
**RURAL LIVELIHOODS AND WOMEN'S ACCESS TO LAND:
A CASE STUDY OF THE KATULI AREA,
MANGOCHI DISTRICT, MALAWI**

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A mini-thesis submitted in partial fulfilment of the requirements for the degree of
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ABSTRACT

Insecure access and limited rights to land are major factors contributing to poverty among rural women (Ellis,2000; Havnevik et al,2007). Despite that, rural women's livelihoods are directly linked to land; they generally lack secure access to productive land. In acknowledging the inequalities in terms of land ownership among Malawians, the government of Malawi introduced a land reform project known as the Community Based Rural Land Development Project (CBRLDP) (GoM, 2002a).

This study aims at assessing the effects of group-based titling of the CBRLDP on creating secure access to land and livelihoods of women beneficiaries. Using qualitative research design, methods such as in-depth interviews, focus group discussions and questionnaire surveys were used as sources of primary data and project reports while CBRLDP programme planning documents and evaluation reports as sources of secondary data were consulted.

While the data shows that secure access to land could create women's sustainable livelihoods, the study found that access to land and the livelihoods generated by the CBRLDP are gendered, for instance, there are more male beneficiaries as compared to women. With regard to women's land rights, this study shows that women are still struggling in claiming their rights to land. Furthermore, the study found that the roles of traditional leaders in securing access to land and protecting women's land rights within the CBRLDP remain unclear.

The study also reveals that access to land alone is not enough for the creation of women's sustainable livelihoods.

DECLARATION

I, Daudi Bryson Saidi, hereby declare that, *Rural Livelihoods and Women's Access to Land: A Case Study of the Katuli Area, Mangochi District of Malawi*, is my own work, and that I have not previously submitted it, in part or in entirety, at any University for a degree or examination. All sources I have quoted have been indicated and acknowledged by means of reference.

Daudi Bryson Saidi

Signed:.....

Date:.....



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This mini-thesis is a dedication to my mum Ednah, my brother Ackim and my two children, Noordeen and Shamiah, who were sources of inspiration, focus and encouragement during this period. I am also grateful to my wife, Aishah Imran, for her encouragement and overwhelming support.

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While I acknowledge the support and encouragement that these individuals and organizations gave me, the errors, omissions and mistakes in this mini-thesis are my own responsibility.

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ACRONYMS AND ABBREVIATIONS

ADC	Area Development Committee
BG	Beneficiary Group
CBRLDP	Community Based Rural Land Development Project
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CLDA	Customary Land Development Act
COC	Community Oversight Committee
DA	District Assembly
DEC	District Executive Committee
DLC	District Land Committee
ESAP	Economic Structural Adjustment Programme
GDP	Gross Domestic Product
GoM	Government of Malawi
IPER	Interim Project Evaluation Report
LAFD	Land Acquisition and Farm Development
MARDEF	Malawi Rural Development Fund
MCP	Malawi Congress Party
MNLP	Malawi National Land Policy
NASFAM	National Smallholder Farmers' Association of Malawi
NSO	National Statistics Office
PCIOLPR	Presidential Commission of Inquiry on Land Policy Reform
PMT	Project Management Team
PSC	Project Steering Committee
RLA	Registered Land Act
SLF	Sustainable Livelihoods Framework
UDF	United Democratic Front
VDC	Village Development Committee
WLSA	Women and Law in Southern Africa
WOLERC	Women's Legal Resource Centre

1. CHAPTER ONE: INTRODUCTION AND BACKGROUND

1.1. Introduction

Chapter One provides background to the study with general overviews of the importance of land particularly to rural women's livelihoods. The chapter begins by providing the main argument of the study. Definitions, clarification and distinction of key terms (e.g. land access and land rights) are also provided in chapter one. Chapter One also highlights the major land tenure systems in Malawi and Africa in general, the ability of such systems in creating and promoting women's secure access and rights to land. Drawing examples from some parts of Africa (e.g. South Africa), the chapter introduces the recent land reform programmes and how such programmes have performed in promoting women's secure access and rights to land. Furthermore, chapter one introduces Malawi's historical land and agrarian reform policies. The chapter also highlights the land situation in the case study area as well as the vacated areas of Mulanje and Thyolo districts. Presented thereafter are objectives, research questions, significance of the study and methodology used for data collection. The chapter ends with an outline of chapters for the whole thesis.

1.2. Background to the Study

Insecure access and limited rights to land are among the main causes of poverty among rural women (Havnevik et al, 2007; Cotula et al, 2006; Ellis, 2000; Government of Malawi, 1998). Despite that, women play crucial roles as primary users of land (Arends, 2009) in creating the livelihoods within their households, they generally lack secure access to productive land (Keera, 2007). Livelihoods refer to capabilities, assets and activities required for a means of living (Chambers and Conway, 1992:7), secure livelihoods depend on secure land access and land rights. 'Land access' is a process by which people individually or collectively gain rights and opportunities to use or occupy land for social or economic purposes (Cotula et al, 2006:6). 'Land rights' are legally and socially recognized claims to land, enforceable by the community or state, with provision of limited freedoms to transfer between parties in the form of leasing, bequeath and inheritance (Agarwal, 1994a:19).

In most cases, access to land is interchangeably referred to as land rights, however, one's access to land does not necessarily mean that one has rights to land. For instance, there are cases where

an individual has access to land but does not have land rights, e.g. rights to control (the right to make decisions on how land should be used either for social or economic benefits) (FAO, 2002). In such cases the chances of experiencing meaningful benefits of having access to land is very minimal because the individual cannot make any decision over that land. Hence it is critical to explain the meanings of land access and land rights as this may help an individual to understand what benefits attached to the land she/he has access to.

Land is a source of food and income. Socially, land defines one's identity, a place where one belongs (Peters, 2002:159). The literature suggests that access to land is important in assisting the rural households to create higher incomes (Simtowe et al, 2011). Agarwal (1994a:195) observed that "although in some cases land may not be the basis of livelihoods, it can significantly reduce the risk of poverty and food insecurity through diversified livelihoods strategies". Furthermore, women who control land assets tend to have great chances of increasing households' food security and generating higher income of which a good percentage is spent on household welfare such as health care and education (UN-Habitat, 2008; Smith et al, 2001; Nichols et al, 2001). Just like men, women in southern Africa are active farmers who engage in farming to produce food for subsistence and/or markets (Arends, 2009), yet they generally lack secure land access and usually have limited land rights (Keera, 2007; Cotula et al, 2006).

Although various anthropologists including Peters (2004) observed that in customary land tenure systems (particularly matrilineal practices) women have access to land, but it is usually insecure and does not necessarily provide women with independent rights to land (Shipton and Goheen 1992). Secure access and rights to land may be created through social or legal recognition by the community or the state (Kleinbooi, 2009; Niasse, 2011). Socially, land rights may be regarded as secure if it is recognized as a legitimate claim by individuals or communities based on their knowledge and values (Cotula et al, 2006). Legally, secure access and rights to land may be created through legal recognition by the state.

In southern Africa, the two common systems of land tenure are statutory and customary tenure systems. In statutory tenure land is governed by statutory law and administered by the state while in customary tenure land is governed by traditional customs and administered by traditional leadership (Bruce and Dörner, 1982). 'Traditional leadership', sometimes known as 'traditional

authority', refers to leaders of various ranks who have jurisdiction over rural people (Ntsebeza, 1999: 7). Since pre-colonial times, traditional leaders have played critical land roles. Although by tradition land belongs to the community in which access to land is determined by the social relations that exist within a community (Cross and Friedman, 1997; Whitehead and Tsikata, 2003), but the role of land allocation belongs to traditional leaders.

While the authority of land allocation is entrusted in traditional leaders, it has been argued that the institutional structure of traditional leadership promotes men's ownership of resources. For instance, it has been alleged that the allocation of land by chiefs favour men over women, thereby placing women in vulnerable conditions (Claassens and Ngubane, 2008), and in cases where women have access to land it is usually insecure (Ibid). The question of secure access to land within customary tenure systems has been a centre of fierce debate among scholars and development experts. Critics of customary land tenure such as De Soto (2002:53) have called for the formalization of land rights arguing that poverty among the rural poor is a result of informal property rights which create insecurity. Formalization entails the official registration and issuance of titles to individuals holding possessions and other land related based assets in an allegedly tenuous and insecure state (Bromley, 2007:1). Advocates of formalization, e.g. De Soto (2000) argue that formalized land rights encourage land investment in which titled land can be used as collateral to obtain credit. Furthermore, he argues that the lack of clearly defined tenure rights creates confusion and conflicts over ownership of a resource thereby derailing economic growth among the poor (Ibid). While customary practices might be responsible for women's insecure access to land, the problem might also lie with policies and development interventions that do not accommodate women's needs.

Although there is no clear evidence regarding the effects of customary systems on agricultural productivity, Peters (2004) observed that social factors such as unequal power relations, class, gender inequality, age and cultural practices have negative effects on the ways in which women's rights to land are negotiated.

Although these critics advocate for the formalization of land rights, evidence from South Africa (e.g. Cousins et al, 2005) indicates that formal titling in the name of a single household member often results in reduced tenure security for women. By contrast, Benjaminsen (2002:364) states that "in customary systems, individuals hold different rights over land, therefore, formalization of land rights could lead to exclusion of other users". The arguments by Benjaminsen (Ibid.) and

Cousins et al (2005) seem to highlight that customary practices accommodate various users in a single resource. While this flexibility offers differential benefits to the poor, in most cases such practices fail to provide secure access to land. This seems particularly true in contexts characterised by a single limited resource catering for multiple users and high population density (Sjaastad and Cousins, 2008).

Discrimination against women is now widely acknowledged by various international human rights groups and national states. These stakeholders have agreed to set up specific 'gender equity' and 'gender mainstreaming' standards through institutional frameworks such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), (Ik Dahl et al, 2005). However, despite frameworks such as these, commitments by national states in fulfilling these obligations remain to be seen.

Malawian rural women, like other women in Southern Africa, remain marginalized from secure land access. Although there have been attempts to address inequalities through the enactment of various laws, such as the Customary Land Development Act (CLDA) of 1967, such efforts have not rectified colonial land alienation but rather have shielded class and gender inequalities in land access and tenure (Kanyongolo, 2008). Furthermore, the Registered Land Act (RLA) provides a system of land registration that provides for land to be registered in the name of the family head, which under patriachal practices is often male. The Act therefore perpetuates rather than transforms unequal gender relations (Government of Malawi, 2002a).

Similar to other southern African countries, the majority of the rural poor in Malawi is female and have both insecure and limited access to land, resulting in low productivity (Charman, 2012; WLSA, 2000). On average, Malawian poor households own less than 0.6 hectare of land (Simtowe et al, 2011). This status is caused by a combination of factors, including economic, population growth and the Customary Land Development Act of 1967. This Act converted customary land to leasehold tenure (Kanyongolo, 2008), leaving many rural poor without alternative sources of livelihood (Machira, 2007).

Demographically, Malawi has one of the highest population densities in Africa, with approximately 170 persons per km² of arable land. This has contributed to the decline of natural resources. It is therefore not by error that a major source of land scarcity is the rapid population growth rate. As a result of the afore-mentioned factors the southern part of Malawi, particularly

Mulanje and Thyolo Districts, have been experiencing land pressure. These two districts have the highest population densities in the country, with over 300 persons per km² and 268 persons per km² respectively (Lombe, 2009). Beyond demographic factors and the 1967 land legislation, rural land scarcity has been driven by the allocation of a large percentage of land in Mulanje and Thyolo to tea estates owned by foreign companies. Such land allocation contributes to the fact that the majority (60%) of small scale farmers cultivating land below 0.3 hectares (Ibid), which is not enough to meet the food requirements of a household. While Mulanje and Thyolo Districts experience acute land pressure, land held by tobacco growing estates remains under-utilized in some of the districts in the southern region of Malawi, particularly Mangochi and Machinga.

In an attempt to address inequalities in land distribution, the government of Malawi in 2004 introduced a land redistribution project known as the Community Based Rural Land Development Project (CBRLDP) (Government of Malawi, 2004). This is a resettlement programme implemented in four pilot districts namely, Mulanje, Thyolo, Mangochi and Machinga (see Figure 1) under a market based approach of 'willing seller / willing buyer'. The project aims at providing security of land tenure and increasing agricultural productivity (Ibid). The project involves moving groups of people away from the pressurized communal areas of Mulanje and Thyolo to Mangochi and Machinga districts, where land remained under-utilized by commercial farmers until government purchased it for the CBRLDP. Project beneficiaries are self-selected and form groups of between 10 and 35 households, which are known as 'trusts'. Each household within the trust receives US\$1050, which is meant for land administration, farm development and land acquisition (Chirwa, 2008). In its structure, the CBRLDP seems to articulate the Malawi National Land Policy (GoM, 2002a), which provides for land titles to be given to groups as 'group titles' and land to be registered as 'customary estates', where lifelong usufruct rights are enforced. In order to address inequalities, the policy stipulates that children, regardless of age and gender, will inherit their parent's land rights.

