2013.

2.2 SELECTING THE FOCAL OUTCOMES

The evaluation team used Oxfam GB's six-stage process tracing methodology visualized in Figure 2.1.

Figure 2.1: Diagram visualizing Oxfam GB's process tracing approach

The focal outcome(s) are shown by the solid blue circle and unintended outcomes by the open blue circle. The original project of interest is within the dotted green box; the system of interest for the impact evaluation is within the solid blue box.

The first step of this approach involves selecting sufficiently mature focal outcomes as the focus for investigation of systems change. Selection of two focal outcomes was achieved through the following two steps:

- **Step 1:** Light touch examination of relevant documents.
- **Step 2:** Review and discussion with Oxfam in Malawi and Oxfam GB.

A significant feature of the project was that implementation of the piloting work in three districts was delayed for three years until the government had enacted the relevant laws, and guidance had been prepared. Focal outcome 1 was not the original focus of the project as it was hoped that the new land law would have been promulgated by the time the project started. This was not the case. Given this context, the consortium decided to focus on mobilizing civil society to both support and motivate the Malawian government to finalize this process. LANDNET and CEPA had a long history of mobilizing civil society around transforming the land laws to devolve ownership to people, particularly those in rural areas and women. This transformation included decentralizing land governance. This push for a review and revision of the land acts was in response to historical issues relating to the considerable amount of power that government and tribal authorities have over land ownership and use. The project adapted to the political constraints and during these first three years worked actively with government to support and seek to influence this process, including its timely completion. In recognition of this key role played by project staff and the extent to which the project change/influenced the creation of policy, the first focal outcome agreed was as follows:

- **Focal outcome 1:** *By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.*¹⁴

In recognition of the central role of the piloting work in the achievement of the project's two key results areas, the second focal outcome agreed was as follows:

- **Focal outcome 2:** *By 2020, women and men in two or more of the target Group Village Headpersons (GVHs)¹⁵ in Phalombe, Kasungu and Rumphi districts¹⁶ have secured land tenure with supporting land governance structures.*

It was agreed that equal focus should be given to both outcomes in the evaluation.

With agreement of and focus on these two focal (intermediate) outcomes, an outline theory of change for the project was reconstructed during the inception phase of this evaluation. This theory of change shows the following:

- The project activities and outputs intended to produce focal outcomes 1 and 2.
- The project strategies underpinning these activities and outputs.
- The relationship between the intermediate outcomes and the four longer-term project goals (Figure 2.2).

Figure 2.2: A reconstructed outline theory of change for the project¹⁷

2.3 EVALUATION PROCESS AND METHODS

Process tracing is the primary methodology used by Oxfam GB in its annual effectiveness reviews for governance and advocacy-oriented projects, and was adopted as the primary methodology for this evaluation. Our methodology was guided by Oxfam GB's six-stage process-tracing methodology (see section 2.2 and Figure 2.1 above)

We also drew on the framework developed by Adinda Van Hemelrijck and Irene Guijt,¹⁸ which enables exploration of the trade-offs between rigour,¹⁹ inclusiveness²⁰ and feasibility²¹ in an evaluation. Working with this framework enabled us to find an appropriate balance between ensuring ownership of the evaluation methodology (*rigour and inclusiveness vs. feasibility*), value for money of design options (*rigour and inclusiveness vs. feasibility*) and degree of participation in sense-making (*inclusiveness vs. rigour and feasibility*).

Our evaluation methods were as follows:

Inception meeting. The inception meeting with Oxfam in Malawi, held in late November 2019, was designed to build shared understanding of the rationale behind using process and contribution tracing, to help evaluators appreciate the background to and intended utilization of the evaluation findings and results, to enable the development of a shared and nuanced understanding of the evaluation, and to agree on the focal outcomes that will structure the evaluation. The Oxfam in Malawi team was represented by Steve Kuliya (Programme Manager for Livelihoods), Andrew Mkandawire (Land Governance Project Manager) and Austin Chilemba (Monitoring & Evaluation Coordinator). The meeting also drew on the evaluation team's understanding of the selected methodology and the outcomes that have been achieved and could be considered for process tracing.

Document analysis. Document analysis formed an important part of the evaluation resources by providing data on the background to the project under review, the designed and implemented strategies, and the planned and realized outcomes. In this way, the documents provide the necessary material on the envisaged and implemented theories of change. Understanding the background for the project also required reading beyond the specific project documents, such as broader research on land reform and gender and land within Malawi.

In-depth interviews and focus groups. Key informant interviews and focus groups were used to generate information, experiences and perspectives relevant to the focal outcomes and associated contributing processes. The key informants were selected through purposive stratified sampling to engage all the key stakeholder groups. In the inception report, the evaluation team set out to interview a diverse cross-section of stakeholders.²² Table 2.1 below shows the stakeholders we were able to reach during the two-week field trip in January 2020 and later through on-line interviews during the COVID-19 pandemic.²³

Reflection workshop. The feedback and evaluation process on the findings of this report were concluded through a feedback workshop that was attended by consortium members.

Table 2.1: Summary of stakeholders interviewed for this evaluation

Level	Stakeholders	Women	Men	Total
Phalombe district	GVH Maoni Customary Land Committee; GVH Maoni Community, Maoni Headman; Nazombe Traditional Authority Chief and Customary Land Tribunal; Project officer (CEPA/Formerly LANDNET); Land planning office/Land clerk; District NGO network (Phalombe Youth Arms organization)	39	17	56
Kasungu district	Project leader Kasungu district, CEPA (formerly LANDNET); Lukwa CLC including Senior Chief Representative; Ching'amba GVH community; Customary Land Tribunal	12	14	26
Rumphi district	Chimalabanthu GVH Community; Chimalabanthu Customary Land Committee; Mwakhulikira TA and Customary Land Tribunal; Director of Chikulamayembe Women's forum; Programme Manager, CEPA; Rumphi Land Clerk and District Lands Officer	14	21	35
National-level interviews	Chair of legal affairs parliamentary committee; Oxfam Land governance programme manager & M&E Coordinator; Team leader, Land reform Project Implementation Unit, MLHUD, Housing and Urban Development; Land Surveyor General; DAI technical working group, land administration expert; Practising Land Surveyor – Retired Surveyor General/ Commissioner of Lands; Executive Director of Land Governance Alliance (former LANDNET coordinator); Team Leader DAI EU; FAO, ActionAid Malawi, World Bank funded Shire Valley Transformation Program	2	10	12
Totals		67	62	129

2.4 STRENGTHS AND LIMITATIONS

It was extremely difficult to secure meetings with district staff. This was not our first experience of setting up interviews with district staff and so we were aware that it might be challenging. We were fortunate enough to secure meetings with the land officers and land clerks in two districts.

Oxfam in Malawi staff were managing two evaluations that were running simultaneously. This included an audit that was in addition to the two evaluations. This was not ideal as staff had limited time to attend to requests from two teams of evaluators.

There were protests by civil society during our fieldtrip in Malawi which shut down all urban centres. This meant that we were not able to work on one day when the protests were extreme. A bribery charge of government officials, which was not related to the project, was being investigated during our fieldtrip which led to disruptions in the country, making it difficult to interview some government stakeholders. This may be why government officials were unable to meet with us as they were dealing with other pressures.

We were able to do one follow-up interview with FAO, the Shire Valley Transformation Program and ActionAid that confirmed the consortium's significant contribution during this time. We were still unable to follow up with Women's Parliamentary Caucus because of the disruptions due to COVID-19, the fact that people were working from home meaning the usual contact numbers were not necessarily monitored, and the limited access to Wi-Fi in Malawi. The interview with FAO was interrupted on numerous occasions because of connectivity issues, and it was only because the FAO staff member being interviewed had two lines at home that we were able to conduct the interview by moving from one line to the other.

3 TO WHAT EXTENT HAVE THE FOCAL OUTCOMES BEEN ACHIEVED?

In this section we document the extent to which the focal outcomes have been achieved. Establishing as the first finding the extent to which the focal outcomes materialized provides an important framing for the contribution analysis which follows, allowing us to decentre from the project before we proceed to establishing what the consortium contributed to these outcomes, alongside the contributions of others.

3.1 FOCAL OUTCOME 1

Focal outcome 1: *By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.*

Conclusion: Focal outcome 1 has been realized in part and there is evidence that the consortium made a crucial contribution.

The evaluation found the following evidence demonstrating the extent of the materialization of focal outcome 1.

By 2017, 10 out of 11 land acts had been passed by Parliament, six of which are especially relevant for the registration of customary estates. These include:

1. Land Act (No. 16 of 2016) replaced the old Land Act 1982
2. Customary Land Act (No. 19 of 2016) replaced the Customary Land (Development) Act 1988
3. Registered Land Act (No. 7 of 2017) replaced the old Registered Land Act 1981
4. Land Survey Act (No. 18 of 2016)
5. Physical Planning Act (No. 17 of 2016) replaced the Town and Country Planning Act 1988
6. Land Acquisition Act (No. 9 of 2017) replaced the old Lands Acquisition Act 1970.

The Customary Land Act and the Physical Planning Act were completely new laws, entirely different from the repealed Acts. This was the culmination of a 21-year-long process of land reform, the first milestone being the development of the Malawi National Land Policy 2002. Promulgation of the Customary Land Act in 2016 did not mean that the laws were in force; rather, they came into force after the promulgation of the subsidiary legislation (Customary Land Regulations 2018), which benefited from the work of the consortium to produce the Guidelines and Procedures for Customary Land Governance in Malawi. Furthermore, in 2018 the regulations for the Physical Planning Act, Land Survey Act and Land Acquisition Act were gazetted but not yet in force. In the absence of regulations for these new laws the regulations of

the old Acts were still being applied.²⁴ However, at the time of this evaluation in January 2020, the new Acts were in force. Acts relating to changes in the Land Act have also been amended, such as the Forestry Act (No. 5 of 2017), the Public Roads Act (No. 8 of 2017) and the Mines and Minerals Act 2019.

A manual for the piloting of adjudication, delineation and verification was developed in a collaborative way with all stakeholders, including the Ministry of Lands, Housing and Urban Development. These were reviewed by DAI based on their experience of implementation in other countries.

3.2 FOCAL OUTCOME 2

Focal outcome 2: *By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secured land tenure with supporting land governance structures.*

Conclusion: Focal outcome 2 has been realized in part and there is evidence that the intervention made an important contribution.

Progress on securing land tenure in Phalombe, Kasungu and Rumphi

The overall target was to adjudicate, demarcate and register land for 1,000 households in each of the group village areas in the three districts (a total of 3,000 households). As of January 2020, the following progress had been made:

- No one had received land tenure in the target GVHs in Phalombe, Kasungu and Rumphi.

However, as of July 2020 there had since been significant progress²⁵ as follows:

- In *Phalombe*, 993 households had their land adjudicated, demarcated and confirmed pending issuance of customary land certificates and in total 2,187 land parcels were confirmed.
- In *Kasungu*, 685 households had their land adjudicated and demarcated with 1,124 parcels confirmed.
- In *Rumphi*, 405 households had their lands adjudicated and demarcated covering 1,363 parcels.
- Community level governance structures – CLCs and CLTs – were established, although sustainability of these structures was uncertain.
- The district level governance structures were yet to be established.