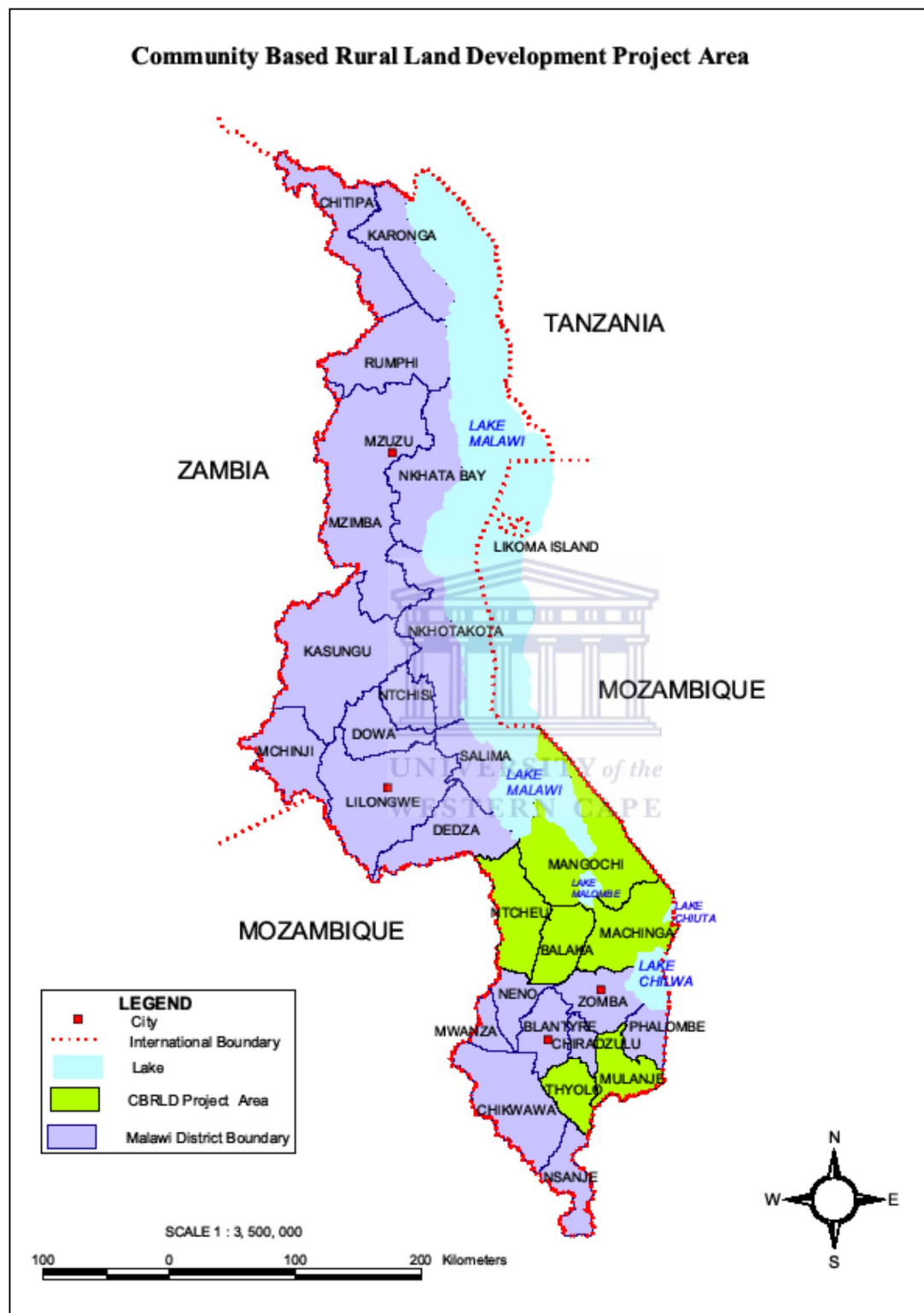


Figure 1: Map of Malawi showing CBRLD participating districts

Source: Ministry of Lands and Surveys (2009)

1.3. Characteristics of the Study Area

Katuli is an area situated to the north-east of Mangochi District (see Figure 2), which is located in the southern region of Malawi, wedged between boundaries with Machinga and Balaka Districts to the south, Salima District to the north and Dedza and Ncheu Districts to the west. Mangochi District also shares an international boundary with Mozambique to the north and north-east. (See Figure 1). The district covers an area of 6,273 km². The study area is situated within the east African rift valley, with hilly forests known as Namizimu Forest Reserves and Mangochi Hills which run down from the north to the south west of Katuli. Katuli experiences a warm tropical climate with temperatures between 18 and 32°C and receives mean annual rainfall of between 1000 and 1200mm (Malawi Meteorological Services, 2006¹).

The broader national context shows that Malawi's total population is estimated at 13.07 million people. The country is one of the more densely populated countries of southern Africa, with an average population density of 139 persons per km² (Lombe, 2009). The majority of the population is rural based, and over 85 percent lives in rural areas (Charman, 2012). Malawi is an agrarian economy, thus agriculture is the largest source of livelihoods, contributing 80 percent of national employment, 40 percent of the Gross Domestic Product (GDP) and 90 percent of foreign exchange earnings (Charman, 2012; Lombe, 2009; Kanyongolo, 2008). Therefore, access to land is critical for many Malawians, in particular, the rural dwellers (Government of Malawi, 2005).

According to the 2008 census data, the total population of the Katuli Traditional Authority (TA) is 52,080 people. The 1998 census statistics show that the population of the TA was 47,106 people, indicating an increase of 4,974 people in the 10 years between 1998 and 2008 (Malawi National Statistical Office, 2008²). However, whereas Katuli TA accommodated 7.7% of the total population of Mangochi District as a whole (610,239) in 1998, in 2008 the population of Katuli had decreased in proportion to 6.5% of the total district population (797,061) (Ibid.). The population density is 136 persons per km².

The Katuli people are a matrilineal community that practices polygamy. In this regard, property is inherited through female descent and children born out of such marriages belong to the clan of

¹<http://www.metmalawi.com/climate/climate.php>

²<http://www.geohive.com/cntry/malawi.aspx> (02 May 2013)

the female spouse. However, 60% of land is under customary tenure, but private and leasehold land tenure systems are also practiced. Agriculture is the main source of livelihoods for the people of Katuli, with maize crops as their staple food while groundnuts and tobacco are the main cash crops.

Due to favorable agricultural conditions, the 1967 Customary Land Development Act did not spare Katuli area. The area attracted a large number of estate farms to the extent that a good percentage of customary land was converted to leasehold land and owned by large estate farmers.

Within customary land tenure systems in the Katuli area, the increased population density and decreased landholding per capita have been due to a combination of several factors. These include the rapid expansion of estate agriculture for tobacco production, natural population increase and large-scale immigration of people from Mozambique, who sought refuge from the civil war in the 1970s and never went back home after the war ended. These factors have spearheaded the scarcity of land and increased informal land markets, leading to a decline of traditional land ownership systems (Kishindo, 2004). In the process, women seem to have been left in more vulnerable conditions than men. Widespread land encroachment may have weakened women's land rights while land held by estate farmers remained under-utilized.

1.4. Problem Statement

Although the launch of the CBRLDP by the Malawian government in 2005 generated confidence among many of the landless poor, especially women, the issuing of group titles has been problematic mainly because individuals are not sure whether access to land created by the CBRLDP is secure or not (Chinsinga, 2008). This lack of clarity affects both those people within the trusts and others who live in communal lands close to the new settlement areas and who are not members of trusts. Delayed clarification of security of access to and land rights has fueled perceptions by 'indigenous' local people that 'outsiders' are being settled on their customary land, which was taken away during the colonial era to pave the way for commercial farming. There have also been *de facto* encroachments by local people into newly-designated settlement areas. Since the roles of traditional leaders in land management are unclear, such leaders seem to have no interest in dealing with land disputes between 'indigenous' local people and new settlers (Ibid.). A major problem is that one possible outcome of the Land Policy's provision for inheritance of land by children, regardless of their gender and age, is women's dispossession of land, on the one hand, and the strengthening of land access by men, on the other hand.

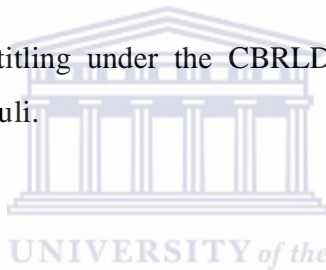
The research problem for the proposed study can be summarized in the following questions:

- (a) What has been the institutional context of the CBRLDP in Katuli?
- (b) What factors have influenced women to participate or not in the CBRLDP?
- (c) What have been the key roles of traditional leaders in securing women's access to and land rights within the CBRLDP?
- (d) What challenges and opportunities have been faced by women beneficiaries relative to men in group-based titling by the CBRLDP in Katuli?
- (e) How has group-based titling under the CBRLDP affected the livelihoods of women beneficiaries?

1.5. Research Aim and Objectives

This study aims to assess the effects of group-based titling of the CBRLDP on promoting secure access to land and the creation of livelihoods of women beneficiaries. The research objectives are to:

- (a) Characterize the institutional context under which the CBRLDP has been implemented in Katuli;
- (b) Identify factors that have influenced women to participate or not in CBRLDP, relative to men;
- (c) Assess the roles of traditional leaders in securing women's access to and land rights within the CBRLDP;
- (d) Assess women's opportunities and challenges relative to those of men within the trusts; and
- (e) Assess how group-based titling under the CBRLDP has affected the livelihoods of women beneficiaries in Katuli.



1.6. Research Methodology

The research methodology is a process of identifying, collecting, condensing, organizing and analyzing data while conducting research (Mouton, 2001). This study adopted a qualitative methodological approach and used qualitative research methods for data collection.

1.6.1. Research Design

According to Berg(2001), research design refers to a 'road map' for planning when undertaking a research study. Through rich descriptive methods, qualitative research design strives to study human experiences and behaviour from a social perspective. The primary purpose of using qualitative data collection methods is to understand and describe human behaviour (Babbie et al, 2001). Similarly, this study's aim to assess the effects of group-based titling on the livelihoods of the CBRLDP women beneficiaries relies on qualitative data to develop understandings of people's experiences and perceptions of the land reform project as well as the social actions of the actors in their social setting, which is the Katuli TA.

1.6.2. Data Collection Instruments

The primary data collection instruments included focus group discussions, in-depth interviews (Babbie et al, 2001) and questionnaire surveys (see Annexure 2). The rationale for using focus group discussions is that it provided participants with the opportunity to explain their opinions about issues under discussion. The study applied the focus group method to gather field data from non-beneficiaries in Pawira, Mbuleje and Mponda and Chinyama villages and beneficiary research participants from Chigawe and Chikuya Trusts. In-depth interviews materialised through open-ended questions (see Annexure 4) which were used as guiding questions. In-depth interviews were used to collect data from officials of the Department of Lands, the local CBRLDP Monitoring and Evaluation Officer, village headmen and elected leadership of the new settlers' groups. Secondary data sources included project evaluation reports, literature reviewing, government policy documents and CBRLDP programme design documents.

1.6.3. Sampling

Due to logistical problems it was not feasible to interview the entire population in the study area as well as the vacated areas of Mulanje and Thyolo districts. Therefore a 'sample' was selected. Babbie et al (2001) define a 'sample' as a special sub-set of the observed population which is selected in order to make inferences about the nature of the total population itself. Thus, sampling can be seen as a process of selecting research participants. The study used purposeful and stratified sampling. A total sample of 60 respondents was selected to represent both beneficiaries and non-beneficiaries of the CBRLDP. Questionnaire surveys (see Annexure 2) and focus groups were applied to two groups of 20 respondents each. Out of the 60 respondents, 40 beneficiaries were selected from two of the several Trusts associated with the new CBRLDP settlements and further 20 non-beneficiary respondents were drawn from rural villages located close to the selected Trust settlement areas and vacated areas in Mulanje district. Efforts were made to ensure a gender balance in sampling. Following the questionnaires and focus groups, a few of the respondents were selected for in-depth follow-up interviews on specific issues that emerged from focus group discussions.

Choices of the two case studies

Although the two trusts were formed by households with some similar social characteristics such as the marriage system, the reason for selecting the two trusts is that, Chikuya Trust was formed by the people from the surrounding communities of Pawira and Mbuleje villages who share similar social characteristics. While the formation of Chikuya Trust created a new leadership structure (leadership of the trust), but households remained the subjects of the traditional leaderships of villageheadmen Pawira and Mbuleje. By contrast, Chigawe Trust was formed by households with some different social characteristics (religion) from that of people in Mponda village and settled in this new area under the new leadership of village headman Mponda. Such a difference in social and institutional characteristics (leadership) could possibly create various social tensions, for instance, the nature of relationships between new settlers (beneficiaries) and that of the surrounding communities. It was therefore hoped that the two trusts would highlight how differential institutional structures (objective one) and social characteristics (culture and religion) could create or inhibit access to productive resources such as land.