The overall target of the project was to register land for 1,000 households per site. The consortium had not reached this target at the time of this evaluation but was continuing the work. One concern that arose was that the approach to targeting was causing tensions because it left out some households in the GVH. On reflection, the consortium agreed that the targeting should have covered all the households under a particular GVH. On the whole it was reported by most stakeholders that the consortium has done what it said it would do given the contextual constraints.

Table 3.1: Summary of progress made towards securing land tenure as of July 2020²⁶

District	Households with land adjudicated and demarcated	Parcels	Households with parcels confirmed	Parcels
Phalombe	993	2,187	993	2,187
Kasungu	685	1,124	581	845
Rumphi	405	1,363	105	897

In *Phalombe*, while significant progress was made in the adjudication and demarcation of land, the work was not yet completed at the time of this evaluation.²⁷ This is particularly the case in boundary villages with other districts, which may make the process more complex. The final stages of developing and printing certificates were expected to happen by the end of February, but community members seemed unaware of this time frame and were concerned that the certificates had not yet been received.²⁸ The consortium confirmed that the certificates were ready to be handed over in March 2020, but this has been delayed by the COVID-19 pandemic.

In *Phalombe* some women managed to jointly register their land with their husbands and others managed to allow their sons to register pieces of their land just like their daughters. This was against the cultural norm of a matrilineal system where women or girls inherit land from their mothers or uncles and boys and men have no right to inherit or own their mothers' land. However, during the land verification process some of the women reversed their decisions to jointly register their customary land with their husbands. It was reported that this was due to pressure from uncles.²⁹

In *Kasungu* district, there were several reasons why the target of 1,000 households was not reached. Some households within GVH Ching'amba had allegiance with another GVH and resisted having their parcel registered within the area of GVH Ching'amba. There were also cases where some of the households could not adjudicate and complete demarcation of their land because their parcels shared borders with neighbours, and they could not complete demarcation of boundaries in the absence of their neighbours. Some neighbours lived in other towns, while others were not available at the time designated for demarcation. The tight time and budget constraints of the project made demarcation challenging. Demarcation and verification were completed on 20 December 2019. During the time of the evaluation fieldwork the printing of certificates was being discussed.³⁰

Furthermore, in *Kasungu*, some men allowed their married daughters to register a part of their family land under the daughter's name. Some of the men managed to jointly register their family land with their wives. This could be seen as a shift from the fear that the daughters may transfer the family land to their husbands' families when they get married and that the family land registered in the wife's name may be transferred to her own biological family or new husband's family upon death or dissolution of marriage.

In *Rumphi* district, which has a strong patriarchal culture where sons inherit land from their fathers, some men were able to jointly register their family land with their wives, and others allowed their daughters to register pieces of family land just like sons did.³¹ The adjudication and demarcation processes were cut short to ensure that there would be enough time for the confirmation of parcels before the project comes to an end.

In all three districts the most significant benefit of land registration under the new Customary Land Act was not articulated as directly gender related, but rather it related to keeping the land in the immediate family. Both men and women appreciated and valued this shift as when either of them died the land would not be taken by uncles or brothers but would belong to their children. This potentially frees families

from powerful brothers in the family. Consequently, married women and children (both daughters and sons) were allowed to register part of their parents' pieces of land.³² This is a significant contribution of the project as the Customary Land Act 2016 does not expressly provide for this. It was the efforts of the consortium's advocacy work that enabled this.

Establishment of local governance structures

CLCs and CLTs

Two local governance structures, Customary Land Committees (CLCs) and Customary Land Tribunals (CLTs), have been established in all three districts. Evidence from the communities and traditional leadership in all the three districts shows that the establishment of CLCs to facilitate adjudication, demarcation and registration of land was generally perceived to be democratic, with some exceptions.³³

The criteria for identifying individuals to be elected to the CLC and the procedures for their election, as laid down in the Customary Land Regulations 2018, were adhered to during the election of the CLCs.

In *Phalombe* district, the consortium presided over the processes of registration of voters, and nomination of the candidates for the CLC position, as well as the voting process. Consequently, the communities voted for CLC members in the same way they usually vote for members of parliament, ward councillors or the President. While the voting process was welcomed and generally seen as democratic, community members alleged that during the campaigning period some candidates bribed voters to vote for them. This compromised the legitimacy of the democratic process.³⁴ To some extent this was attributed to candidates for the CLC not being adequately aware of the nature of their role in the CLC. There was an assumption that there would be payment involved for serving on the CLC or other benefits, such as a transport and mobile data budget. In addition, community members worried that CLC members would not be able to deal with land conflicts effectively.

In *Kasungu* and *Rumphi* districts, voter and candidate registration were conducted and the community members reported that the CLC members were elected through an open and transparent voting process.

In *Rumphi* district, there were more women (4) than men (2) elected to the CLC because of assertive sensitization on the need to include women in governance structures by Chikulamayembe Women's Land Rights Forum.

Kasungu and *Rumphi* districts have drawn on lessons learned from Phalombe around the CLC voting process. Community members in these two districts felt that the CLC voting process was transparent and democratic. In addition, CLC members in these districts had a better understanding of their roles compared to Phalombe. This may have been influenced by the higher literacy rates in Kasungu and Rumphi in comparison to Phalombe.³⁵

Some practical challenges were encountered relating to the application of the law on establishment of the CLC. There was a provision in the Customary Land Act, which needed clarification. The law provides for 50% representation of women in the CLC, but practically it was difficult to guarantee that the community will vote for at least three women into the CLC through a democratic process. Consequently, the election process was slightly adapted to ensure that at least three women are voted into the CLC. This was done through discussions by the consortium with DAI and the Ministry of Lands, Housing and Urban Development.

There were observable differences between the three districts in the relationship between the CLCs and the chair of the CLC (who is also the GVH).³⁶ In *Phalombe* and *Kasungu* all CLC members participated in the discussion, along with the Chief. In *Rumphi* the Chair did all the talking and it was only when he left the room to take a phone call that other members of the CLC began to speak out. This was also the only area where evaluators were asked to contribute to a lunch for the CLC.

The CLT members were nominated by the Senior Chiefs in *Phalombe* and *Rumphi* districts according to the prescription of the law. In *Rumphi* members of the community alleged that the nominated members of the CLT were mostly from the same geographical area. Community members mentioned this in relation to a concern that these geographical areas would be prioritized and that the CLT would be unwilling to travel to areas that are far from their homestead because of the cost involved or would expect to be paid by community members to travel to other geographical areas to perform their duties.

In *Kasungu*, the Senior Chief delegated the responsibility of nominating the CLT members to the GVHs and the members of the Area Development Committee (ADC). The Senior Chief provided the criteria that they should use for selecting CLT members. GVHs nominated individuals to be considered for the position of CLT member while a forum of the GVHs and ADC members discussed and selected suitable individual men and women to occupy positions in the CLT. As a result of this process, in *Kasungu*, membership of CLT was selected from different geographical areas under the Senior Chief.

In *Phalombe* and *Rumphi* districts, the CLTs showed signs of being dominated by the traditional authorities. In *Kasungu* district, where the Senior Chief delegated the selection of CLT members to the GVH and ADC, the CLT appeared to be more independent.

The Land Clerk

The Customary Land Act provides for the post of Land Clerk for each Traditional Land Management Area, to serve as a secretary to any land committee (CLC and CLT) appointed for the purpose of the Act. The Land Clerk is to be an employee of a Local Government Authority. The Ministry of Lands, Housing and Urban Development has not yet been devolved and local authorities currently have no funding for the post of Land Clerk. In addition, the government of Malawi suspended recruitment of any new employees except for very essential services on 28 March 2018. This suspension was in place until June 2020 when there was a change in government. The suspension was effected as an expenditure-cutting measure. In the 2017/18 financial year the Malawi government had a budget deficit of 9.3 billion MK. The position of Land Clerk, under the local authority, was consequently not filled in the pilot districts. Instead, the Ministry of Lands, Housing and Urban Development deployed its own officers from the regional offices to serve as Land Clerks. This caused dissatisfaction among some of the individuals relocated as Land Clerks. The performance of Land Clerks has, however, varied. In *Phalombe*, for example, the Land Clerk withdrew his services to take back his substantive position in the ministry. Conversely, in *Rumphi*, the Land Clerk is highly committed to his work.³⁷

The District Land Registry and Local Authority Management

The District Land Registry was not established in the three project districts because the Ministry of Lands, Housing and Urban Development has not been devolved to the district council level and there were no budgetary allocations to the local councils for the District Land Registrar. The District Land Registrar³⁸ has the responsibility of overseeing the adjudication and demarcation of customary land boundaries and preparation of maps in a district. To effectively oversee adjudication, demarcation and registration of

customary land the District Land Registrar requires the following areas of technical expertise: land surveyor, land planner and land registrar.³⁹

Only the position of the District Lands Officer (responsible for land administration) was filled by the local authorities, which is a position that was already in existence before the laws were promulgated. Consequently, officers from the ministry headquarters provided an oversight role for adjudication and demarcation of boundaries not only for household land, but also for traditional land management areas (areas under the traditional authorities and G VH). The local authority did not have any tangible engagement in these processes apart from occasional participation by the District Land Officers in some project activities. The gap created by the absence of the District Land Registrar was also filled by the technical officers employed by the consortium members, particularly CEPA. CEPA employed officers with technical specializations in land surveying (Phalombe), physical planning (in Kasungu) and land administration (in Rumphi).⁴⁰

The District Land Registrar is also responsible for affixing the Seal of a District Land Registry and signing the Certificates of Customary Land Estates (Form D).⁴¹ When the interviews were conducted in January 2020 there was some concern over who would sign the certificates. At the time, in the absence of the District Land Registrar, the Certificate of the Customary Land Estates was to be signed by the officers in the Regional Lands Office. Over the following months District Land Registrars have been established and these offices will sign future certificates.

District Land Tribunal

The District Land Tribunal was not established in all the three districts. The District Land Tribunal⁴² should consist of up to three Traditional Authorities; the District Commissioner as presiding chair; and three reputable persons that come from and reside in the district, two of whom shall be women and the District Land Registrar as Secretary.

Ability of local governance structures to support local land governance

The performance of CLCs was perceived to be generally good as they were able to effectively manage the adjudication, demarcation and registration processes.

However, in all districts the CLCs felt that the training they had received was inadequate. They had a good grasp of the law but expressed a concern about their ability to mediate conflicts around land even if this is not their responsibility. The Acts require them to identify a mediator to deal with conflicts, but there was a fear that doing this could in itself result in conflict. Complicated cases are to be referred to the CLT. In all districts they argued that they needed more training in legal processes and on how to effectively coordinate with other stakeholders and manage conflict resolution processes. The role of CLCs and CLTs involves handling of land disputes, and this cannot be done without a strong understanding of law and their roles within the law. They also needed to understand their roles and responsibilities in relation to other cases handling stakeholders, such as the judiciary and police. They were also unclear about when the Land Clerk needs to come in and when they need to bring in the police. The CLC and CLT indicated that they needed training or a platform with judiciary, police and council to understand this.⁴³ The intention of the Customary Land Act and the establishment of the CLCs is to avoid involving the police or conventional courts and to give the power of land governance to local structures. These statements by CLC and CLT show that roles and responsibilities of different governance structures are not clearly understood.

Listed below are some of the situations that local governance structures need to mediate.

- In *Phalombe* there were some conflicting views about new laws. Some men argued that the laws were culturally dividing people as land that was previously given to the family is now given to individuals. This is leading to internal family conflict. Women and CLT counterargued that it is better that land is registered with an individual because even with land that is supposedly with the family, family members will go behind each other's back and sell land. The CLT alleged that these complaints are made by men who are not committed to the area (although there are strong deeply entrenched feelings about 'strangers' – men – from other villages so complaints may be genuine). There is also some reported conflict between people who previously used the land but moved away and land was reallocated. There have been attempts to move families off land that has been reallocated to them by the TA so that they can register the land in their name. CLC felt inadequately equipped to deal with this kind of conflict.⁴⁴
- CLCs in *Phalombe* also expected some form of reimbursement for their contributions to the adjudication, demarcation and registration process. They argued during demarcation they had to be away from home all day and way into the night. This meant that for these days they were unable to farm. The CLT were also not sure how they would manage to operate in all the communities under the TA without at least receiving funding for transport.
- CLCs and CLTs in *Kasungu* and *Rumphi* noted that they needed to have sensitization materials in local languages particularly copies of the land laws and other related information that they would use as reference materials during the ongoing process of community sensitization, when responding to specific land-related issues, as well as when facilitating land-related conflicting resolution processes.⁴⁵ They claimed not to have any written copy of the laws or any guidelines. In *Rumphi* some people said they had received a copy of the laws in English but others said they had not.
- In *Rumphi* district, women made allegations of some isolated cases where men tried to convince CLC members not to include their sisters in the customary land registration process. But because of assertive sensitization of women the CLC were able to stand up and reveal the issues.

The new land laws were seen to reduce the work of the traditional leadership and conflict around land. In *Phalombe* district, the traditional leadership reported a decrease in conflict and that they were receiving fewer cases around land tenure.⁴⁶

4 WHAT WAS DONE UNDER THE PROJECT TO CONTRIBUTE TO THE FOCAL OUTCOMES?

4.1 FOCAL OUTCOME 1

Focal outcome 1: *By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.*

The consortium adopted three strategies for mobilizing civil society participation and support in the land reform process.

- Mobilization and advocacy
- Convening
- Promoting gender equality

Below we describe what was done to reach the focal outcomes in three time periods. Not all the time periods fall within the current project, but they had significant influence on the current project and demonstrate the important networks and activities that the project built on.

Phase 1 (2002–2013): From approval of the new land policy (2002) to start of current project

This phase took place before the start of the *Strengthening Land Governance Systems for Smallholder Farmers in Malawi* project. It is important to review this phase to understand the contribution of work done before the project started and the context from which the project emerged.

During this period Oxfam provided small grants to LANDNET to organize civil society platforms to mobilize and influence the finalization of the land reform process, including ensuring that the new land acts were enacted and implemented.

LANDNET, with the support of lawyers, drafted a Private Member Bill and submitted it to government in 2005. Parliament, however, refused to table the bill.

Consequently, LANDNET lobbied donors and development partners to put pressure on the Malawian government to finalize the land reform process and enact the new land laws. The World Bank, the European Union and the Dutch government responded by setting the enactment of the new land laws as a prerequisite for budgetary support to the government of Malawi. The government reacted quickly and came up with new land bills, which were tabled in Parliament in 2016. LANDNET was not satisfied with the revised land bills and lobbied opposition members of Parliament not to support the bills. The bills were rejected by Parliament and referred back to the government for further review.

In 2012, ActionAid engaged two consultants to conduct a gender audit. Based on the findings of the audit, an Issues Paper was published. At this point, civil society advocating for the land reforms was split into two camps – the Oxfam, LANDNET and CEPA camp, which advocated for the new land bills to be passed in Parliament, and the ActionAid led camp, which argued that the new Land Bills had serious gender issues which needed to be addressed first before the bills were tabled in Parliament.⁴⁷

In 2013, eleven revised land related bills were submitted to Parliament, discussed and approved. However, this time the Gender Network in Malawi, supported by ActionAid, was unhappy with the bills and how they dealt with women's land rights. Consequently, the Gender Network in Malawi, with support for ActionAid, lobbied the President not to assent to the land bills passed by Parliament in 2013 because they did not adequately provide for the women's land rights and the rights of other vulnerable groups.⁴⁸

Phase 2 (2013–2015): Related Oxfam projects on women's rights including land rights

The second phase of the interventions by Oxfam towards enactment of new land laws was between 2013 and 2015. Oxfam supported local projects on the promotion of women's land rights (WLR), such as the Chikulamayembe Women's Forum and the Mulanje Food and Climate Justice Forum. Here Oxfam supported the Mulanje Mountain protest where women climbed Mulanje Mountain to demonstrate the pain the women bear when their rights to land and food are not fulfilled.⁴⁹

The Africa Wide Campaign and the Oxfam-led Kilimanjaro initiative supported a team of women from Malawi to go to Mount Kilimanjaro to protest and proclaim women's land rights.

Oxfam also prepared information, educational, communication and other campaign materials, that were used by the Rural Women's Assembly Malawi Chapter.

Phase 3 (2015–2020): Ongoing mobilization supported by the Oxfam, LANDNET and CEPA consortium under the 'Strengthening the Land Governance System of Smallholder Farmers in Malawi' project

The consortium hired a consultant to review the new land bills in relation to gender on behalf of the Malawian government. The Oxfam, LANDNET and CEPA consortium engaged the Women's Caucus in Parliament to discuss the findings of the review. The Women's Parliamentary Caucus were not satisfied with some aspects of the bill, particularly the clause on the joint registration of land between a husband and wife.

Consequently, LANDNET, Oxfam in Malawi, ActionAid, the Gender Network and the Women's Parliamentary Caucus jointly reviewed and revised the bills. The consortium engaged leaders of political parties in Parliament to lobby for their support to enact the new reviewed land laws. They also facilitated a workshop for parliamentary committees, such as the Legal Affairs Committee, Parliamentary Committee on Agriculture and Women's Caucus to lobby for the revised land laws to be enacted.

The revised bills were tabled in Parliament in 2015. Ten land bills were approved by Parliament minus the Mines and Minerals Bill, which was removed and sent for further review.

Traditional leaders from the Northern Region of Malawi lobbied for the President not to assent to the bills. They had two stipulations:

1. The District Land Tribunal should not be chaired by the District Commissioner, but by the Paramount Chief.
2. Women should not be allowed to own land as this went against traditional custom.

The consortium together with other stakeholders booked an appointment with the President. This meeting resulted in the President calling for an emergency cabinet meeting in which representatives of traditional authorities in favour of the bill, lawyers, land administrators, the consortium and the Farmers' Union of Malawi participated to lobby the President to assent to the bills.

The consortium developed a manual and guidelines for adjudication, demarcation and registration of customary land before the laws were enacted. From the perspective of the consortium, the manual and guidelines might have informed the development of the Customary Land Regulations, although this was not substantiated by government officials.

Mobilization, advocacy and convening grassroots to engage in the land reform process

Outside of the designated project activities within the three TAs, women's civil society groups were involved through Oxfam's related gender projects and LANDNET engaged with local land-related NGOs through their network.

In *Phalombe*, there was mobilization and advocacy around the land reform process via the District NGO Network which included a newly constituted District Land Network which was formed when the District NGO Network was approached by LANDNET. The District NGO Network already had a network for governance. This became known as the District land NGO network. The network is particularly interested in governance and looks at policy implementation. It has a Memorandum of Understanding (MOU) with the District Council. The chair of the District NGO Network has been heavily involved with advocacy around new land reforms.⁵⁰

In *Rumphi*, the Chikulamayembe Women's Forum participated in lobbying for the new land laws both at national and international levels through the Mulanje mountain initiative and the Africa Wide Campaign of Mount Kilimanjaro respectively.

Summary: The contribution of the project to focal outcome 1

In summary, the evaluation found the following evidence relevant to the contribution analysis for focal outcome 1:

- The consortium hired a consultant who assessed the land bills. Based on this assessment the land bills were revised and passed by Parliament in 2013 but were not assented to by the President because they did not adequately provide for the women's land rights and the rights of other vulnerable groups. The revised land bills became more gender sensitive through collaboration between the consortium, ActionAid and the Women's Caucus in Parliament.⁵¹
- The consortium contributed to the approval of 10 out of the 11 land bills by Parliament in 2016 by engaging the following key stakeholders to support the revised gender sensitive land bills in Parliament: ActionAid, the Women's Caucus in Parliament, the leaders of opposition parties in

Parliament, as well as through facilitating a workshop for the Legal Affairs Committee and the Agriculture and Natural Resources Committee and the Women's Caucus in Parliament.

- The evaluation also found evidence that the project contributed to and facilitated the assenting of 10 land laws by the President in 2017.⁵² When the land bills were approved by Parliament in 2016 Presidential assent was withheld. The consortium lobbied and organized a team of stakeholders who participated in an emergency cabinet meeting called by the President where they successfully lobbied him to assent to the new land bills. The stakeholders who participated in the cabinet meeting included representatives of traditional authorities, lawyers and administrators, as well as Oxfam, LANDNET and CEPA (the consortium).
- Prior to the enactment of the new land laws, the consortium developed three Guidelines and Procedures for Customary Land Governance in Malawi. These included guidelines for establishing customary land institutions; guidelines and procedures for land titling and registration; and guidelines for establishing dispute resolution and conflict management mechanisms. These guidelines were developed through consultations with a wide range of stakeholders, including the traditional leaderships; chiefs in the Lilongwe Land Project, particularly on how they got their land registered; Forestry Departments, Irrigation Department, FAO and civil society organizations. They were also presented and discussed during a stakeholder workshop. According to the consortium, the guidelines and manual informed the development of the Customary Land Regulations (2018), which in turn were used during the delineation processes.⁵³

4.2 FOCAL OUTCOME 2

Focal outcome 2: *By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secured land tenure with supporting land governance structures.*

Below we document the evidence relating to three project processes that contributed to the achievement of focal outcome 2.

- Awareness and sensitization.
- The establishment of governance structures.
- The adjudication, delineation and registration process.