1.6.4. Data Processing

Data processing refers to a method of organizing data in order to retrieve information that is ready for analysis (Babbie, 2007). In this study, data was manually coded and classified into clearly-defined categories, which are known as ‘coding units’ in qualitative research (Ibid). Since the research was aimed at assessing the effects of the group-based titling by the CBRLDP on women’s livelihoods, data was categorized according to specific codes (or categories), namely:

- Institutional context, which included frameworks, structures and arrangements;
- Factors influencing women’s participation in CBRLDP;
- Roles of traditional leaders in securing women’s land rights within the CBRLDP;
- Women’s opportunities and challenges relative to those of men within the trusts; and
- Effects of group-based titling under the CBRLDP on the livelihoods of women beneficiaries.

The coded data, which addressed the five research objectives, was then analyzed and characteristics of observed phenomena qualitatively described.

1.7. Time Frame of the Study

The study began in January 2012 and ended in November 2014, giving a total duration of 29 months during which research tasks overlapped (see Table 1). Fieldwork was conducted in Malawi in November and December 2012 and again in December 2013.

Table 1: Research Time Frame

Task	Topic	Start date	End Date	Months
1	Writing of the research proposal	01 January 2012	31 March 2012	3
2	Literature review, conceptual framework and methodology	01 April 2012	30 Sep 2012	6
3	Data collection	01 November 2012	31 December 2013	12
4	Data analysis	01 January 2014	March 2014	3
5	Writing of the thesis	01 July 2014	24 November 2014	5

1.8. Limitations of the Study

During the course of this study the researcher experienced some challenges. Firstly, although the researcher had clarified the aim of this study, some respondents exaggerated their responses. Reports indicated that there were a large number of beneficiaries who withdrew from the project. As a result respondents thought that the researcher was a government official who came to record the number of beneficiaries who had withdrawn from the programme and that the remaining beneficiaries would be evicted by the government. That led to some beneficiaries giving false information on their place of origin.

Secondly, the interviews were conducted in two local languages; Chichewa and Chiyao. Therefore, the major challenge was translating the two languages into English without losing the original meaning of beneficiaries' responses.

To address some of the challenges, the researcher cross-checked some of the responses with official documents. For instance, in official documents it was recorded that members of the Chigawe Trust originated from Chinyama village, Traditinal Authority Mabuka in Mulanje district not Chinkhwaza, Kantunda and Chinthuli villages. Regarding the challenge of losing the meaning of the responses from the participants, the researcher translated guiding questions into Chichewa and Chiyao in advance.

1.9. Ethics Statement

In order to ensure data validity and reliability, the researcher explained and clarified the objectives and aims of the study to the respondents in advance while Research Assistants were informed of the study aim, objectives and data collection methods. Prior to embarking on field research, the researcher obtained permission from the relevant traditional leadership of Katuli TA. Before conducting focus group discussions and interviews, the researcher also asked for the respondents' consent (see Annexure 5). For purposes of confidentiality, all the information was treated sensitively in the sense that the names of respondents were not used during interviews or disclosed afterwards. Since the researcher speaks the local language, there was no language barrier. Finally, the study involved respondents of different socio-economic classes, and all were accorded respect regardless of their age, class and culture.

1.10. Significance of the Study

The significance of the study relates to the need to recognize Malawian rural women's prominent roles in food production and to develop clear understandings of the opportunities and constraints these women encounter within government-led land reform interventions. Women produce 80% of food and provide 46% of labour in Africa and represent 60% of small scale farmers in Southern Africa (Walker, 2002; Joireman, 2008). In Malawi, about 70% of full time farmers are women (Mutangadura, 2004). However, despite these crucial roles, women continue to face challenges in access to land and related resources. Although a number of case studies have been conducted in Malawi's land reform programmes, most of the studies have tended to focus on the economic impact of land reform without examining the broader gender impacts on livelihoods and food security, particularly for women. In this era, with many countries in the region trying to address all forms of discrimination against women, this study will provide evidence-based

insights on challenges and lessons for addressing gender inequalities, hopefully adding value to existing literature. Furthermore, it is hoped that such insights will assist policy and decision makers to formulate more effective strategies for addressing gender inequalities.

1.11. Chapter Outline

This thesis is divided into six chapters.

Chapter One introduces the study, it outlines the research background with general overviews of causes of poverty and the importance of land particularly to rural women, major land tenure systems and their ability in promoting and protecting women's rights. The chapter further presents Malawi's historical and current land reform developments and the land situation in the case study area. Presented thereafter are problem statement, aim and objectives, methodology, ethics statement, significance and limitations of the study. The chapter ends with an outline of chapters for the whole thesis.

Chapter Two provides the theoretical frameworks and the key concepts of livelihoods, livelihoods resources, livelihoods strategies, institutions, institutional arrangements, context, sustainability and power. The chapter also presents the concepts of human rights based approach and gender concepts. Thereafter, the chapter reviews literature on institutions such as traditional and statutory institutions. Key issues in the field of women's land rights and their gendered rights, productive roles, opportunities and constraints are also reviewed.

Chapters Three and Four present empirical research findings from specific study sites in Pawira and Mponda villages of Katuli TA. In Chapter Three, particular interest is paid to the background of Pawira and Mbuleje villages from which people who formed the Chikuya Trust originated and their demographic characteristic and livelihoods sources are highlighted in this chapter. Chapter Four provides background to Mponda and Chinyama villages from which Chigawe Trust members settled and originated respectively. Furthermore, the two chapters present the institutional context that determines access to resources in Pawira and Chinyama villages, processes of the purchase of land and procedures followed in identifying the beneficiaries. Factors that influenced women to participate in the CBRLDP project and key roles of traditional leaders in promoting and protecting women's access to and land rights within Chikuya and Chigawe Trusts are also presented in the two chapters. Lastly, the two chapters

assess the challenges and opportunities faced by female beneficiaries and the effects of group based titling of the CBRLDP on creating livelihoods.

An analysis of the findings is made in Chapter Five. The chapter provides empirical research findings, analysis and discussions based on the five research objectives.

Chapter Six summarizes key insights from the research in relation to the key research questions. The chapter highlights how institutional arrangements may promote or deny women their rights to access productive resources. Furthermore, the chapter highlights how policies that overlook gender issues may subject women to vulnerable conditions. It also looks at how traditional leadership may promote or protect the rights of the marginalized groups in society, in particular women.

1.12. Conclusion

Chapter One provided the background to the study by highlighting the major causes of poverty among rural women and the importance of land to rural women's livelihoods. Chapter one has also defined, clarified and distinguished the terms of land access and land rights. The chapter also provided the historical and current land issues regarding women's access and rights to land in Malawi as well as in southern Africa.

The chapter also outlined the problem statement, aim and objectives, research questions, methodology applied for data collection and the definition of key concepts. Chapter One further provided an outline of the structure of the report.

2. CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

Chapter Two discusses theories of the Sustainable Livelihoods Framework and the human rights based framework to development. This chapter also discusses the concepts of the main conceptual framework of the study (Sustainable Livelihoods Framework) such as 'Vulnerability Contexts', 'Institutions', 'Livelihoods', 'Livelihoods Assets', 'Livelihoods Strategies', 'Institutional Arrangements' and 'Sustainability'. Although the terms "land access" and "land rights" are interchangeably used, the two terms are not equivalent. For example, there is a case where a woman has access to land but does not hold land rights (e.g. control rights). Such a situation reduces women's agricultural productivity as they cannot make important decisions. Chapter two therefore, explores rural women's access to land, land rights and constraints in claiming these rights. The chapter further reviews literature on relevant topics such as institutions, access to land and sustainable livelihoods. With regard to institutions, the chapter explores traditional institutions and gendered land tenure, land reform policies in Malawi, customary land tenure and formalization. Furthermore, this chapter looks at literature on women's access to land and land rights, livelihoods strategies, opportunities, constraints and the question of power relating to livelihoods created by having access to land.

2.2. Sustainable Livelihoods Framework (SLF)

2.2.1. Background to Sustainable Livelihoods Framework

The main conceptual framework of the study is the Sustainable Livelihoods Framework. The origins of the Sustainable Livelihoods Framework date back to decades of donor-driven development which failed to address poverty and instead created persistent environmental shocks and stress (Scoones, 1998).

The Sustainable Livelihoods Framework first appeared in Geneva during the conference to discuss the Food 2000 Report in 1987. At the end of the conference, a Brundtland report titled "Our Common Future" headed by and named after then Swedish Prime Minister, Gro Harlem Brundtland, was produced in which a vision for people centered development was laid down (Ibid). The Brundtland report became the central policy concern at the UN conference on

Environmental and Development Rio in 1992, particularly on how the poor can take a lead in addressing issues affecting their lives (Ashley and Carney, 1999). In responding to a call of this conference which was attended by various development practitioners including Chambers and Conway (1992), Scoones (1998), Ellis (2000) and Hussein (2002), who developed a sustainable livelihoods framework which was immediately adopted at the conference.

The Sustainable Livelihoods Framework is a tool used to analyze poverty through three dimensions, namely a) participatory approach to development b) assets available to them and c) strategies adopted to achieve their goals (Ashley and Carney, 1999). The critical issue within the framework is the analysis of institutional processes (formal or informal institutions and organizations) that is, what structures and processes are in place to mediate the complex process of achieving a sustainable outcome (Scoones, 1998). The study was concerned with policies and institutions, either formal or informal (i.e. group based titling and customary institutions) that facilitate the creation of livelihoods opportunities through access to resources such as land. Such an assessment was based on an analysis of livelihoods resources (land and finances) available and strategies (farming) to create a sustainable livelihoods outcome (food security) which was facilitated by institutions (CBRLDP) and institutional arrangements (Trusts).

While the study is informed by the SLF, it is in the interest of the study to take on board issues such as gender and power relations embedded within institutions (Ashley and Carney, 1999) on which the Sustainable Livelihoods Framework remains silent.

Chambers and Scoones (2009) made similar observations that the SLF fails to address social issues e.g. gender, power, and human rights. Therefore, the study is also embraced by the concepts of human rights based approach and gender concepts.

Grounded on the Sustainable Livelihoods Framework, the main concepts for the study's conceptual framework are 'Contexts', 'Livelihoods' 'Livelihoods Assets', 'Livelihoods Strategies', 'Institutions', 'Institutional arrangements', 'Sustainability' and 'Vulnerability Context'.

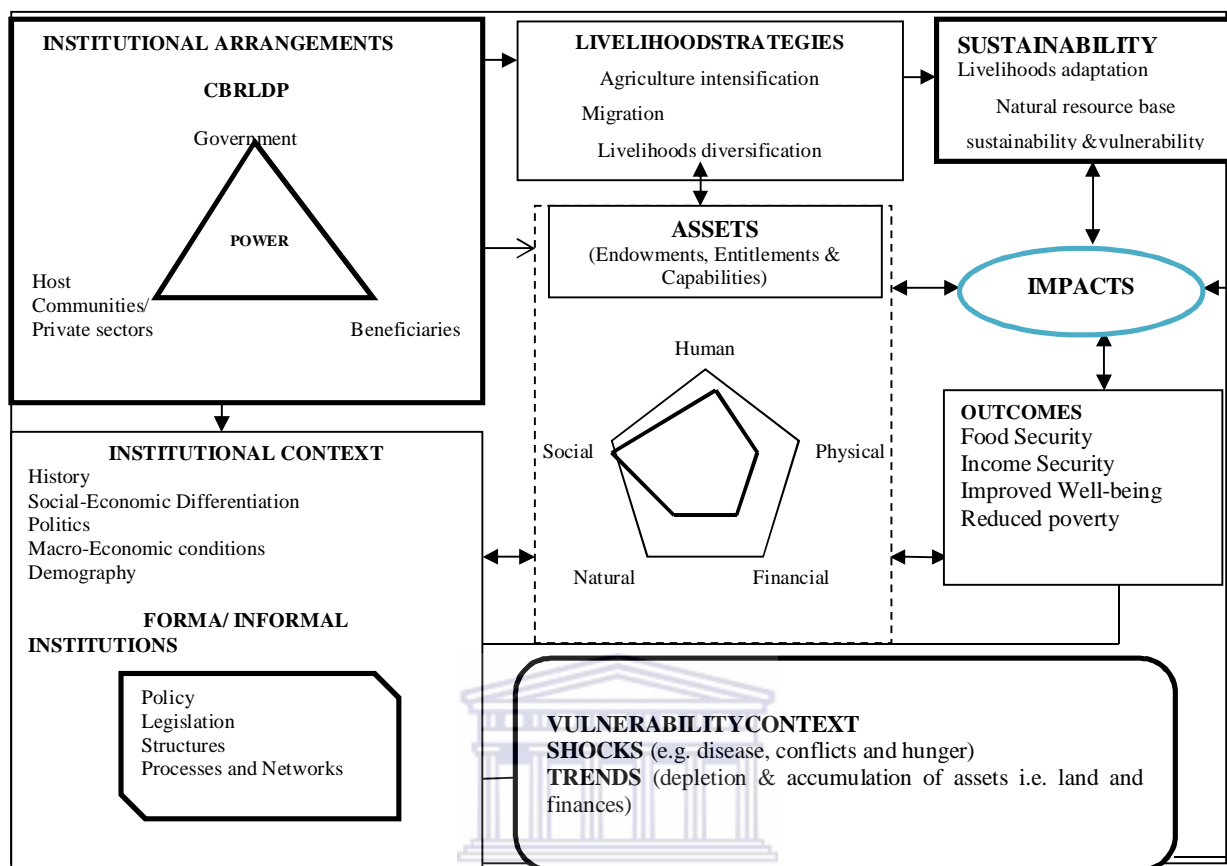


Figure 3: Sustainable Livelihoods Framework

Source: Adapted from Scoones (1998)

2.2.2. Vulnerability Context

People construct their livelihoods in different contexts; these contexts include shocks and trends (see Figure 3). In the Vulnerability Context, ‘Shocks’ refer to sudden events such as natural disasters, conflicts, crop distress and health problems while ‘Trends’ are changes in population, the economy and governance, depletion and accumulation of resources such as land and infrastructure. All these factors may have direct or indirect effects on access to land by women.