Awareness and sensitization

The sensitization process was initially led by LANDNET but implemented jointly by the consortium members accompanied by a representative of the Ministry of Lands, Housing and Urban Development to monitor the processes and ensure quality. When LANDNET withdrew from the consortium, the remaining partners in the consortium took over the sensitization process. Continuity was ensured by contracting previous staff of LANDNET. LANDNET and other consortium partners used electronic and print media, face-to-face contacts with stakeholders in the land sector and community meetings that included drama, local comedians, discussions and roleplay. The new land laws were summarized on leaflets that were distributed to the communities and other stakeholders.⁵⁴

Sensitization and collaboration at a national level

The consortium first targeted structures that were empowered to make decisions about land, such as the Legal Affairs Committee, Parliamentary Committee on Agriculture and Natural Resources and Women's Caucus, etc.; District Executive Committees (DEC), Traditional Authorities and group village headpersons (GVHs).⁵⁵

At national level, the consortium met the government on monthly basis to provide updates on the progress made on the project implementation and to get feedback from relevant government departments.

For purposes of learning and quality control, four platforms were established at national level:

- Technical Working Group on land matters
- Technical Advisory Group
- Technical Committee on Land Reform
- Steering Committee on Land Reform.

These platforms facilitated and enabled stakeholders to learn from each other. The technical advisory group brought together stakeholders including DAI and the FAO, EU and NAO, who worked in similar projects, as well as officials from the MLHUD.⁵⁶ After the laws were finalized it was difficult to know what to do next. The project was the pilot that other stakeholders needed to learn valuable lessons from on how the process would work. These stakeholders, such as the FAO and the World Bank, assisted the consortium by mediating government relationships because of the value of the project to government and other role-players.⁵⁷

The sensitization and awareness process in the districts

At the district level, the initial sensitization process on the new land laws and the adjudication, demarcation and registration processes, included a three-day sensitization session for each District Executive Committee (DEC), another three-day sensitization session for the TAs and GVHs and a one-day community sensitization meeting. In all the three districts, Phalombe, Kasungu and Rumphi, the District Lands Officers were part of the project teams involved in the sensitization of the community.⁵⁸

In *Phalombe*, the consortium, led by LANDNET, organized a series of community sensitization meetings that included dramas using local comedians, stories and presentations from project officers and the MLHUD Physical Planning Department. The consortium also engaged the Women's Forum and the Coalition of Women Farmers in Malawi (COWF) in community sensitization, particularly on gender aspects. The women's forum at district level advocated for women's rights but also looked at men's rights under matrilineal structure. One of the three women on the Community Land Committee chairs the women's forum. The consortium collaborated with the NGO network to sensitize the stakeholder at district level on the new land laws.⁵⁹ The consortium also engaged with the District Land NGO network which led to the awareness raising spreading further through the work of the network. The Youth Arms Organization played a crucial role of sensitizing the members of the District Land NGO network on the land laws.⁶⁰

In the *Kasungu* district, the community level sensitization included dialogue sessions comparing the new and old land laws; the adjudication, demarcation and registration process and gender issues related to new land laws were discussed and clarified. The sensitization process built on existing knowledge and

history and what had been learnt in Phalombe. The consortium also conducted one-to-one discussions with the chiefs, particularly the ones who were suspicious of, and resisted the customary land registration process. The consortium organized a learning visit for the CLC and the CLT to Phalombe.⁶¹

In *Rumphi*, LANDNET initially led the sensitization process. The process was taken over by CEPA after LANDNET left the consortium. The process started with the sensitization of the traditional leadership including the neighbouring traditional leadership whose people had land within the pilot project area or were bordering the project targeted communities. The Chikulamayembe Women's Forum had already sensitized the chiefs about women's land rights, so when chiefs in Mzimba refused to have the project implemented in their area, Paramount Chief Chikulamayembe welcomed the project and directed that it should be implemented in the area of Senior Chief Mwankhunikira.⁶²

There was awareness of how the new customary law will benefit women with land in their husband's name (in the matrilineal custom) or men whose land is in their wife's name (in the patrilineal custom). Previously, if divorced, or the wife died, the husband would be expected to leave the village and uncles and brothers would sell the land that belonged to the wife. In the patrilineal custom if divorced, or the husband died, the women would be expected to leave the village. Villagers were also aware that there was an opportunity for youth to register land within matrilineal system.⁶³ In both matrilineal and patrilineal systems there was awareness that it was possible for a husband and wife to own land jointly. The most often cited benefit of the new customary law was that land would stay in immediate family and that children, regardless of their gender, would inherit the land.

TA awareness and sensitization has taken place and seems adequate. Most TAs commented that the law is reducing their burden, although when triangulating this statement with interviews from other stakeholders it was evident that there has been some resistance, and it has taken some effort to work with this resistance.

Involvement of civil society networks has led to the awareness process spreading beyond the project particularly in Phalombe where it was reported that a local NGO includes awareness of the land reform process in all other engagements with civil society regardless of whether they directly relate to land or not.

The sensitization process led to a deeper understanding of the new land law and also clearly articulated the gender benefits of land reform. To some extent it also managed to break the culturally ingrained gender dynamics related to customary land registration.

There has been less involvement at the district level, although staff did say that they had been trained by National departmental staff once the law was promulgated. The DC and CEPA had copies of the law, but there were no guidelines or none that anyone was aware of. CEPA was working on materials, and materials had been developed by LANDNET, but we did not see evidence of these materials at a district level. There had been clear communication of the land reform through other means than written materials. The Community Land Tribunal had received a booklet on the laws in English. People interviewed found that the laws in English were not that useful given that they did not engage with people in the vernacular. It is unclear when people received the law and whether they had engaged with any of the land reform process over the last 15 years.

The establishment of decentralized governance structures

Prior to the establishment of the CLCs and CLTs, DAI provided technical support to the consortium during development of guidelines for how to identify members of the CLC and CLT. These guidelines were used by the consortium during the establishment of CLC and CLT.⁶⁴

There was evidence that consortium staff had learnt from what had happened in Phalombe and, along with the headman, emphasized the values that CLC members should embody (learning passing from Phalombe to Kasungu and Rumphi).

In all the three districts the establishment of the local governance structures to facilitate adjudication, demarcation, registration and management of land-related conflict included the following key activities under the project:

- Sensitization of the community members on the process of democratic elections of CLC members, the qualities of individuals to be selected and the need to ensure that women have at least 50% representation. This sensitization was done through a series of meetings, which included drama, songs and discussions focusing on the gender issues and dynamics related to customary land registration and land rights in general within specific cultural contexts of matrilineal and patrilineal systems. (See under sensitization process.)
- Election of CLC, which included: identification of potential candidates for the CLC through nominations, registration of voters and conducting elections.
- Nomination of the CLT members, which included sensitization of the Senior Chiefs on the qualities of CLT members, criteria for nominating individuals and the actual nomination process of CLT.
- Training of CLC and CLT members in the new land laws as well as in their roles and responsibilities.

Some practical challenges were encountered related to establishment of the local governance structures. Firstly, there were some provisions in the Customary Land Act⁶⁵ that needed clarification, for example, the law provides for 50% representation of women in the CLC, but practically it was difficult to guarantee that at least three women were voted into the CLC through a democratic process. Consequently, the election process was slightly modified to ensure that at least three women are voted into the CLC. This was done by choosing the first three women with the highest number of votes regardless of whether or not they appeared in the top six. This modification was agreed upon through discussions by the consortium with DAI and the ministry.

Secondly, some of the provisions of the law were postponed, for example the District Land Registry. For similar reasons the position of the Land Clerk under the local council was not filled in the pilot districts. This caused dissatisfaction among some of the individuals relocated as Land Clerks. Consequently, in Phalombe the Land Clerk left. In Rumphi, however, the Land Clerk was highly committed to his work.⁶⁶

The identification of CLC members were generally similar across the three districts with minor variations in the processes used to nominate the CLTs:

In *Phalombe* district, the Malawi Electoral Commission was engaged to preside over the processes of registration of voters, nomination of the candidates for the positions of CLC, as well as the voting process. Consequently, the communities voted for CLC members in the same way they usually vote for members of Parliament, ward councillors or President. While the voting process was welcomed and generally seen

as democratic, community members alleged that during the campaigning period some candidates bribed voters to vote for them. This compromised the legitimacy of the democratic process.⁶⁷

In *Kasungu* and *Rumphi* districts, voter registration was conducted, candidates were nominated and the community members reported that the CLC members were selected through an open and transparent voting process.

The CLT members were nominated by the Senior Chiefs in *Phalombe* and *Rumphi* districts according to the prescription of the law. In *Kasungu*, the Senior Chief delegated the responsibility of nominating the CLT members to the group village headpersons and the members of the Area Development Committee. The Senior Chief provided criteria used by the group village heads and area development committee in selecting CLT members. Group village heads nominated individuals to be considered for the position of CLT member; while a forum of the group village heads and area development committee members discussed and selected suitable individual men and women to occupy positions in the CLT. As a result of this process, in *Kasungu*, membership of CLT was selected from different geographical areas under the Senior Chief Lukwa.⁶⁸

In *Rumphi* members of the community alleged that the nominated members of the CLT were mostly from the same geographical area.

The Customary Land Tribunals from all three districts were trained in November 2019 and so have not played a critical role in land governance to date. They have received one workshop, which members reported as inadequate given their expected responsibilities as articulated in the Acts.

The process of adjudication, demarcation and registration of land

The registration process of customary land included designing a methodology for adjudication and demarcation. These activities included the following:

- Development of an operational manual by DAI with support from the Survey and Lands Departments. This manual outlines the methodology for adjudication, demarcation and registration of customary land.
- Satellite imagery was obtained from the National Statistical Office, which provided the basic maps used in the adjudication and demarcation of parcels.
- A technical team was mobilized for each district comprising an Assistant Land Surveyor from the office of the Surveyor General, a data collector, data processor and the Land Clerk. According to the Customary Land Regulation (Section 19) the District Land Registrar is supposed to oversee the process of adjudication and demarcation of land. This means the consortium could only conduct adjudication and demarcation under supervision of a qualified government surveyor. If a private surveyor wants to undertake land survey, he has to apply to the Surveyor General who provides quality assurance.⁶⁹

The technical team that was deployed to the field was trained by DAI on the process, technical aspects and their respective roles in adjudication, demarcation and registration of customary land using a training manual referred to above.

The work started with the demarcation of the traditional leadership boundaries. The ministry engaged the Nairobi-based Regional Centre for Mapping of Resources for Development (RCMRD) to conduct a survey of traditional land management areas. Traditional land management areas have been demarcated for the

whole country except Mzimba district. In all the other districts there are a few boundary disputes to be sorted out, such as the boundary between Senior Chief Lukwa and Senior Chief Kaomba.

CLC members were involved in mobilization and sensitization of community members on the adjudication, demarcation and registration process. CLC members had to ensure that all neighbours sharing borders of a particular parcel were mobilized, as to adjudicate a particular parcel of land all neighbours sharing its borders had to be present. Often the CLC would go to villages before the CEPA team to prepare the community in advance of the adjudication and demarcation process starting. During the actual days when adjudication and demarcation were conducted, CLC members would work way into the night.

The demarcation of customary land was done using the fixed boundary system because there are no physical features on the land. The process followed in the three districts involved identifying boundaries using footpaths, hedges, lines of trees, etc. and marking the boundaries of specific parcels. This process was manual and slow. The team used aerial photos showing boundaries of houses, CLC worked with surveyors to verify boundaries drawing on maps with pens and negotiating with community members. In case of any conflict the CLC facilitated a discussion between the opposing parties to resolve conflict. The verified maps were digitized. The Land Clerk gave 14 days' notice of the verification process. The maps were displayed at a local school, mistakes were recorded and resolved through visits to the area. Before the demarcation exercise started, the survey team should have retraced public land and demarcated their boundaries and entered the information in the computer.⁷⁰

The consortium adopted a staggered approach, starting with *Phalombe*, which was perceived to have fewer issues, then, after one month, work started in first *Kasungu* and then in *Rumphi*. It was envisioned that experiences and lessons learnt from Phalombe would help improve the practice in Kasungu and similarly that Rumphi would benefit from the experiences and lessons learnt from Phalombe and Kasungu. The plan was to finish all the work in the three districts in 14 weeks. The strategy to stagger the commencement of the implementation worked well and there is evidence of the consortium learning and adapting as the project proceeded to Kasungu and Rumphi.

During the time of the evaluation fieldwork, the process of adjudication, demarcation and registration had not been completed in all the three districts.

For the work already done, the three districts were at different levels of completion:

- In *Phalombe*, CEPA was in process of printing certificates during the time of the field study.
- In *Kasungu* the public display and verification exercise had been completed.
- In *Rumphi*, the Land Clerk had just issued notice for the display of maps for the verification process.

Several factors contributed to the delays in the adjudication, demarcation and registration process. These included the process coinciding with the rainy season and the boundaries not being physically visible. In some cases neighbours sharing borders of a particular parcel were not available and the concerned parcels had to be pended. In *Kasungu*, some households with parcels in GVH Ching'amba had allegiance to other group village headpersons outside the project area who were not sensitized. These people resisted having their parcels registered and the CLC had to spend time sensitizing them. Not much work was done in *Rumphi* district because of time limitations.

5 CONTRIBUTION ANALYSIS

5.1 FOCAL OUTCOME 1

Focal outcome 1: *By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.*

Below we outline four alternative hypotheses which we tested against the evidence:

Hypothesis 1: The Malawian government played an important role and would have been able to register the customary estate laws without the consortium or any other civil society role-player.

Hypothesis 2: The Malawian government played an important role but an additional key role was played primarily by the consortium.

Hypothesis 3: The Malawian government played an important role but an additional key role was played by other role-players (other than and not by the consortium).

Hypothesis 4: The combined activities of government, other key role-players and the consortium led to the outcome being realized.

Summary of the evidence of the contributions of different role-players

The promulgation of the new Malawian Land Acts has been a 21-year-long process involving many role-players. Below we summarize the key moments of this process and the contributions that different organizations made.

From the outset, the Malawian government has been a key actor in the land reform process, which started as soon as the one-party state was replaced by a multi-party state. It is also evident that throughout this process the government has considered multiple factors relating to the land reform process, such as the technical skills needed (see below), shifts in methodology and the support they will need from civil society. For the period under review, government officials were clear about how they hoped to partner with civil society and understood their value in the land reform process. Below we briefly summarize a timeline leading up to the promulgation of the acts. A lot of this activity took place outside the consortium run project but point to how the consortium was already collaborating before the current project started. (For a more detailed timeframe see Figure 1.3.) These early efforts significantly contributed to the success of focal outcome 1.

Figure 5.1: Evidence of LANDNET, CEPA and Oxfam in Malawi's involvement and collaboration in the land reform process prior to the land governance project

At the start of the project, the consortium took on a mediating role to negotiate a way forward between government and the Gender Network as well as negotiating a way forward with traditional leadership. While ActionAid was the only other actor that we were able to identify as making a significant contribution, as a supporting organization for civil society, particularly with regard to gender, it is possible that with further research we might have uncovered others. However, based on those interviewed, we are reasonably confident that ActionAid was a leading mobilizing organization around gender.

This collaborative effort led to the approval of 10 out of the 11 land bills by Parliament in 2016. The consortium engaged with ActionAid and the leaders of opposition parties in Parliament through facilitating a workshop for the following committees of Parliament: the Legal Affairs Committee, the Agriculture and Natural Resources Committee and the Women's Caucus in Parliament.

Although the 10 laws were approved by Parliament in 2016 the President refused to assent to the new laws. The consortium lobbied and organized a team of stakeholders who participated in an emergency meeting with the President, where they successfully lobbied him to assent to the new land bills in 2017. The stakeholders who participated in the cabinet meeting included representatives of traditional authorities, lawyers and land administrators, as well as the consortium.

Prior to the enactment of the new land laws, the consortium developed three Guidelines and Procedures for Customary Land Governance in Malawi. These included guidelines for establishing customary land institutions; guidelines and procedures for land titling and registration; and guidelines for establishing dispute resolution and conflict management mechanisms. These guidelines were developed through consultations with a wide range of stakeholders including the traditional leaderships; chiefs in the Lilongwe Land Project, particularly on how they got their land registered; Forestry Departments, Irrigation Department, FAO and civil society organizations. They were also presented and discussed during a stakeholder workshop. According to the consortium, the guidelines and manual informed the development of the Customary Land Regulations (2018), which in turn were used during the delineation processes.⁷¹

Considering the four hypotheses in relation to the evidence

For the contribution analysis this evidence was brought to bear on the following four contribution hypotheses:

Hypothesis 1: The Malawian government played an important role and would have been able to register customary estates laws without the consortium or any other civil society role-player.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: While it is possible that on its own the Malawian government might have come to register the customary estates laws without inputs from others, the evidence indicates that the CSO community including the consortium played a critical role in accelerating a process that had already been ongoing for over 20 years. The initiation of the project and the government's refusal to allow the project to go forward without the promulgation of the new land laws also fast tracked the process by freeing up resources invested by the consortium in advocating for the new laws to be passed.

The laws would also have been weaker as the CSO community, led by LANDNET (before the project) and later by the consortium (during the project) and ActionAid with the Gender Network, were instrumental in challenging key aspects of the law that did not speak to the rights of the most vulnerable, specifically by convening and intermediating the influence of key stakeholders, advocating for better provision for women's land rights and the rights of other vulnerable groups, lobbying for presidential assent, and developing guidelines that in turn informed the development of the Customary Land Regulations (2018).

Conclusion: We conclude that this hypothesis is not supported by the evidence.

Hypothesis 2: The Malawian government played an important role but an additional key role was played primarily by the consortium.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: The significant contribution of the consortium is that LANDNET coordinated civil society advocacy at a national level with the support and involvement of Oxfam and CEPA. It can also be argued that they played a mediating role between civil society, traditional authorities and government. For example, government asked the consortium to review the new laws and meet with traditional authorities to understand their concerns. The consortium also engaged with the Women's Parliamentary Caucus. The success of this coordinating role by the consortium, within this broader movement of civil society organizations, can be attributed to the following historical and capacity factors:

The consortium brought to the table a valuable set of skills in relation to grassroots mobilization and capacity building, policy and rights advocacy, gender rights and grassroots networking.

This set of skills meant that the consortium brought a powerful collective voice for the less privileged in the negotiations around land reform.

LANDNET has a long history of engaging in land policy issues (since 1999) and were a member of the special law commission on land matters established in 2005. This increased the level of political influence that the consortium was able to muster during the years leading up to the promulgation of the Land Acts. Oxfam also has a long history of engaging with grassroots communities around gender issues and

poverty. LANDNET as a coalition of civil society organizations (CSOs) in land matters has been at the centre of the drive towards the new land laws since 2005. Oxfam as an international NGO used LANDNET to organize platforms for discussions on land-related issues through small grants in order to reach out to the stakeholders, including the technical heads of departments in the ministry and ministers to enable them to have buy-in and support enactment of new land laws.⁷² Oxfam also supported several smaller projects on women's land rights such as the Mulanje Mountain food and climate justice initiative, the Africa wide campaign, the Mount Kilimanjaro initiative, the women's land rights for inclusive development in Africa and several other interventions where Oxfam promoted women's land rights.⁷³

The consortium's systemic understanding of the intersection between issues of health, HIV/AIDS, GBV and land rights strengthened their advocacy position. It is understood that the laws themselves will not change gender dynamics, but it is a key systemic shift around which other initiatives can then mobilize for further change on the ground. This distinct value may further influence how the implemented laws are enacted during the years to come.

There is also a long-standing partnership between members of the consortium, and between other civil society organizations such as ActionAid. This strengthened their standing at a National level. All partners also have long-term involvement in Malawi and with significant influencers such as the EU and the ear of other key donor countries. This gave the consortium considerable political influence to such an extent that they were able to advocate for a meeting with the President which culminated in an emergency cabinet to pass the land laws. The President also reached out to the consortium to engage with Chiefs who opposed the new land laws.

The consortium's ability to coordinate and resolve the issues raised by the Women's Parliamentary Caucus around gender-related aspects of the law was quickly resolved through engagement and collaboration and resulted in a consolidated statement from civil society.

Although this is so, it was the Gender Network, led by ActionAid that pushed for a strengthening of gender rights in the land bills which may not have happened if the Gender Network had not pushed for gender rights. The consortium was also building on over 20 years of engagement and advocacy by civil society (including the partners of the consortium in their individual capacity) and other stakeholders and donors. Without this historical engagement and the gender focus led by ActionAid, it is unlikely the laws would have been strengthened with only the consortium's involvement.

Conclusion: If we are to look at the evidence only for the period of the project we can conclude that the consortium played a leading role during this time and that this was a key role for ensuring the promulgation of the land laws.

Hypothesis 3: The Malawian government played an important role but an additional key role was played by role-players (other than and not by the consortium).

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: In the 21 years that it has taken the land reform process to reach its current stage many role-players have supported the process. These role-players have contributed towards addressing key areas, such as capacity development, funding the resolution of international boundaries and initiating projects to relocate people to areas where land is available and not so pressurized. During the time period of the project a main influencer in shaping the passing of the new laws was ActionAid supported the Gender Network, with the Women's Parliamentary Caucus. The evaluation team were not able to

speak to ActionAid directly and could not confirm whether ActionAid would have led the advocacy around gender rights in the new laws regardless of the influence of the consortium's input which included the review of gender rights and the new laws. This review led to an engagement with the Women's Parliamentary Forum who expressed unhappiness around certain gender aspects of the land acts. This led to a further collaboration between the consortium, the Women's Parliamentary Forum and the Gender Network supported by ActionAid. Once gender issues were resolved it seems as if ActionAid's role was reduced although it was this collaborative effort that led to the emergency parliamentary meeting that culminated in the President assenting to the new land bills. The consortium was also better equipped to mediate between government and the Gender Network, who did not have the sensitivity required to negotiate in a way that did not make government officials feel undervalued. As one stakeholder explained, the consortium knew how to suggest things rather than demand things, resulting in government thinking it was their idea or that it was a collective initiative.⁷⁴

Conclusion: Given the evidence that the consortium made a strong contribution, we conclude that this hypothesis is not supported by the evidence.