2.2.3. Livelihoods

Various scholars suggest that continuous land related conflicts at household, national and international levels reflect the critical role that land plays in creating livelihoods of the rural poor. The concept of livelihoods is defined in various ways (Chambers and Conway, 1992; Ellis, 2000; Scoones, 1998), for example:

“Livelihoods” comprises of capabilities, assets and activities required for a means of living (Chambers and Conway, 1992:7).

According to Ellis (2000) “livelihood” comprises the assets (natural, physical, human, financial and social capital), the activities, and access these (mediated by institutions and social relations) that together determine the living gained by the individual or household.” (Ellis, 2000:10).

Regarding this study, Ellis’s modified definition makes more sense because it recognizes the social dimensions (e.g. gender) on the ability of women to access, control or own resources. In analyzing such effects Ellis came up with the definition of gender as a social construction of roles and relationships between women and men (Ibid). She makes mention of issues such as power, decision-making, control and ownership of resources as examples in which inequality based on gender exists.

In most cases socially constructed roles, perceptions and attitudes usually lead to women’s exclusion in terms of decision making processes and their choices on livelihoods strategies. For example, the perception that a man is a head of a family leads to marginalization of women in independent ownership of resources and decision making processes. The argument is that social prescription, particularly permissible action by marginalized groups in society (e.g. women), can promote access to various livelihood resources such as land, thereby creating livelihoods choices regardless of their gender. That means that opportunities of access to land by women can equally create various livelihoods choices for women (Ellis, 2000:8).

2.2.4. Livelihoods Resources

In Chambers and Conway’s definition, there are different components of resources, some of these are economic related while others not, however, the argument remains what resources should be included in order to create a meaningful livelihood. Scoones (1998) and Ellis (2000) identified five components of resources, namely: natural, financial, physical, human and social resources (see Figure 3). Natural resources refer to resources such as water and land, financial resources include income, savings and access to credit. Physical resources refer to infrastructure such as roads and housing while social assets refer to kinship, associations and social claims. Human capitals refer to skills, knowledge, culture and information that an individual is able to access and possess (Ellis, 2000). In order to build a livelihood, the SLF brings together all these

resources. However, access to these resources varies from each individual, some have access to more resources while others not and this might create different implications (positive or negative) in constructing a sustainable livelihood (Scoones, 1998).

2.2.5. Livelihoods Strategies

Livelihoods strategies are determined by the availability of resources (Mokgope, 2000), as well as by institutional frameworks under which a resource is held (Scoones, 1998). With regard to rural livelihoods, there are three strategies for securing a livelihood namely, agricultural intensification/intensification, livelihoods diversification and migration (Figure 3). An individual or a household creates a livelihood by utilizing more resources (land or labour) or diversifies income generation activities such as small scale businesses. When these fail to create livelihoods, people may decide to go to another place to seek livelihoods. Agriculture is the largest source of livelihoods in rural areas; however, there are risks and uncertainties associated with agriculture. Factors such as asset ownership, income level, political status and gender may also impact on livelihoods portfolios. Such variations according to Scoones (1998) create implications in pursuing livelihoods strategies. For instance, on gender perspective men are usually have access and enjoy more rights over resources than women (Ellis, 2000).

2.2.6. Institutions

Institutions are rules, regulations and humanly devised constraints that shape human interactions (North, 1990:3). Institutions may be formal or informal (Scoones, 1998). Formal institutions include policies, legislation, regulation and guidelines with supported departmental structures while informal institutions are derived from traditional governance systems, rules and norms (Tapela et al, 2011). While institutions are intended to mediate processes for achieving sustainable livelihoods, they do not operate independently of social, economic and power relations. Social relations refer to social status (e.g. gender, class and kin) of an individual within the society (Ellis, 2000). Chambers and Conway (1992) assert that institutions are dynamic subject to social negotiations. Within institutions social relations, for example, kinship networks are critical for facilitating diverse livelihoods portfolios (Ellis, 2000). Therefore, for sustainable livelihoods, social relations and power dynamics that exist within institutions need to be taken into account (Scoones, 1998). Hence an analysis of an institution is very critical as it can assist in

identifying and understanding barriers and opportunities underlying the access to resources which is critical to sustainable livelihoods (Scoones, 1998).

2.2.7. Institutional Arrangements

‘Institutional Arrangements’ are regularized practices (patterns of behaviour) structured by rules and norms of society which have persistent and widespread use (Chambers and Conway, 1992 in Tapela et al, 2011:38). This study was more interested in understanding the institutional arrangement under which land is held particularly the organizational systems, processes and procedures within the trust of the CBRLDP project. In this regard an analysis pertaining to the governing systems of the trust was done. The analysis was done against the background of the organizational systems, procedures and processes of traditional leaderships and the statutory systems in creating access to resources by rural women. Being guided by regularized norms and roles, institutions determine access to resources. Therefore the exploration and analysis of institutional arrangements regarding their efforts at creating women’s access to land is important because it helps to identify issues that affect women’s land access within the trust.

2.2.8. Sustainability

Livelihoods can be sustainable when it can withstand/cope and recover from shocks, stress and maintain its ability and assets while not undermining the natural resources base (Scoones, 1998:5). An example here could be farming; poor methods of cultivation could lead to soil erosion (livelihood natural capital) thereby becoming unproductive soil. Sustainability depends on the availability of resources, strategies as well as institutional arrangements.

In rural areas, most individuals or households do not have well-defined and sustainable strategies to respond to various changes such as new policies, poor rains and unstable inputs and prices. Factors such as the continuous creation of resources, availability of a wide range of resources and access to resources may create viable livelihoods strategies which are critical for livelihoods sustainability.

2.3. The Human Rights Based Approach to Development

Women play significant roles by providing labour and producing food (Arends, 2009). Furthermore, it is estimated that 65% of small-scale farmers in the region are women (Walker, 2002). In this regard, land access and the land rights of women should be considered as elements

in the “social basis for self-respect” (Sen, 2000). Since women’s access to land and land rights are fundamentally crucial for their livelihoods, therefore, it is important for governments to promote and create security of land access which in turn will ensure women’s sustainable livelihoods.

The human rights based approach emphasizes the rights to dignity, equality, non-discrimination, autonomy and economic well-being (Walker, 2002). Conway et al (2002) state that the human rights based approach provides ways of examining the operations of the institutions, such as the state, and defines what rights people should have by drawing upon the framework of international law. In this regard, the international community has created specific standards set in different legal foundations. Among these is the Universal Declaration of Human Rights of 1948 and the Southern African Development Community Declaration on Gender and Development of 1997 (Walker, 2002). All the treaties and conventions are brought together by the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (Ibid). CEDAW, and specifically Article 14 of CEDAW, provides the general guidelines for how women’s land rights should be applied (Walker, 2002).

2.4. Women’s Livelihoods Strategies, Productive Roles, Opportunities and Constraints

2.4.1. Women’s Livelihoods Strategies and Productive Roles in Malawi

Malawian women dominate the small-holder farming sector - approximately 70 percent of small-scale farmers are women who grow crops and provide food for their families (Green and Baden, 1994). Furthermore, regardless of limited access to land, women provide 80 percent of labour in subsistence production and over 70 percent in cash crops (Mutangadura, 2004) and yet poverty in Malawi wears a female face (Thumba, 2012). Over 65.3 percent of the total population is poor of which 52 percent are female (Government of Malawi, 2005). Thumba (2012:19) reports that, “48 percent living in female headed households are likely to be vulnerable compared with 38 percent living in male headed households”.

2.4.2. Women’s Access to Land and Constraints in claiming their Land Rights

Despite their crucial role in creating the livelihoods for their families as well as that of the communities, women in southern Africa continue to face discrimination in accessing and owning land (WLSA, cited in Walker, 2002). Women’s vulnerability in terms of land ownership is

further deepened by misunderstanding in the difference between land access and land rights. In most cases the terms are interchangeably used to mean use of land but practically, access to land does not automatically accord women the rights to land,

While in some marriage structures, for example, in matrimonial marriages women are allegedly to have land access, in most cases such access is insecure. Hence, lack of secure land access and insecure land tenure rights have been categorically identified as major constraints for rural women's improved livelihoods. Most women access land through their husbands and fathers. Walker (2002:15) argues, "Women's secondary rights in land are derived through their membership in households". Furthermore, in cases where they have access to land it is insecure. This is typical of the customary land tenure system (Peters, 1997). "Customary land" refers to all land governed by customary law (Kishindo, 2004). Allocation of land based on customary law raises debates across sub-Saharan Africa particularly on securing women's access to land and land rights. The arguments levelled against land under customary tenure is that it is insecure therefore discourages land investment (De Soto, 2002). From a gender perspective, land allocation within the customary institutions favours men over women and it is alleged that women's access to land within the customary tenure is determined by their relationships to males. In this regard, poverty among rural women is a result of gender inequality, a history of discrimination and the land ownership structure (Toulmin and Quan, 2000).

Like other countries in the region, Malawian women are experiencing similar challenges. While colonial masters required a free landless worker to freely provide labour in their estates (Bernstein, 2010), but gender relations that existed during that era provided women with power and authority over resources (Peters, 1997) to the extent that women could command labour from their husband particularly in matrilineal marriages. However, men in such marriages were regarded as powerless (Mwambene, 2005; Holden et al, 2006). The colonial regime therefore sought to eliminate matrilineal practices arguing that they are a barrier to economic development (Ibid). Once again, in 1956 at the Conference on African Land Tenure in East and Central Africa, it was mentioned that matrilineal society discourages men from investing in land, thus, customary land tenure particularly matrilineal systems were delegitimized (Silungwe, 2005).

While the colonial governments created women's insecure land rights by disassembling matrilineal practices in which women enjoyed land access and rights to land, socio-economic

transformation equally led to women's marginalization. Green and Baden (1994:25) contend that, "It is now common for most men to take wives to their villages". Such practices have become common in many Malawian rural contexts and changes such as these lead to women losing land they had access to in the sense that women are more vulnerable to giving up the land and the support networks they have historically enjoyed while residing at their kinship home (Walker, 2002). Furthermore, given the rate of socio-economic transformation, Malawi has seen an increased population growth and market-dominated economies in which land has become a contested resource. The consequences are multiple pressures on land and increased informal land markets while traditional land ownership systems are declining towards individualized titles (Kishindo, 2004).

It is worth noting that Malawian women's lack of access to land is also a result of pre- and post-colonial discriminatory land policies. The effects of such discriminatory policies became visible particularly during the application of the 1951 Land Ordinance Act. This Act converted customary land into public land and owned by the colony and in the process, Malawians were deprived of their land and became tenants on their own land (GoM, 2002b; Chirwa, 2008).

Demsetz (1967), cited in Silungwe (2005:13) argues that, "Individual land titles allow an efficient and vibrant land market to flourish and it is less complicated in terms of collateral for access to credit..." In light of this, the land and agrarian reform undertaken by Dr. Banda's³ government in the 1960s seems to be persuaded by Demsetz' capitalist principles. For instance, when introducing the 1967 Land Reform Bills in Parliament, Dr. Banda argued that, "our custom of holding land in this country, our method of tilling the land are entirely out of date and totally unsuitable for economic development...with agriculture as a backbone of our economy....."(Chinsinga, 2008:8).

Instead of addressing pertinent land issues, such as the lack of access to productive land and insecure land rights by indigenous people, the policies entrenched the discriminatory colonial land laws, for instance, the Customary Land Development and Registered Land Acts implemented under the Lilongwe Land Development Programme. Under that programme, land was registered as family land in which family male heads became title holders and assumed the

³ Former head of state after Malawi gained independent from Britain

role of family representative thereby reducing women's independent ownership and individual land rights (Ibid). Thus, the 1967 land policies neither addressed colonial land alienation nor provided secure access and land rights to women but rather deepened class and gender inequalities in land access and tenure rights (Kanyongolo, 2008). Hence the 1967 land reform policies failed to promote secure access to and land rights which could promote secure livelihoods of rural women.