Hypothesis 4: The combined activities of the government, other key role-players and the consortium led to outcome being realized.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: The consortium consisted of a national network with a strong history of land advocacy (LANDNET), an internationally recognized civil society organization with a strong human rights focus (Oxfam) and natural resource management professionals (CEPA). All of these organizations have individually been engaged in equality, justice and sustainable development in Malawi for many years. The combination of their skills was significant in mediating the eventual promulgation of the new land acts. However, the Gender Network was vital for ensuring that gender rights were represented in the new land act. Without their contribution the laws would have been weaker in this regard. Civil society advocacy would also not have been as successful if the Malawian government was not committed to land reform; however, without civil society involvement and the initiation of the project, the reformed land acts would have been weaker and would potentially have taken a lot longer to finalize. We therefore argue that it was combination of the Malawian government's commitment to land reform, the Gender Network's commitment to gender rights and the consortium's advocacy, mediation and pressure to fast track the process that led to the final promulgation of the Customary Land Act and other relevant land acts. However, during the time of the project, the consortium played the valuable role of advocacy and mediation between civil society, government and traditional leadership.

Conclusion: The evidence under hypotheses 1–3 above indicates some support for this hypothesis; however, on balance the available evidence suggests a primary role played by the consortium in influencing the government.

5.2 FOCAL OUTCOME 2

Focal outcome 2: *By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secured land tenure with supporting land governance structures.*

Below we outline four alternative hypotheses which we tested against the evidence:

Hypothesis 1: The Malawian government played a leading role and would have been able to facilitate the securing of land tenure and support land governance structures without any other role-players.

Hypothesis 2: The Malawian government played an important role but an additional key role was played by the consortium.

Hypothesis 3: The Malawian government played an important role but an additional key role was played by other role-players (other than and not by the consortium).

Hypothesis 4: The combined activities of government, other key role-players and the consortium led to the outcome being realized.

Summary of the evidence of the contributions of different role-players

The evaluation found the following evidence relevant to the contribution analysis for focal outcome 2:

- The most significant contribution of the consortium was in the manner in which sensitization was done and the learning that many role-players in land governance gained from this pilot project. The consortium brought to the table a valuable set of skills in relation to grassroots mobilization, community engagement, capacity building, rights advocacy, gender rights and grassroots networking. This enabled them to clear misconceptions and fears surrounding new land laws. It led to the effective establishment of local governance structures (CLCs and CLTs), enabled the community members to understand and clearly articulate the gender benefits of the land reforms and worked towards breaking the culturally engrained gender dynamics and other issues related to customary land titling and registration. Although this was so, there was evidence of pressure within the different matriarchal and patriarchal systems when it came to registering land in the name of both the husband and wife.
- We were not able to gain quantitative evidence as to how many land registrations contained both male and female names and in how many cases the husband or wife's name was removed because of pressure from the family when it came to final registration.
- On the part on the Ministry of Lands, Housing and Urban Development, the involvement of the consortium relieved the government of financial accountability. With the consortium managing the project finances for the pilot implementation of the land bills, the Ministry officials involved in the project could concentrate on technical issues. Often, even if budget is allocated to a particular project within the ministry, this can change at any time if the minister decides to use the budget elsewhere. Securing money through the EU grant meant that the finances for land reform could not be reallocated.
- The project has led to the piloting of a civil society and ministry partnership regarding the roll out of the Customary Land Act. Although this has not been a straightforward relationship and has led to some tensions, on the whole the ministry sees the relationship with civil society as a valuable one

and acknowledges that without the grassroots networks that civil society has nurtured over many years this pilot land reform initiative would not have been as successful.

- DAI provided technical support to both the Ministry of Lands, Housing and Urban Development and the Oxfam consortium. This included conducting an institutional assessment of the ministry as well as a land marketing study; facilitating development of a sectoral devolution plan and a land registry plan; and budgetary support to the ministry. To the consortium, DAI provided technical support and guidance, which included bringing practical experiences from other countries, particularly Rwanda, on processes for land adjudication and demarcation, and development of training manuals used for training CLCs and CLTs as well as the technical team. This support laid a good foundation for the adjudication, demarcation and land registration work done by the consortium in the three GVHs where the project was implemented.⁷⁵
- The MLHUD made significant contribution towards realization of focal outcome 2 by providing human resources with relevant expertise. Land Surveyors, Assistant Land Surveyors and the Land Clerks were employed by the consortium and they played crucial roles in adjudication, demarcation and land registration processes. The Ministry also played quality control role by ensuring that the Land Survey Act and draft rules were strictly followed.⁷⁶

The evaluation also found evidence of some historical factors in the relationship between the organizations that made up that consortium which contributed to realization of outcome 2:

- The long-term relationship that LANDNET and Oxfam had with the various key stakeholders, such as parliamentary committees – Women’s Caucus, Legal Affairs Committee, and Agriculture and Natural Resources Committee; leaders of opposition enabled the consortium to effectively mobilize stakeholders to pressurize Parliament to approve the new land bills and the President to assent to the new land laws.⁷⁷ In addition, the influence of Senior Chiefs that were sympathetic to the project, or willing to learn about the project, influenced the way in which the process evolved.
- DFID, DanChurchAid and the EU had previously provided financial support to the Government of Malawi to train land experts: 400 at diploma level and 200 at the Bachelor of Science level. Some of the project officers employed by the consortium went through this capacity development programme.⁷⁸ They were also pivotal in raising awareness on the NLP 2002 from as early as 2003.

Considering the four hypotheses in relation to evidence

Hypothesis 1: The Malawian government played a leading role and would have been able to facilitate the securing of land tenure and support land governance structures without any other role-players.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: The Malawian government’s commitment to land reform was a significant factor towards securing land tenure for men and women on customary land. However, it is clear from the evidence that without the support of the consortium, other civil society organizations, international donors and international governance bodies, the government would not have been able to implement the new land acts. Even before the land acts were promulgated the Malawian government faced a shortage in capacity both in terms of skills and finances to bring about land reform. Early initiatives funded by the EU and DanChurchAid led to increasing the number of graduates in Malawi with land planning and land administrative skills. This was not enough to ensure government-led implementation as funds were also

needed for implementation, which the government did not have. Another barrier to implementation was that once the acts were finalized no one was 100% sure how to proceed.

Conclusion: We conclude that this hypothesis is not supported by the evidence.

Hypothesis 2: The Malawian government played an important role but an additional key role was played by the consortium.

Evidence status: We had enough evidence to evaluate this hypothesis

Contribution analysis: This project was a pilot in two ways: one, piloting the implementation of the new land laws in three districts and two, piloting the role of civil society partnering with government to implement the new land laws. From the evidence it is clear that the consortium brought in particular skills that led to a more effective community sensitization process. This included the involvement, participation and capacity building of many grassroots networks. Fieldworkers understood that capacity is built through relationships of trust which require ongoing engagement and communication. Channelling the funds through the consortium also ensured that the money earmarked for the implementation of the land acts was not redirected. However, it is unlikely that the consortium alone would have achieved the registration of land parcels without the broad participation of other key stakeholders and service providers who have an equally long history of engagement with the land reformation process. These organizations often played a mediation role between government and the consortium as well as provided expertise.

Conclusion: It is without a doubt that the consortium led the implementation process and brought in vital skills that led to its success. However, without the support of other stakeholders it is unlikely to have been as successful as it was or to have been such a useful platform for learning. Therefore, the evidence does not entirely support this hypothesis.

Hypothesis 3: The Malawian government played an important role but an additional key role was played by other role-players (other than and not by the consortium).

Evidence status: We had enough evidence to evaluate this hypothesis

Contribution analysis: There has been a lot of historical work around land reform that has gone a long way to paving the way towards implementation. Stakeholders who have been involved for many years have continued to be involved in land reformation. This historical work was built on by the consortium. Engaged stakeholders also continued to play a significant role through the different governance and advisory structures linked to the project. In fact, the EU, the World Bank and particularly the FAO played an important mediation role between government and the project given that this was also a pilot in terms of a civil society-government partnership in implementing the land acts. DAI also provided technical support to the process. However, once the land laws were promulgated there was widespread uncertainty amongst all stakeholders on how to proceed. All the attention of civil society had been to advocate for the laws to be passed which one stakeholder describes as all-encompassing over a period of 21 years.⁷⁹ There was a need for something to shift civil society into a new relationship with land reform – which the consortium project provided.

Conclusion: The evidence shows support for the role of other stakeholders besides the consortium but the project is what enabled the broader community to move forward with the land reform process. The evidence does not support this hypothesis.

Hypothesis 4: The combined activities of government, other key role-players and the consortium led to the outcome being realized.

Evidence status: We had enough evidence to evaluate this hypothesis.

Contribution analysis: The consortium project, funded by the EU, provided the pilot that both government and civil society organizations needed to learn together how best to proceed with the implementation of the land acts. A collaborative spirit had developed between civil society during the many years of advocacy, but there was now uncertainty on how to proceed. The consortium project provided the platform on which all role-players could engage with each other to learn and reflect as the process unfolded. The fact that the project was run by a consortium of development partners made it easier for diverse stakeholders to be drawn in and to work in collaboration with the consortium. The high level of interest in the project also led to organizations like the FAO and the World Bank engaging in the process with capacity and through mediating government relationships which were tense at the start of implementation due to the project team and government officials having to negotiate their roles and responsibilities in relation to each other and the stipulations of the acts.

The most significant contribution of the consortium was in the manner in which sensitization was done and their embedded networks in grassroots communities. They understood what it takes to work with communities through developing relationships of trust and collaboration.

The involvement of the consortium helped support the government's activities in terms of financial accountability and ensured funding for the implementation of the Land Act. The experience of Ministry of Lands, Housing and Urban Development officials is that even if budget is allocated to a particular project within the ministry, this can change at any time if the minister decides to use the budget elsewhere. Securing money through the project meant that the finances for land reform could not be reallocated.⁸⁰

The project has led to the piloting of a civil society–ministry partnership with regard to the roll out of the Customary Land Act. Although this has not been a straightforward relationship and has led to some tensions, on the whole the ministry sees the relationship with civil society as a valuable one and acknowledges that without the grassroots networks that civil society has nurtured over many years the project would not have been as successful. The navigation of these tensions would not have been as smooth had it not been for the involvement of other stakeholders and civil society networks who mediated the relationship between government and the consortium. Local civil society networks also increased the potency of the consortium's awareness campaigns by spreading these throughout their networks and working at the intersection between land and other relevant issues, such as mining and gender.

Conclusion: The evidence supports this hypothesis.

5.3 RATING OF THE CONSORTIUM'S CONTRIBUTION TO THE FOCAL OUTCOMES

Focal Outcome	Rating	Short commentary
<p>Focal outcome 1: By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.</p>	<p>Outcome realized in part and evidence that intervention made a significant contribution.</p>	<p>Materialization of the outcome: The Customary Land Act and the Customary Land Regulations are both now in force. While other relevant laws including the Physical Planning Act and the Land Survey Act have been enacted, their regulations are not yet in force. Relevant guidelines are still being written and relevant decentralized governance structures for implementation are not yet in place.</p> <p>Significance of the contribution by the consortium: The consortium made a crucial contribution to the realization of this outcome. They did this by coordinating civil society advocacy and through the mediating role they played between government, traditional authorities and civil society (meetings, workshops and reviews). This resulted in several relevant land acts – in particular the Customary Land Act – being passed by Parliament and assented to by the President. It is argued in the evaluation that the relevance of these acts to the registration of customary estates – particularly from a gender-equality perspective – is likely stronger than if the consortium, along with ActionAid, had not played this advocacy and mediating role. ActionAid were particularly involved in advocating for more gender sensitive land laws. The consortium mediated between ActionAid and the Malawian government in relation to gender and land rights, with ActionAid pushing for the laws to be adequately gendered. Once this was resolved to some degree it seems as if ActionAid's role was reduced. Owing to resource constraints we were limited in the extent to which we were able to establish the strength and significance of these two contributions relative to each other; however, it is clear that the consortium played multiple roles that led to the promulgation of the land acts. This includes advocacy, capacity building and mediation.</p>

Focal Outcome	Rating	Short commentary
<p>Focal Outcome 2: <i>By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secured land tenure with supporting land governance structures.</i></p>	<div data-bbox="472 275 602 407"> </div> <p>Outcome realized in part and evidence that the intervention made an important contribution.</p>	<p>Materialization of the outcome: Land tenure was not completely secure in any of the three districts by January 2020, although significant progress had been made with all districts moving towards issuing certificates. This has been delayed by the COVID-19 pandemic. In January, when the fieldwork was done, there were some concerns about the legality of certificates given that the District Registrar's Office was not yet established at the time of the interviews. The records were being domiciled at the office of the Surveyor General who is in-charge of the spatial data in Malawi. Currently the Ministry of Lands, Housing and Urban Development has deployed the District Registrar's Office. There were also concerns about whether the land certificates would get to the right people. Not all land parcels were completed according to the target set. This is largely due to the three-year delay in implementation where the consortium shifted focus to advocate for the passing of the relevant land acts. There were also tensions with the Traditional Authorities (TA), with some land demarcated and verified and some not, and unresolved tensions between neighbours' and chiefs' boundaries.</p> <p>Local governance structures such as the CLT and CLC have been established. There were some issues with the establishment process in Phalombe but the project team learnt from this experience and establishment in other areas has been a success. These local land governance structures are highly committed in some areas. However, training was reported to be inadequate. The sustainability of local governance structures, particularly the CLC, is at risk owing to this feeling that members lack capacity both in terms of capability as well as resources to travel to different areas. Time demands in amongst daily chores was also unexpected.</p> <p>Significance of the contribution by the consortium: A significant contribution of the consortium has been its in-depth sensitization and awareness work in the three GVHs – this made a crucial contribution to the communities' understanding and support for the new land acts. The particular attention to gender and vulnerable groups was apparent in this sensitization.</p>

KEY:

6 CONCLUSIONS

6.1 REFLECTIONS AND FURTHER QUESTIONS ON THE ACHIEVEMENT OF THE FOCAL OUTCOMES

Focal outcome 1 was not part of the original workplan set out in the project proposal. It was assumed that the project would pilot the rolling out of the drafted land laws and that what was learnt from this process would then be applied to finalizing the land laws and regulations. However, this was not the case as the Malawian government would not agree to the pilot without the laws being promulgated. The consortium had to adapt their workplan accordingly and, drawing on the long history of advocacy and mobilization within the partners, significantly influenced the process of finalizing the land laws, particularly those relating to customary land. This was a collective effort of key civil society organizations, the historical work and civil society networks of the three partners in the consortium, and other key role-players, such as ActionAid and DAI. The project did enable LANDNET to take a leading role in coordinating this process.

It is unfortunate that LANDNET, the organization that coordinated civil society around land reform, left the consortium owing to disputes and discrepancies amongst their leadership. This is a significant loss to the civil society land movement, which could be felt in the roll-out of the project in the three districts. It will be valuable to look at how to nurture these networks going forward.

For focal outcome 2 it is clear that awareness raising and sensitization made a crucial contribution to the understanding of communities. This took a lot more effort than was anticipated and many communities still have unanswered questions or mistrust in the process. If the Malawian government were to undertake the sensitization process, there is a concern that it would not have the resources or the networks to implement the laws in a similar fashion to that undertaken by the consortium. The Malawian government looks to civil society to assist with stakeholder engagement. How will civil society navigate this relationship given the high levels of distrust in government around land? How will they play the dual role of watchdog of government and partner with government around land governance?

The partnership between the three organizations in the consortium and DAI as the technical expert worked well, although there were some tensions around different working styles that needed to be negotiated and managed. The lessons learnt from the adjudication, delineation and registration of the land parcels in the three districts have been adequately shared with other organizations that were keen to learn from the project, such as FAO, the World Bank and Agricom (the Malawian government's roll-out agency) owing to the high levels of collaboration during the project. Now that the project is coming to a close this level of collaboration has dropped. One stakeholder commented that the project became a platform where collaboration across different organizations was at its best.⁸¹ It would be valuable to understand the mechanisms that enabled this level of collaboration and ensure that this continues through implementation work led by other organizations and/or government.

Another concern is that civil society does not have the technical training necessary for the registration of land and would need to further develop technical skills if it wanted to assist the Malawian government with further roll-out. There is a concern that ultimately the task of land governance needs to be a negotiated

space between the new local community governance structures that are a negotiated arrangement where certain powers lie with communities and TAs and certain powers lie with the Malawian government. Currently, the core decentralized governance structure, the District Registrar's Office, is still being established.

As the project comes to an end, what are the plans to support local land governance structures? Given the level of training that these structures have received and the uncertainty around the establishment of the District Registrar's Office and the commitment of current Land Clerks it seems unlikely that these structures will remain active after the project is over. If they do remain active it is again uncertain how much power they will have going forward.

At the time of this evaluation, the registration of land in all the GVHs is incomplete, which may exacerbate rather than reduce land-related tensions if not completed in the future.

All the above concerns relate to how development project pilots are applied in communities that have long-term experience of projects starting up but not being completed. How is this communicated to communities, and how are the risks of piloting projects around such a sensitive issue as land mitigated once the project is over?

6.2 PROGRAMME LEARNINGS AND RECOMMENDATIONS

Key lessons	Recommendations
Focal outcome 1: <i>By 2019, laws have been enacted that are relevant to the registration and titling of customary estates and are ready for implementation.</i>	
Strong, long-term partnerships with local Malawian grassroots networks has collective political influence.	Include National CSOs in consortiums that have strong networks in civil society and a record of being able to mobilize and advocate for change.
The pooling of skills between partners enables a much stronger position when negotiating with government.	A consortium should have a diverse skill set to contribute to policy and legislative change which includes the ability to mobilize, advocate, research, convene and negotiate.
The ability to coordinate around conflict and disagreement led to a quick and consolidated resolution for civil society. A consortium made up of civil society organizations that include skills in negotiating with government is valuable for mediating between government and civil society.	Ensure the project consortium has personnel that are able to resolve conflicting views while privileging equality and justice with regard to land issues.
A systemic position on land, gender rights and health makes it possible to develop partnerships across civil society sectors and to strengthen grassroots engagement across sectors, such as women's groups that are addressing gender-based violence and who see the importance in mobilizing around land issues at a national scale.	Work with CSOs whose mandate extends beyond the short time frame of the project and who have the ability to situate a funded project within a systemic picture of what needs to change.
Coordinated and consolidated mobilization by the CSO community strengthens policy and law. This takes resources and long-term relationships with, and support for, grassroots communities, movements and organizations.	Invest in resources collaborations and networks beyond project boundaries and project targets.
Focal outcome 2: <i>By 2020, women and men in two or more target GVHs in Phalombe, Kasungu and Rumphi districts have secured land tenure with supporting land governance structures.</i>	
Networked CSOs, that are embedded and trusted by local communities, are highly skilled at sensitization, awareness and capacity building. These organizations understand how to facilitate local action and adapt as they learn.	Implementing land governance requires a partnership with CSOs particularly when projects require grassroots support.
CSOs are both implementing agents and the watchdogs for civil society. Their mandate and way of operating is very different to that of government. Government is the implementor of law. At times there were tensions in the project relating to roles and responsibilities. Skilled mediators in more neutral organizations helped to resolve these tensions.	Ensure that there is a skilled mediator who works for a relatively neutral and influential organization. The mediator should have experience with Malawian CSOs and government. This person could be situated on a reference group or steering committee. The organization should have a stake in the project.

6.3 REFLECTIONS ON THE METHODOLOGY: PROCESS TRACING AND CONTRIBUTION ANALYSIS

The Oxfam methodology is a robust step-by-step process for assessing whether focal outcomes have been achieved and how, as well as the distinct value of the project's intervention. We would suggest reflecting on how this methodology is implemented to ensure more systemic evaluation.

Figure 6.1: Diagram visualizing Oxfam GB's process tracing approach

The focal outcome(s) are shown by the solid blue circle and unintended outcomes by the open blue circle. The original project of interest is within the dotted green box; the system of interest for the impact evaluation is within the solid blue box.

Figure 6.1 visualizes the logic and underpinning questions of the OGB's process tracing approach. We found that within a restricted timescale and budget we were able to adequately engage with questions 1 and 2, to some degree with questions 3(a) and 3 (b), and to a lesser with degree 4(a) and 4(b). The main reason for this was that the resource parameters limited us to an evaluation design which consisted of:

- Inception meeting
- A single phase of in-depth interviews and focus groups
- A period of analysis and writing up
- A reflection workshop
- Final report.

The evaluators found that to undertake a systemic tracing of how the outcomes materialized and an analysis of the significant and distinct value of Oxfam's contribution alongside that of others requires more work. This may be particular to this evaluation where land is a sensitive and contentious issue and an

understanding of the historical context of both land dispossession in Africa, the shifting uses of land and the role of donor funding and international NGOs all play a significant part in weaving a complex landscape in a country like Malawi. At a local level we were able to find evidence of how focal outcome 2 had unfolded but were also left with a series of important questions relating to other local governance bodies, such as the ADC and VDC, and reports that are emerging as to how functional these governance bodies are in Malawi. The fact that the CLCs and CLTs have been established within less than a year says very little about whether these governance bodies can and will be able to fulfil their roles according to the Customary Land Act. The evaluators felt there was a need for a much deeper analysis of this unfolding space, particularly as this is a pilot and could have significant influence on other projects in the area, specifically the Shire Valley Transformation Program funded by the World Bank and work being done by FAO.