2.5. Women's Access to Resources and Participation in Management of Livelihoods Resources.

Equity of access, security of tenure and the participation of civil society in the management of resources are the key factors in Malawi's agrarian question. Participation is defined as processes through which stakeholders (project beneficiaries, host communities, the state, NGOs, intermediaries and policy makers) influence, share and exercise control over development initiatives, decisions and resources which affect them (Overseas Development Institute (ODI), 1995, cited in Tapela, 2001). Participation creates a sense of ownership thereby empowering communities to use locally-sourced resources, which is important for sustainable development. Furthermore, participation creates opportunities for communities to identify, analyze and address issues affecting their daily lives. The World Bank (2001) observed that unless the poor are given opportunities to participate in projects to improve their livelihoods, they will never walk out of poverty. The assumption is that sustainable development becomes possible when beneficiaries themselves drive the process of all stages of development, notably planning, designing, implementation and monitoring.

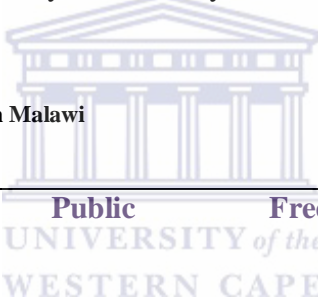
Scholars in the field of Community Based Natural Resources Management (CBNRM) (e.g. Little, 1994, cited in Tapela, 2001; Finsterbusch and van Wicklin, 1987 cited in Manikutty, 1997) observe that beneficiary communities generally are more likely to be involved in project implementation than in design activities. This suggests that the importance of participation tends to increase in successive stages of development with the implementation phase showing a higher degree than the project design phase.

While participation has been regarded as a means of empowering women, there is ample evidence in the literature which shows that women's participation in land reform programmes implemented in the region is low. For instance, in Zimbabwe, the proportion of women who

participated in land reform programmes since 1980 remains at 18% (Thumba, 2012). While in South Africa, surveys done by the Department of Land Reform and Rural Development found that among the beneficiaries of the land reform programmes that have been implemented in that country, 31% are women (ibid).

The dynamic relationships of equity, security of tenure and participation have been influenced by the legal interaction of both state and traditional institutions (Kanyongolo, 2008). Therefore, inequalities based on resource ownership are a structurally-based problem. For instance, the legislation introduced during pre- and post-colonial regimes did not create opportunities for indigenous people to participate in defining land laws. As a result it institutionalized racial inequalities in terms of ownership of land. For example, land held under leasehold by white settlers increased from 13,757 acres in 1919 to 118,506 by 1921 (Kanyongolo, 2008) and in the 1980s there was a decrease in customary land held by Africans (see Table 2).

Table 2: Different types of land ownership in Malawi



Year	Customary	Public	Freehold	Leasehold	Customary loss
1983	7,459,278	1,640,594	52,058	296,811	13,057
1984	7,455,190	1,639,931	52,065	301,555	4,088
1985	7,446,705	1,641,607	52,016	308,413	84,84
1986	7,427,128	1,651,993	52,016	327,603	19577
1987	7,398,284	1,654,953	53,903	341,601	28,843
1988	7,338,516	1,655,113	53,903	351,209	9768
1989	7,384,484	1,655,961	53,903	355,492	4,032

Source: Malawi Government (1999, vol. III, P.9)

Since institutions promote some forms of behaviour and discourage others, they are part of the social negotiations (Scoones, 1998) that mediate processes and strategies for creating sustainable livelihoods, differential social-economic interests and power relations that influence the achievement of sustainable livelihoods. Therefore, institutions may inhibit the attainment of sustainable livelihoods by entrenching land tenure regimes that discriminate against some groups in society (Chinsinga, 2008). Similarly, power relations may influence access to resources. The more powerful people in society may influence resource allocation. For instance, those who were powerful within colonial institutions influenced the enactment of laws that weakened traditional institutions to the extent that they had no authority to protect and secure the resources of their own subjects. With regard to the CBRLDP, this study sought to characterize the institutional context under which the CBRLDP has been implemented in Katuli. Particular attention was given to reviewing the land reform policy and legislation as well as empirically examining the roles of traditional leaders in securing women's access to land and land rights within the CBRLDP.

2.6. Institutions and Women's Access to Land

As defined by North (1990), institutions are rules, regulations and conventions that impose constraints on human behaviour to facilitate actions. Both formal and informal institutions determine strategies for composing a livelihood (Scoones, 1998). By contrast, institutional contexts and arrangements shape and determine access to resources both at individual, household and community level. From Malawi's land reform perspective, formal institutions are the Department of Land, the CBRLDP, District Assemblies as well as Trusts and non-governmental organizations (e.g. the World Bank) while informal institutions are traditional leadership structures including in some cases traditional marriages both in receiving and sending districts.

While institutions, both formal and informal remain primary mechanisms to mediate, structure and facilitate social interactions (Agarwal et al, 1999) which in turn shape access to land by the poor (Scoones, 1998), within an institution, secure access to resources such as land is determined and shaped by socio-economic, political interests and power relations that underpin institutional arrangements (Tapela et al, 2011). At community level, those close to traditional leadership are usually privileged in terms of access to land (Chinsinga, 2008). While at the household level, the more powerful men have greater command over socio-economic resources and are therefore

more likely to benefit more than their less powerful wives. This is mainly because decision-making in many households often rests in the hands of men who, by custom, are regarded as heads of families.

2.7. Land Reform: Policy and Legislation in Malawi

When Malawi became independent in 1964, land reform was among the priorities of Dr. Banda's government. The term "land reform" refers to a government's process/initiative undertaken to restructure landholdings which result in a change of agrarian structure (Bruce et al, 1993).

There are different forms of land reform namely, land redistribution, land restitution and land tenure reform. All these forms have its own goal which are mainly driven by political, social and economic interests, for instance, Ethiopia's land reform was aimed at addressing historical inequalities in land ownership (Ibid). Since the pre- and post-colonial periods, Malawi has been implementing land reform programmes that aimed at achieving equality in terms of access to land and securing land tenure rights.

By 1965, a new Land Act was approved. To some extent the Act returned the colonial legislation by confirming the three categories of land, namely public land, private land and customary land (Holden et al, 2006), where customary land was defined as land held, occupied and used under customary law.

Just like Native Trust land under the Nyasaland Order in Council of 1950, the Land Ordinance of 1951 stipulated that the Secretary of State was to administer customary land for the benefit of Africans but, practically, colonial regimes remained in control over land. Land was alienated by the colonial powers from communities in favour of white settlers (Silungwe, 2005).

Similarly, the 1965 Act stipulates that customary land is the property of the people of Malawi, but Section 5 of the Act, accorded Malawians only right of occupancy and use; it does not provide Malawians with enforceable rights. This means that at any time land could be appropriated by the state without compensation. Having noted the problems of insecure tenure rights among customary landholders, Dr. Banda's government formulated a number of land laws including the 1967 Customary Development Land and Registered Land Acts. The two Acts aimed at providing legal title to customary land holders. Introducing the two bills in parliament, the then President argued that, "our custom of holding land in this country, our method of tilling

the land are entirely out of date and totally unsuitable for economic development...with agriculture as a backbone of our economy.....”(Chinsinga, 2008:8).

The 1967 land laws were not actually aimed at addressing the land problems affecting indigenous communities as anticipated but rather promoting the estate sector(Kanyongolo, 2008). Implementation of the 1967 land policies created another class of so-called “rentiers” who were holding land under leasehold of between 21 and 99 years and engaged contract farming and share cropping. It is very clear that the post-colonial agrarian reform only served the interest of capitalist farmers. The purpose of post-colonial land policies was commoditization of land, or what De Soto (2002) calls “dead capital” to “live capital”. However, the only difference is that during the post-colonial period it is a class of new elites comprised of politically connected local elites, senior civil servants and business people(Chinsinga, 2008). Five years after the law came into force, only a single person had registered an individual title. The rest of the holdings were registered as family land in which men assumed the role of family representative, consequently creating class and gender inequality in land ownership (Holden et al, 2006).

The 1967 land policies not only created insecure tenure rights but also a lack of access to land for many Malawians. In particular, the Customary Land Development Act, which converted customary land into leasehold land held by estate farmers, thereby left indigenous communities without any means of livelihoods (Kishindo, 2004). Despite the fact that the two regimes pursued policies that focused on customary land reforms, customary law and its institutions remained marginalized and/or withstood the newer institutions of what Silungwe (2005) calls “bourgeois” law.

After elections in 1994, Malawi became a democratic state and the United Democratic Front (UDF) party came into power under the leadership of Bakili Muluzi⁴. With his agenda of addressing poverty among Malawians, land reform became one of the top priority areas. In 1999, the President established a Presidential Commission of Inquiry on Land Reform (PCIOLR). In the final report, the commission identified three major problems namely, poor access to land, insecure tenure and poor methods of land use (PCIOLR, 1999). The Commission

⁴Malawi's first democratically elected President.

recommended that, for the benefit of the country, authority over all customary land should be devolved to traditional authorities, under public Trusts formed in terms of the statutory law (Ibid).

Subsequently, the government formulated the National Land Policy, which was adopted in 2002 (Silungwe, 2005). It is very important to understand how this policy differs from previous policies, considering that in the past, customary land had legal title. Towards addressing insecure tenure rights, once again the policy categorised land into public, private and government land. Private land comprised of land held under freehold, leasehold or customary estate (GoM, 2002a). According to the new land policy, all land held under customary tenure is called customary estate and may be registered by an individual, family, organization and corporation. Land rights in customary estate are “usufructuary in perpetuity”. The policy stipulates that once the land is registered, it will have full legal status that will provide security of tenure (GoM, 2002a). According to the policy, this will promote access to credit and thereby improve land investment. On gender issues the policy proposes land inheritance by children regardless of age and gender.

The policy seems to be courageous, however, a number of issues need to be critically looked at. Firstly, although the policy seems to encourage a land tenure system with customary features, this study argues that this factor alone cannot attract agricultural credit because customary estate will be held under group titling. ‘Group titling’ refers to a process that involves the recording of rights and duties held by a legal entity on behalf of the group of people (GoM, 2002). Within a group there are different people with different needs, interests and goals. Therefore, it will be difficult for an individual to pledge such land for credit. Secondly, studies done in some parts of Africa have shown that, communities become reluctant to pledge land as collateral to obtain credit in fear of losing their land (Joireman, 2008). Therefore, the idea of promoting agricultural credit other than addressing insecure land access which threatens the livelihoods among small scale farmers particularly women seems to be untenable.

2.8. The role of Customary and Traditional Institutions in creating women’s access to land

The challenge faced by many agrarian reforms is how to incorporate the role of traditional institutions (Juma and Maganga, 2005). While customary law is diverse, it is important to note

that there are common features in customary tenure (Silungwe, 2005). In customary law, land ownership rests in perpetuity in the community and land is inalienable (Peters and Kambewa, 2007). While communities have access and use rights to communal land, the authority for land allocation rests in the hands of the chief. Secure access to land for an individual is subject to continuous use of the land. In this regard security of land tenure lies in the social relationship that exists between an individual and the community that recognizes that claim as legitimate (Toulmin et al, 2000); this is why in rural areas control over land is a political issue (Silungwe, 2005).

In Malawi, the role of traditional institutions is recognized through the 1967 Chief's Act that describes the traditional structure (Constitution of Malawi, 1994). Chieftainship is an institution of traditional authority which includes the village headman, group village headman, chief, sub-chief and paramount chief. According to the 1967 Chief's Act, the village head is the lowest rank. The Act describes a village as an area that consists of 30 male-headed households. By custom, traditional leaders are not appointed; they are born within a community in a family clan, operating close to their subjects. This feature makes a traditional leader an influential leader in communities, one who is accessible, well understood and participatory. In many rural areas chiefs still play a crucial role, as Keulder (1998, cited in Ndulo, 2011) observed that in Zambia, local structures such as chieftainship still play important roles in settling disputes, allocation of resources (e.g. land), marriage matters and other crucial issues within communities.

While it might be true that traditional leaders lack democratic credentials, legal pluralism might also play a role in distorting traditional institutions. For instance, Section 3(3) of the 1967 Chief's Act empowers the President to alter territorial boundaries and create new office bearers. In most cases such positions are given to male individuals who have nothing to do with women's affairs including allocation of resources such as land. Equally, Section 10 entitles the President to appoint whoever s/he thinks is fit to hold traditional leadership positions. In this scenario, the statutory law, while trying to transform the traditional institutions, may also alter the legitimacy of chieftainship (The Nation Newspaper, 2013). Again, the process of appointing councilors seems to favour males rather than women; this usually leads to the exclusion of women in decision making positions and structures responsible for allocation of productive resources. As such women find it difficult to access resources.

2.9 Women's Access to Land in the Context of Inheritance, Marriage Laws, Cultural Practices and Gendered Power Relations.

2.9.1 Women's Access to Land and Challenges: Inheritance, Culture and Customary Marriage Laws

The challenges that women experience in securing their land access are further constrained by marriage laws and cultural practices. For instance, Peters and Kambewa (2007) observe that, in patriarchal practices where land is inherited through male lineage, a woman's access to land is determined by her male relationship. In rural areas, marriage structures are still regulated by customary law in which men assume the role of family head and enjoy more rights than their wives. For instance, in Uganda, a woman may have jointly acquired land with her husband and spent her entire life cultivating the land, but she cannot claim ownership of the property and if her husband dies, the land goes to their sons (Hilhorst, 2000). These cases illustrate and highlight weaknesses of customary practices, particularly discrimination against women who generally find it difficult to access, control or even own the land (Deininger et al, 2011). Women's subordination is therefore rooted in cultural practices and their social status, such as marital status, which generates differences between married and unmarried women. In Malawi, however, many rural communities, such as Katuli, have a matrilineal culture, in contrast to the dominance of patrilineal communities as observed elsewhere in southern Africa.

Although in matrilineal marriages women enjoy access and primary rights to land, the security of such access depends on marital arrangements. A study conducted in Malawi by Holden et al (2006) found that a woman married by 'virilocal' arrangements (i.e. where the wife settles in the husband's lineage home), access to land is re-confirmed by her presence and use of land. Sometimes, a woman's land rights may change when the husband decides to marry a second wife. This situation becomes worse particularly to the childless wife, who may not be allowed to inherit or access the land upon divorce or death of the husband because she is regarded as having no status and link to the lineage of the deceased husband (Joireman, 2008).

Similarly, social factors such as matrimonial status and age influence the degree of freedom a woman can enjoy in deciding what type of crops to plant on a piece of land (Hilhorst, 2000). For instance, a study conducted in Malawi by Peters (1997) found that elderly mothers have a higher degree of decision making power over land than young mothers.

2.9.2 Women's Access to Land: A Question of Power

Land remains the main source of livelihoods for many rural poor, particularly women. Although land plays a crucial role in rural women's lives, the challenges that women experience in sustaining their livelihoods are often linked to the lack of secure access to land and insecure land rights (Ellis, 2000; Meer, 1997; Ghezze et al, 2009; Havnevik et al, 2007). According to Andrew (2007) and Mutangadura (2004), customary practices and women's social profile (e.g. age, income, literacy, social class, power and influence) are responsible for women's lack of ownership and access to land. For instance, traditionally a man (e.g. an uncle) holds more power in which the authority and decision for allocation of land rests in him. In most cases land is allocated to household heads who often are men, hence women's lack of land ownership and access is promoted by power relations that exist in households as well as in their communities.

With regards to unequal power relations, women's access to land is determined by male dominated authorities with patriarchal inclinations. For example, in South Africa, a study by Claassens and Ngubane (2008) found that traditional leaders do not allocate land to women in their own right. Although in some cases women may occupy leadership positions, they may not play land management roles. In addition to that, Arends (2009) claims that women are often excluded from social structures in which important decisions are taken. Women are also excluded from land allocation committees and do not participate in decision making.

2.10 Customary Land Tenure and Formalization of Land Rights

Lack of secure and clearly defined land rights have tempted some development practitioners, such as De Soto (2000), to suggest that formalization of land rights could be a way to deal with poverty. 'Formalization' entails official registration and issuance of titles to individuals holding possessions and other land based assets in an allegedly tenuous and insecure state (Bromley, 2007:1). Thus, formalization takes place on the basis of presumed insecure tenure rights as is considered in customary tenure (De Soto, 2000) argues that "poverty is created and maintained due to lack of formal property rights". With regards to the importance of formalization of land rights, Ghezze et al (2009) observed that, the rural society is characterized by flexible and weak governance structures that create possibilities for local elites to marginalize the poor and put their rights at risk. Therefore, this perspective similarly assumes that formalization of their rights will protect them from insecurity and any kind of abuse. The land reform programmes implemented

in some parts of Africa seem to produce positive impacts. For instance, a study conducted in Ethiopia indicates that land certification helped to empower women and led to increased productivity (Deininger et al, 2011) while in China, formal titling produced positive impacts on investments in rural areas (Ibid).

Although the formalization of land rights seems to provide positive impacts, scholars such as Havnevik et al (2007: 33) doubt the sustainability of such interventions. The scholars argue that “where tenure reforms have been introduced, local farmers are often uncertain about the tenure of their rights and get confused about the extent to which institutions and laws affect them”.

Regarding formal titles, a study conducted in South Africa indicated that formal titling in the name of a single household member resulted in reduced tenure security for women (Cousins et al, 2005). In a similar study in Ghana, Ostrom et al (2001:136) reports that “high levels of farming investments were not related to formal titling”. The social capital that is associated with customary tenure outweighed the benefits of formalization of land rights. Benjaminsen (2002:364) notes that “in traditional systems, an individual holds different rights to a single resource; therefore, formalization of their rights may lead to exclusion of one user”.

The foregoing arguments highlight that the flexibility of customary practices often fails to secure women’s property rights. This seems particularly true in contexts characterised by single dominant livelihood strategies, scarcity of land and high population density and growth (Sjaastad and Cousins, 2008; Joireman, 2008). In such contexts, the ability of formal titles to address gender inequalities remains contested (Ibid).

2.10.1 Land Reform and Gender Equity

It is now widely accepted that gender inequalities in terms of access to and ownership of resources exist at different levels of society including household, community and national levels. A study by the World Bank (2001), revealed that gender inequalities in relation to basic rights, such as access to and control over resources, reflect the gap that exists between men and women globally. Of particular concern within the report is the finding that in developing countries, which include Malawi, women do not hold rights equal to men (Ibid). Likewise, gender inequalities are reflected in legal statutory and customary law. This difference is more clearly

reflected in systems of land inheritance, marriage practices, and property ownership and in decision-making processes (Arisunta, 2010).

In traditional social structures, women's access to land is often limited, and their access to land is through their status as wife, sister, daughter or a mother (Andrew, 2007). This study sought to determine what key informants revealed, namely that women are the dominant gender group vulnerable to land insecurity.

Many African Constitutions, including that of Malawi, contain provisions that guarantee equality, human dignity and prohibition of discrimination based on gender. However, the same constitutions have sections that discriminate against women (Ndulo, 2011). For example, in Zimbabwe, women married under the Customary Marriages Act [Chapter 5:07] have a different status from those married under the Marriage Act [Chapter 5:11] (Arisunta, 2010). The latter have more secure rights and greater guarantees to equality.

In protecting women from all forms of discrimination, Malawi's Constitution in its Bill of Rights, Chapter 24 promotes gender equality. The gender policy developed in 2000 promotes non-discriminatory practices against women's property rights, including land (Ngwira, 2005). However, despite these measures women remain marginalized in terms of ownership of land. For instance, a survey conducted by Price Waterhouse Coopers (PWC) in 2007, found that in baseline survey of 50 beneficiaries groups, only 99 out of a total of 488 CBRLDP beneficiaries were headed by women (Machira, 2007). The above figure represented 20% of the total beneficiaries. This report confirms that women continue to be marginalized despite measures that are in place.

2.10.2 Community Based Rural Land Development Project (CBRLDP)

Following the formulation of a land policy in 2004, the government launched a land redistribution project called the Community Based Rural Land Development Project (CBRLDP). The project is part of a broader land reform programme that is consistent with the Malawi Growth and Development Strategy goals, and this project's goal is to contribute towards poverty reduction (Machira, 2007). The CBRLDP's objective is to increase the incomes of 15,000 poor rural families in four pilot districts of Mulanje, Thyolo, Mangochi and Machinga (Chinsinga, 2008). Specifically, the project aims at providing security of land tenure, improved land delivery

and agricultural productivity (GoM, 2005). The project involves the moving of groups of landless poor people from the highly populated and severely land scarce districts of Mulanje and Thyolo districts to the less densely populated and under-utilized estate farms of Mangochi and Machinga (Lombe, 2009; GoM, 2009).

In line with the 1998 Decentralization Act, in which sector ministries devolved some of their functions, powers and responsibilities to local authorities (Machira, 2007), the CBRLDP is a community-driven project being implemented through a decentralized framework. In this framework, communities are responsible for implementing CBRLDP development activities. In this regard, beneficiaries are self-selected, able to identify land, prepare and implement their own farm plans (GoM, 2005).

The two primary components of the project are Land Acquisition and Farm Development (LAFD) (GoM, 2005). To qualify for the programme, participating households should meet the following requirements: be Malawian citizens over the age of 18, landless and food insecure, vulnerable and disadvantaged (Machira, 2007; GoM, 2005). Interested individuals are required to complete LAFD Individual Expression of Interest Forms before submitting LAFD Group Interest Forms.

The institutional and implementation framework for the CBRLDP is shown in Figure 4. Although there are Project Steering Committees (PSC) and National Technical Advisory Committees (NTAC) at national level, the local structures such as District Executive Committees, Area Development Committees (ADC), Village Development Committees (VDC), Community Oversight Committees (COC) and Project Management Committees (PMC), play leading roles in the identification of interested beneficiaries (GoM, Project Implementation Manual, 2005)

Interested beneficiaries are identified through sensitization meetings (Ibid). The Project Management Team holds sensitization meetings with District Executive Committees(DECs) and estate owners before DECs hold similar meetings in which VDCs, ADCs and communities are sensitized. During sensitization meetings, Group and Village headmen distribute forms to interested participants. Communities are advised to form COCs that are responsible for certifying self-selected eligible beneficiaries.

Eligibility of beneficiaries' groups (BG) members are confirmed by communities at VDC meetings organized by Land Project Officers and District Executive Committees. However, registered individual households are advised by Community Oversight Committees to form BGs of between 10-35 households. Once individual households are confirmed and endorsed, the BG elects office bearers for the Project Management Committees (Machira, 2007).

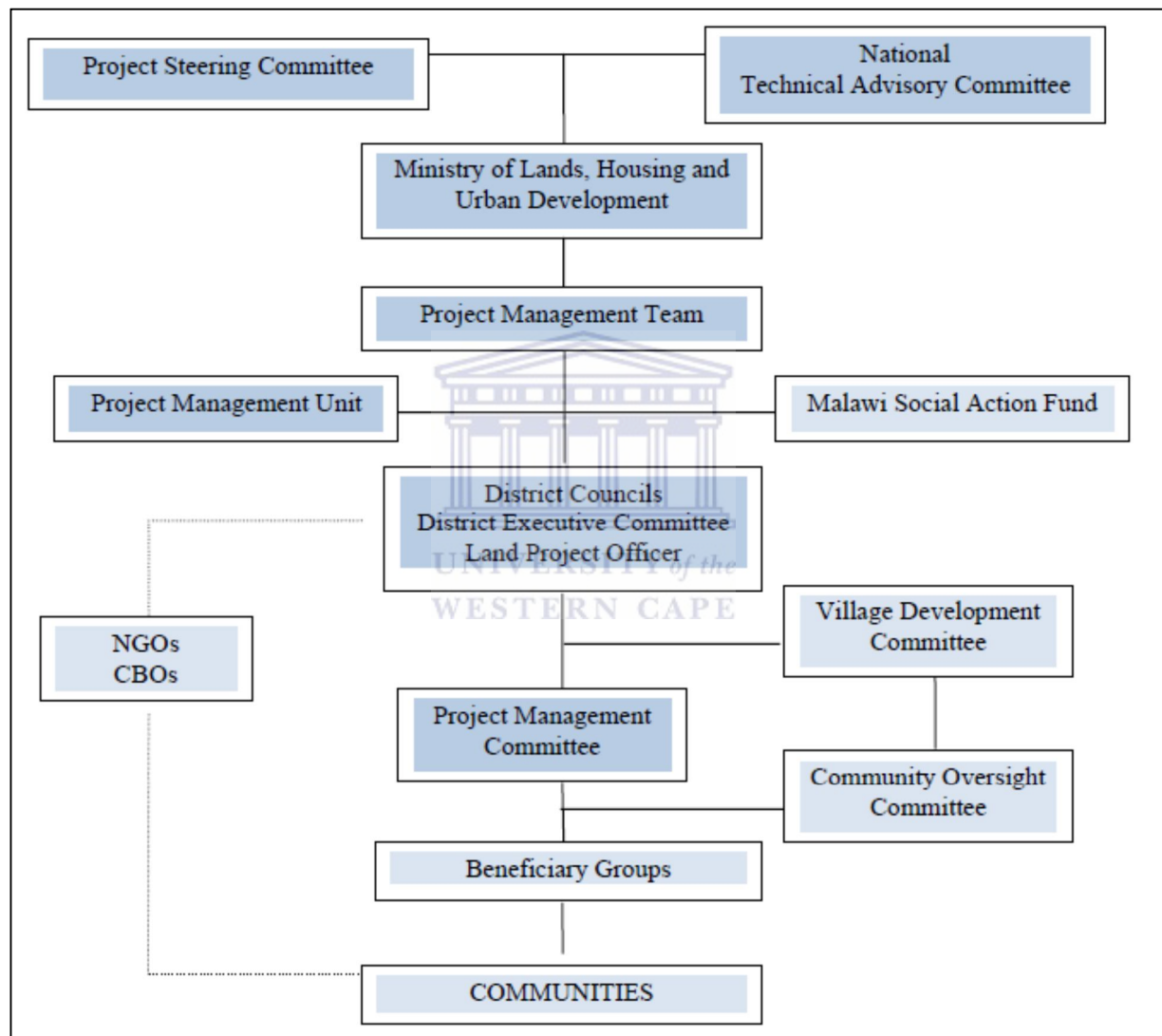


Figure 4: CBRLDP Institutional and Implementation Arrangements

Source: Government of Malawi (2005)

A list of farms ready for sale is advertised and beneficiaries identify possible land options. The PMCs inspect the farms and directly negotiate the prices before submission of proposals to the

District Assembly for the DLC's approval. Each household is allocated less than 2 hectares of land and Beneficiary Groups are designated as Trusts with their own constitutions to govern the Trust's affairs. Each household receives a settlement grant of \$1050 of which 30% is for land acquisition, 10% covers settlement costs while 60% is for farm development.