It was also particularly hard, with only one field visit of two weeks, to unpack the contribution of the consortium relative to others for focal outcome 1. This was particularly the case as this was an adaptive action on the part of the consortium and not a planned activity in the workplan. We were able to understand the role of the consortium from the consortium's point of view but could not adequately investigate the role of other actors and the potential tensions and opportunities that arose at the national level. It was also clear that the national level activities were linked to previous historical projects and campaigns of all the partners of the consortium, and understanding this in depth may have helped us get a better, more relevant picture of the strategies employed by civil society to engage and influence government policy and law and to what effect. This remains vague.

In our experience a better design would have been a two phased process of evidence gathering where the evaluation team would generate a series of initial judgements and explanations from phase one, which would be presented to the client in a reflection workshop. This could then be followed by further evidence gathering, enabling testing of initial judgements – an approach we have undertaken for other recent impact evaluations for Oxfam, and in so doing, significantly strengthen these evaluations.⁸² Given the sensitivity of land reform and the potential conflicts that may arise from this pilot intervention (as noted by stakeholders we interviewed) it would be worth considering how to deepen any learning that emerges for any future interventions. For communities in Malawi, this is not a pilot intervention, as the results have direct impact on their livelihoods and land security.

APPENDIX 1: STAKEHOLDERS INTERVIEWED FOR THIS EVALUATION

Level	Stakeholder group	Date	Women	Men	Total
Phalombe district	GVH Maoni Community Land Committee (focus group)	13/01/2020	2	2	4
	GVH Maoni Community (focus group)	13/01/2020	34	9	43
	Maoni Headman (interview)	13/01/2020		1	1
	Nazombe Traditional Authority Chief and Customary Land Tribunal (focus group)	13/01/2020	2	2	4
	Project officer (CEPA/Formerly LANDNET) (interview)	13/01/2020	0	1	1
	Land planning office/Land Clerk (focus group)	14/01/2020	1	1	2
	District NGO network (Phalombe Youth Arms organization) (interview)	14/01/2020	0	1	1
Kasungu district	Project leader Kasungu District, CEPA (formerly LANDNET) (interview)	15/01/2020	0	1	1
	Lukwa CLC including Senior Chief Representative (focus group)	15/01/2020	2	0	2
	Ching'amba GVH community (focus group)	15/01/2020	8	11	19
	Customary Land Tribunal	15/01/2020	2	2	4
Rumphi district	Chimalabanthu GVH Community from the following villages: Mvina, Vitanida, Balowoko, Kavivila, Yaphama, Mgonankhandi	17/01/2020	7	11	18
	Chimalabanthu Community Land Committee (focus group)	17/01/2020	3	3	6
	Mwakhulikira TA and Customary Land Tribunal (focus group)	17/01/2020	3	4	7
	Director of Chikulamayembe Women's forum	17/01/2020	1		1
	Programme Manager, CEPA	17/01/2020	0	1	1
	Rumphi Land Clerk and District Lands Officer	18/01/2020	0	2	2

National-level interviews	Chair of legal affairs parliamentary committee	19/01/2020	0	1	1
	Oxfam Land governance programme manager and M&E Coordinator	20/01/2020 22/01/2020	0	2	2
	Team leader, Land Reform Project Implementation Unit, MLHUD, Housing and Urban Development	21/02/2020	0	1	1
	Land Surveyor General	22/01/2020	0	1	1
	DAI technical working group, land administration expert	22/01/2020	0	1	1
	Practising Land Surveyor – Retired Surveyor General/Commissioner of Lands	22/01/2020	0	1	1
	Executive Director of Land Governance Alliance (former LANDNET coordinator)	23/01/2020	0	1	1
	Team Leader DAI EU	24/01/2020	0	1	1
	FAO, Land Governance Officer, Malawi	17/07/2020	1	0	1
Totals			67	62	129

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NOTES

1 These first two aims were the key result areas of the project.

2 While not the primary objective of the project, Oxfam did engage an 'extra gear' to extend its support to the enactment of the laws, particularly the Customary Land Act, which the project sought to pilot. Oxfam did this as it perceived it as the only way that project implementation could have been unlocked (comments from Oxfam in Malawi, 24 March 2020).

3 For a discussion of the role of GVHs, see Cammack, D., Kanyongolo, E., O'Neil, T. (2009) *'Town chiefs' in Malawi*. Working paper. London: ODI.

4 The target GVHs were Maoni (Traditional Authority [TA] Nazombe, Phalombe district), Chingámba (TA Lukwa, Kasungu district) and Chimalabanthu (TA Mwankhunikila, Rumphi district).

5 Interview with Ministry of Lands, Housing and Urban Development, Oxfam consortium member

6 Interviews with the Oxfam consortium.

7 'The LLDP was the first major rural development effort to be undertaken in the post-independence era. The strategy embodied in the LLDP focuses upon a broad concept of development that includes a wide range of activities to support production both for subsistence and for the market. The principal components of the program are land demarcation and registration, smallholder credit, organization and efficiency of marketing, extension programs, impacts of the program on incomes, manpower training, livestock development, and evaluation techniques.' (p.1) Kinsey, B.H. (1974). *Rural development in Malawi: a review of the Lilongwe Land Development Program (English)*. Studies in employment & rural development series No. 9. Washington, D.C. : World Bank Group.

8 Interviews with the Oxfam consortium.

9 Interview with FAO.

10 These are not meant to indicate the final numbers achieved by the end of the project, rather only what had been achieved at the time of this evaluation.

11 Interview with FAO.

12 Interviews with the Oxfam consortium, DAI and Ministry of Lands, Housing and Urban Development.

13 The consortium (2018). *Strengthening Land Governance System for smallholder farmers in Malawi: Interim Narrative Report*.

14 We shall seek to assess both aspects of this outcome – 'laws enacted' and 'ready for implementation' – recognizing also the contribution and level of effort/resources that Oxfam and its partners invested.

15 For a discussion of the role of GVHs, see Cammack, D., Kanyongolo, E., O'Neil, T. (2009) *'Town chiefs' in Malawi*. Working paper. London: ODI.

16 The target GVHs are Maoni (Traditional Authority [TA] Nazombe, Phalombe district), Chingámba (TA Lukwa, Kasungu district) and Chimalabanthu (TA Mwankhunikila, Rumphi district).

17 This diagram was constructed to aid initial discussion and selection of the focal outcomes for the evaluation. It is not intended to offer a 'full' theory of change for the project.

18 Van Hemelrijck, A., Guijt, I. (2016) *Balancing Inclusiveness, Rigour and Feasibility: Insights from Participatory Impact Evaluations in Ghana and Vietnam*. Centre for Development Impact: Practice Paper 14, February 2016.

19 *Rigour* refers to the quality of thought put into the methodological design and conduct of every step in the evaluation – including sampling, triangulation of methods, facilitation of processes, data collation, cross-validation and causal analysis.

20 *Inclusiveness* involves meaningful engagement of stakeholders with diverse perspectives, which has an intrinsic empowering value while also enhancing credibility of the evaluation through triangulation and cross-validation of evidence.

21 *Feasibility* concerns the budget and capacity needed to meet expectations of rigour and inclusiveness and to enhance learning.

22 This list was generated through an initial brainstorm with Oxfam in Malawi, 29 November 2020.

23 See Appendix 1 for a detailed list.

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24 Interview with Ministry of Lands, Housing and Urban Development, Oxfam consortium member.

25 These are not meant to indicate the final numbers achieved by the end of the project, rather only what had been achieved at the time of this evaluation.

26 Interviews with the consortium.

27 Interviews with community, CLT and the consortium in Phalombe.

28 Interviews with community, CLC and the Oxfam consortium in Phalombe.

29 Interviews with community members, traditional leaders and CLC members.

30 Interviews with CPC and the Oxfam consortium in Kasungu.

31 Interviews with community members, CLC and CLT.

32 Interviews with traditional leaders and community members.

33 Interviews with community members, village headman, CLCs and CLTs in Phalombe, Kasungu and Rumphi.

34 Interviews and focus groups with community members and village headman.

35 Kasungu: 72% literacy rate for women, 82% literacy rate for men; Rumphi: 88% literacy rate for women, 86% literacy rate for men; Phalombe: 64% literacy rate for women, 74% literacy rate for men

36 Findings from the focus group discussions in the three districts.

37 Interviews with DAI and the consortium.

38 Malawi Government (2018) Customary Land Regulations (Government Notice No. 18 of 2018). Part III (19).

39 Interview with MLHUD.

40 Interview with the consortium, MLHUD and DAI.

41 Form D of the Customary Land Regulations.

42 Malawi Government (2018) Customary Land Regulations (Government Notice No. 18 of 2018). Part III (19). Section 46.

43 Interview with District Land Planning office.

44 Interviews with community in Phalombe.

45 Interviews with FGDs, CLC, CLT and PE.

46 Interview with GVH and VH, Phalombe

47 Interview with ActionAid.

48 Interview with the consortium.

49 Interview with the consortium.

50 Interview with Phalombe district NGO Land Network.

51 Interviews with the consortium.

52 Interview with FAO.

53 Interviews with the Oxfam consortium.

54 Interviews with Oxfam.

55 Interviews with LANDNET and Oxfam.

56 Interviews with Oxfam and MLHUD.

57 Interview with FAO.

58 Interviews with LANDNET.

59 Interviews with Phalombe local structures.

60 Interviews with local NGO in Phalombe, consortium staff in Phalombe (CEPA), Oxfam.

61 Interviews with Kasungu local community Kasungu land governance structures, consortium staff in Kasungu (CEPA).

62 Interviews with Rumphi local community, Rumphi land governance structures, Chikulamayembe Women's Forum.

63 Interviews with consortium staff.

64 Interviews with DAI.

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- 65 Government of Malawi (2016) Customary Land Act (Section 6).
- 66 Interviews with CEPA, DAI, MLHUD, Oxfam
- 67 Interviews with Phalombe community members, CEPA and DAI.
- 68 Interviews with local land governance structures, CEPA and Oxfam.
- 69 Interviews with MLHUD, CEPA and Oxfam
- 70 Interviews with CEPA and MLHUD
- 71 Interviews with the Oxfam consortium.
- 72 Interviews with the consortium.
- 73 Interviews with the consortium.
- 74 Interview with FAO
- 75 Interviews with DAI, Consortium members and MLHUD.
- 76 Interviews with consortium members.
- 77 Interviews with consortium members, Legal Affairs Committee of Parliament.
- 78 Interviews with MLHUD and consortium.
- 79 Interview with FAO.
- 80 Interviews with MLHUD
- 81 Interview with FAO.
- 82 Colvin, J., Mukute, M. (2018) *Governance in Ethiopia: Impact evaluation of the African Climate Change and Resilience Alliance (ACCRA) project*. Effectiveness Review Series 2016/17. Oxford: Oxfam GB; Mukute, M., Burt, J., Msukwa, C.A.P.S., Colvin, J. (2019) *Governance in Malawi: Impact evaluation of the 'Kutukula Umwini pa Chitukuko Cha m'maboma Ang'ono Project: Enhancing Communities' Capacity in Tracking Development Resources at Local Council Level'*. Effectiveness Review series 2017/18. Oxford: Oxfam GB.

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