According to Chinsinga (2008), the ownership of the land rests with the Trust with an option of titling the land as long as they meet the cost. Furthermore, the beneficiaries have the right to decide the property regime in which they will hold the land, but for the first five years they are not allowed to dispose or sub-divide the land (GoM, 2005).

2.11 Land Reform and Rural Livelihoods

Malawi's poverty is directly linked to the lack of secure access to land (GoM, 2002b; PCIOLR, 1999; Machira, 2007) particularly in rural areas where poverty is widespread, unemployment is high, food insecurity and malnutrition (Charman, 2012; Lombe, 2009). Land is the major source of livelihoods for many people living in rural areas, therefore access to land is important for their livelihoods (Kanyongolo, 2008). The World Bank (2001) contends that secure access to land could create various livelihoods opportunities for the marginalized, particularly women.

Introducing the land reform programme, the Malawi government identified two approaches, thus ensuring security of tenure to those already holding land and distributing land to the landless poor (GoM, 2002a). According to Chirwa (2008), security of tenure will be ensured through titling of customary land as customary estate. It is believed that titled customary land will create land markets and facilitate access to credit because land will have legal status that can be used as collateral to obtain credit (Ibid).

Known as the Community Based Rural Land Development Project, the programme was introduced in 2004 and implemented as a pilot project in the four districts of Mangochi, Machinga, Thyolo and Mulanje in southern Malawi where landholding per capita is less than 0.5 hectare (Lombe, 2009). Implemented under the market-led approach of willing buyer/ willing seller, the project is funded by the World Bank with an amount of \$27 million. Aimed at poverty reduction through increasing incomes of about 15000 poor households, the project focuses on rural areas and has four components, namely (i) land acquisition and farm development, (ii) land

administration, (iii) capacity building and (iv) project management, monitoring and evaluation. Under the first component beneficiaries were provided with a uniform grant of \$1050 with 30% for land acquisition, 8% to cover settlement costs and 62% for farm development (see Figure 5). This grant was meant for the first year only and beneficiaries had to find their own means in the subsequent years (Machira, 2007).

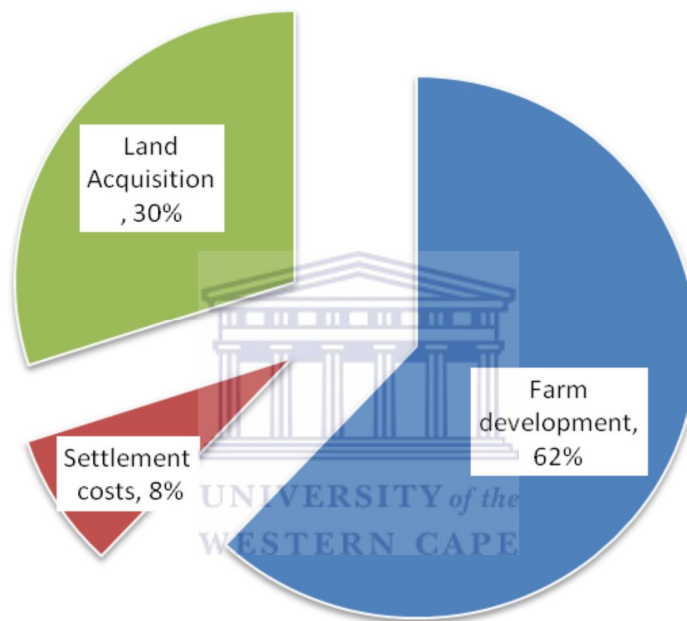


Figure 5: Apportioned shares of each beneficiary's \$1050 LAFD grant

Source: CBRLDP Progress Report (2009)

Aimed at poverty reduction, the CBRLDP has achieved success in various areas including land allocation to the projected beneficiaries in participating districts through land distribution; the project has created various livelihoods opportunities for the beneficiaries. For example, the average land holding for the beneficiaries has improved from 0.4 hectares before participating in the programme to 2.2 hectare after participation in the CBRLDP (see Figure 6) (Simtowe, et al, 2011).

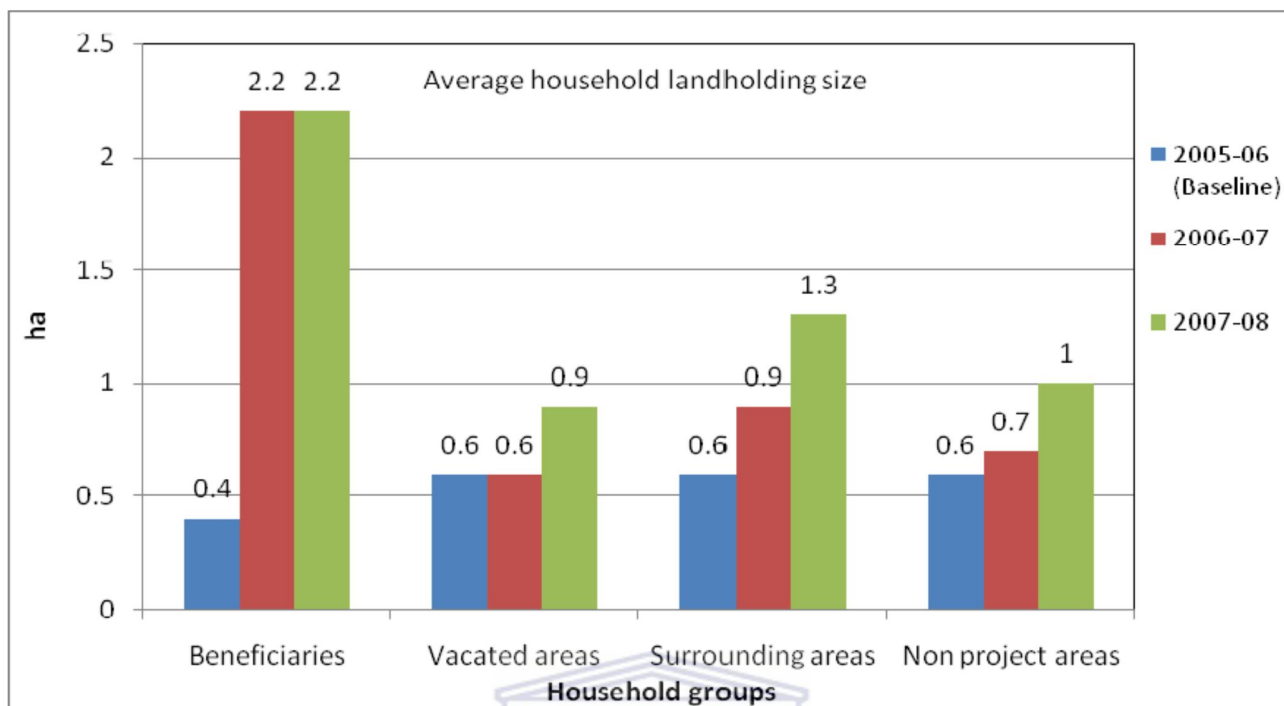


Figure 6: Average household landholding (ha)

Source: Interim Project Evaluation Report (2009)

The project has created various livelihoods opportunities both for the beneficiaries in the receiving districts as well as non-beneficiaries in sending districts. For the beneficiaries, with support rendered by the Malawi government, they were able to employ casual labourers to work in the field. This corroborates with findings by the Interim Project Evaluation Report (2009), which found that the number of unemployed adults had been reduced. Equally, the figure for those who reported farming as their major source of employment rose from 34% to 37% (Simtowe et al, 2011).

2.12 Conceptual Framework

As explained in 2.2, this study is embraced by the Sustainable Livelihoods Framework (SLF) (see figure 4). The Sustainable Livelihoods Framework is used in assessing poverty, the way the poor live their lives and structural and institutional issues (Ashley and Carney, 1999). Unlike other frameworks e.g. stakeholder analysis (Overseas Development Institute (ODI), 1995 cited in Tapela et al, 2011), SLF is people-centred, in particular, it assesses whether sustainable

improvements in people's lives have taken place (Ashley and Carney, 1999). It deals with the importance of assets (e.g. social capital) in determining the well-being of the poor. As Tapela et al (2011) explain, the social benefit of access to resources, such as land, is enriched when it is used to improve resource profiles of the individual, household and communities, which in turn may build resilience against shocks and risks. The starting point of livelihoods analysis is an understanding of strategies that the poor apply in creating their livelihoods while at the same time taking into account the resources required in order to compose livelihoods (Ashley and Carney, 1999). There are various strategies for creating livelihoods. Livelihood strategies include migration (Scoones, 1998; De Haan, 2000), diversification (Ellis, 1998; Scoones, 1998) and agricultural intensification and diversification (Hussein and Nelson, 1998; Scoones, 1998). Hussein and Nelson (1998) argue that the key to understanding how livelihoods strategies intersect is an understanding of how 'institutional' arrangements and context determine people's entitlement.

Central to addressing the research problems of this study are the inter-related concepts of 'institution' (North, 1990), 'assets' (or resources) and 'strategies' (Chambers and Conway, 1992; Scoones, 1998), which shape and determine livelihoods of the marginalized, particularly women. Although these are key concepts within the SLF, shortcomings of the SLF, include for instance, failure to take into account contextual issues of gender, power relations and human rights, which sometimes determine people's access to resources. Hence, this study's conceptual framework also embraces the 'human rights-based approach' to development (UN - CEDAW, 1979) and the concept of 'gender' (Ellis, 2000).

2.12.1 Influence of Gender, Power Relations and Insecure Access to Land on Women's Participation in the CBRLDP

Within the livelihoods container, there are a range of assets which include land. Secure access to land by women means secure livelihoods; therefore, land is a fundamental right to individuals, including women (Conway et al, 2002). In rural areas the majority of women depend on land for their livelihoods, therefore, secure land rights limit opportunities for disputes over land and generate livelihoods and income opportunities (Quan, 2003). Understanding livelihoods resources available to individuals, households and communities is critical within the livelihoods approach. Nevertheless, due to a number of factors including gender and power relations women

are exposed to various kinds of vulnerability, risks and shocks at all levels, both household and community.

According to Mokgope (2000), gender is one of the social relations that affect access to, control, and use of resources, as well as institutional frameworks where power relations are a crucial component. At household level, gender relations determine access to livelihoods resources (Chambers and Conway, 1992). Most often women's access to land is determined by their status as wives, sisters and daughters (Peters, 1997). Although women enjoy land rights within matrilineal marriages, men, uncles, in particular, control land owned by women. As compared to matrilineal practices where property including land is inherited through the female line, in patrilineal societies, women have access to land through their husbands (Peters and Kambewa, 2007; Kishindo, 2004). This affects women in terms of their productive role within the household and in most cases such effects seem to be felt particularly during the absence of the husband, e.g. in the event of death or illness.

At community level, women face various challenges including discrimination against independent ownership of land. In communal areas, land is usually allocated to married couples, which means marriage is a condition for a woman's access to land. It has been observed that women do not hold land in their own right (Cross and Friedman, 1997); therefore, young women and unmarried women are usually denied access to land. While women dominate the agricultural sector both as producers and labourers, women remain absent at all levels of policy-making, project implementation and management of land (Shawa, 2002). By contrast, power relations that exist at community level determine women's access to resources. For instance, land allocation is the responsibility of headmen, and it has been observed that in most cases traditional practices exclude women in the allocation of land and decision making structures within the community and households (Mokgope, 2000).

Institutions, both informal (e.g. tradition) and formal (e.g. CBRLDP) have been singled out as obstacles to women's access to land, particularly policies that have failed to address equity and inequalities in the allocation of land and related benefits. Regarding the Community Based Rural Land Development Project: although the project recognizes that secure land rights is a basic human right, gender and power relations have affected women in terms of access to land and decision making over land. The majority of beneficiaries in the CBRLDP are men who also

occupy the majority of leadership positions, hence the gendered nature of these institutions. As a result, men benefit more than women. Similarly, regarding informal institutions e.g. chieftainship: the leadership of such institutions is dominated by men; such patriarchal authority favours men in terms of the allocation of productive resources.

2.12.2 Livelihoods Resources and Strategies, Women's Access to Land and Sustainability of Outcomes

Livelihoods strategies are determined by access to livelihoods resources. In rural areas, people secure their livelihoods strategies in three ways, agricultural intensification, extensification or migration (Scoones, 1998). Within the CBRLDP, access to various livelihoods resources, for instance, land, finances, in the form of grants, human, e.g. agricultural extension, enabled women to engage in farming as a livelihood strategy. However, on institutional perspectives, it seems that the CBRLDP was implemented as a policy objective rather than as a basic need to human rights. As such it created uncertainty among beneficiaries, for instance, lack of ownership rights was reconfirmed by the Department of Land through denying beneficiaries access to abandoned land.

The group titling of the Community Based Rural Land Development Project lacks features of sustainability particularly among women, for instance, on one side, dominance of male beneficiaries means less women's livelihoods. On the other, the structure of trusts seems to be not very functional, for instance, while beneficiaries claim participation in terms of decision making within the trust there was no indication of the existence of a Trust Constitution. In short, governance of the trust is not clearly structured. It seems as if committees exist only in name, not by the roles they play in terms of land related issues.

Such non-functional institutions can negatively impact on the security of land access by women thereby affecting the sustainability of their livelihoods. It should be noted that well-functioning institutions mediate and structure livelihoods strategies that can contribute to enriching resources such as income and health (Tapela et al, 2011).

2.13 Conclusion

This chapter has discussed the Sustainable Rural Livelihoods (SRL) framework. Considering the weaknesses of the SRL framework, for instance, its silence on issues such as power, rights and gender, the chapter further discussed the human rights based approach to development and

gender concepts. The chapter also reviewed the literature on institutions, access to land and sustainable livelihoods, Malawi's current and historical land reform policies, customary institutions and women's access and gendered land rights. Chapter Two further discussed the literature on women's productive roles, opportunities and constraints. Women's land rights in the contexts of inheritance, cultural practices are among the topics discussed in this chapter. Also discussed are customary land tenure and the formalization of land rights, land reform and rural livelihoods. Although the literature has shown that a number of land reform programmes that aimed at creating opportunities in access to land by the landless poor, such initiatives seem not to have done more to address women's insecure access to land which has affected their livelihoods. The following chapters introduce the Chikuya and Chigawe case studies.



3. CHAPTERTHREE: CHIKUYA CASE STUDY

3.1. Introduction

The Chikuya case study in this chapter identifies five key issues. Firstly, institutional arrangements, under which the Chikuya Trust of the CBRLDP operates. As regularized practices (patterns of behavior) structured by rules and norms of society (section 3.1.6), ‘institutional arrangements’ may promote or inhibit sustainable livelihoods. On the one hand, an institution can promote sustainable livelihoods by creating secure access to productive resources. On the other, it may inhibit the creation of sustainable livelihoods by limiting access to productive resources through creating systems of property rights that discriminate against some powerless individuals in society (e.g. women) and promote the powerful (e.g. men). From this background, the study shows that while the institutional arrangement of group titling of the CBRLDP created access to land for some, on the other it inhibits. For instance, the processes of identifying beneficiaries has led to the promotion of access and control rights over land by others (men) and inhibiting and discriminating some (women) from independent ownership of productive resources such as land.

Secondly, while participation creates opportunities for identifying, analyzing and addressing issues affecting stakeholders, i.e. beneficiaries, it has been observed that participation occurs in various stages of development, for instance, planning, organizing, implementation and monitoring. This study identified a lack of food security, low income and insecure access to land as factors that influenced women to participate in the CBRLDP. The Malawi National Gender Policy proposes 30% of women representation in any national development initiatives; however, this study revealed that within the CBRLDP women’s representation in all levels was very low. This led to the design of selection criteria that promoted men’s access to and land ownership and consequently excluded women from independent land ownership.

Thirdly, the study is set to identify and recognize the roles of traditional leadership on addressing land issues (e.g. settling disputes) within the Chikuya Trust. The key issue is not just the question of recognizing traditional leadership, but their position and key roles within the new land tenure of group titling, particularly in securing women’s access to land. While the roles of traditional leadership in securing women’s access to land and land rights remain unclear, the study also

demonstrated that the state has not done more to support policies that strengthen secure access to land for women. For instance, a married woman lost her access rights to land after divorce; this happened in the presence of traditional leadership and the leadership of Chikuya Trust.

Fourth, within the Chikuya Trust of the CBRLDP, women beneficiaries are experiencing various challenges including lack of post settlement support and access to social services, factors that have been affecting them in creating livelihoods within their households.

Lastly, although the project has potential in creating sustainable livelihoods among rural women, this study revealed that power relations that exist within the household influences women's access to productive land thereby affecting their agricultural productivity.

This was a qualitative study in which data collection methods such as in-depth interviews, focus group discussions (FGDs), observation and questionnaires were employed to collect primary data. The FGDs and the interviews complemented by individual follow-up interviews. The primary data collection was supplemented by secondary data sources, particularly project evaluation reports, the CBRLDP programme design documents and literature reviewing (see Appendices 2, 3 and 4). Key informants such as government and non-governmental officials, traditional leaders were also interviewed. Beneficiaries of Chikuya Trust and non-beneficiaries in the surrounding areas were also interviewed. Table 3 presents a list of research participants and methods used for data collection.

Table 3: List of Research Participants and Data Collection Methods for Chikuya case study

Data Collection Methods	Research Participants
In-depth Interviews	1 Official from Mangochi District Assembly 1 Traditional Authority 1 Village headman 1 Official from Lands Department 1 Official from NASFAM 5 Non-beneficiaries from Pawira village 1 Former member of Community Oversight Committee 1 Official from the project management team
Focus Group Discussions	20 beneficiary households of Chikuya Trust
Secondary Sources	Project evaluation reports Literature reviewing Government policy documents Various research reports CBRLDP programme design documents

3.2. Overview of the Community Based Rural Land Development Project (CBRLDP)

Malawi is an agrarian economy; as a result access to land is critical for the livelihoods and quality of life for many Malawians. Sadly, due to a number of factors including previous land policies, socio-economic conditions and increasing population growth rate, many Malawians have limited access to productive land.

The previous land policies, mainly the 1967 Customary Land Development Act converted large pieces of customary land to leasehold and held by commercial estate farms while many Malawians were left with very little land to eke out their livelihoods. This problem affected the southern region, mostly Mulanje and Thyolo where large tracts of land are occupied by tea producing companies. In some districts such as Mangochi and Machinga, a combination of socio-economic factors and rapid population growth exacerbated the problem. The majority of people in Mangochi hold land under traditional systems, particularly matrilineal systems in which land is inherited through female lineage. In this system, every member of a lineage particularly a woman (e.g. a newly married daughter) is entitled to a piece of land belonging to her mother. This means land is subject to continuous subdivision to the extent that it can no longer sustain the livelihoods of a household. Furthermore, an increased informal land market created

scarcity of land to the extent that traditional systems of land allocation are no longer working. While many people in Mangochi experience limited access to land created by socio-economic factors and population growth, the 1967 Customary Land Development Act has also contributed to the problem. The policy converted customary land into leasehold land which was held by tobacco growing estate farmers.

A combination of the above mentioned factors created limited access to land among the people of Mulanje and Thyolo while land held by the estate farms particularly in Mangochi and Machinga remain under-utilized. Recognizing the negative effects of land scarcity on livelihoods of the people in the country, the Government of Malawi introduced a land reform project known as the Community Based Rural Land Development Project (CBRLDP).

The CBRLDP project is guided by the Malawi National Land Policy and in line with this policy, the objectives the project are to provide equitable access to land and security of land tenure, increase agricultural productivity and improve incomes among the rural poor.

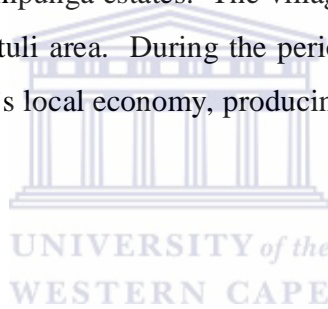
Implemented under the concept of 'willing seller, willing buyer', the CBRLDP is a community-driven project that promotes participation of communities by directly involving communities and local structures such as chiefs. Eligible beneficiaries are Malawian citizens, the landless and land poor, the food insecure and other marginalized groups such as orphans and women. Beneficiaries are self-selected and form groups of 10-35 households. Each qualified household is allocated less than 2 hectares of land and Beneficiary Groups (BGs) are designated as Trusts with their own constitutions to govern the Trust's affairs and receives a settlement grant of \$1050 of which 30% is for land acquisition, 10% covers settlement costs while 60% is for farm development.

The project involves transfer of qualified beneficiary groups from highly congested areas of Mulanje and Thyolo to Mangochi and Machinga districts where land held by commercial estate farms remained under-utilized. In Mangochi, one of the areas in which the project has been implemented is Pawira village in Katuli Traditional Authority.

3.3. Background to Pawira Village

3.3.1. Location and Situation

Pawira village is situated along the boundary between Malawi and Mozambique approximately 10km to the south-east of Katuli Trading Centre (Figure 8). According to the village headman of Pawira, the area has a total population of 4097 people with a population density of 136 persons per km². The village is dominated by the youth aged between 18 and 35 years, of whom the majority (over 80%) is unemployed. Like other villages in the Katuli Traditional Authority (TA) Pawira village has an average household size of 6 members, with a gender composition of 51% women and 49% men. The area was inhabited during the period 1965-1970 by the Yao tribe who is matrilineal and practices polygamy. Due to favourable conditions for agriculture, the area gave rise to large commercial farms. Currently, Pawira village is located in the middle of two farms known as Changuti 2 and Chipunga estates. The village has been well known for the role it plays in the economy of the Katuli area. During the period between 1999 and 2004, Pawira village was the mainstay of Katuli's local economy, producing large quantities of burley tobacco (NASFAM, 2002).



The land issues in Pawira village are linked to rapid population growth as well as the 1967 Customary Land Development Act, which encouraged the development of the commercial farm sector through the conversion of customary land to leasehold mainly held by tobacco growers (Kanyongolo, 2008; Chinsinga, 2008; Silungwe, 2005). During the post-colonial regime, small-scale farmers were not allowed to produce some commercially valuable crops, burley tobacco in particular (Charman, 2012; Peters and Kambewa, 2007). However, with the introduction of multiparty democracy in the country in 1993, after the United Democratic Front (UDF) led by Bakili Muluzi won the first democratic elections, the UDF led government introduced new policies in some sectors, including agriculture, were liberalized and subsistence farmers were then allowed to grow some of the commercial crops which previously were not allowed (Chirwa, 2008).

The liberalization of the agricultural sector automatically exacerbated the demand for land by small-scale farmers to grow cash crops, mainly burley tobacco. The presence of a large number of estates highlights some important facts relating to the livelihoods of local people. The majority survive by providing labour to the three farms. The community is characterized by poverty, unemployment and inequality, in terms of resource ownership.

3.3.2. Education

The majority of the people (74%) and women in particular, are illiterate. While literacy alone cannot address economic problems faced by the marginalized, particularly women, literate people have the potential to recognize and question the sources of the situation (poverty and marginalization in terms of ownership of resources) they are in, and strive to seek for solutions (Kishindo, 2004).

3.3.3. Economy

The main economic activity in the village is farming, particularly tobacco production. Tobacco remains the main cash crop and tobacco estates employ almost three quarters (75%) of the labour force, which works on a casual basis. However, the decline in tobacco production due to the decline in global tobacco prices, as well as the implementation of the Economic Structural Adjustment Programme (ESAP) by the Malawi Congress Party (MCP), led to the government's withdrawal of farm input subsidies to the estate sector in the 1980s. The ESAP produced negative impacts in the sense that agricultural production, mainly tobacco, declined. As a result

many estates including Changuti defaulted and were forced to close down. The majority of people who used to work in those farms lost their jobs, and consequently their livelihoods.

A result of the above-mentioned factors is that many estate farms in the village have remained unused while the majority of people are congested in marginal land and are struggling to make their livelihoods. Furthermore, the combination of job losses, land scarcity and high illiteracy rates create a vicious cycle of low incomes and poverty among the people of Pawira. This situation influenced the people of Pawira to form the Chikuya Trust to acquire land through the CBRLDP.

3.4. Institutional Context Determining Access to Land in Pawira Village

Malawi's land ownership structure is still guided by the 1965 Land Act which categorizes land into public, private and customary land (GoM, 2002a)⁵. Although the laws governing public, private and customary land are also practiced in Pawira village, 70% of land in this village is held under customary tenure and is regulated by customary law:

By our custom, authority to control land remains in the hands of village headman Pawira, unfortunately we don't have unoccupied communal land, all land has been distributed and belongs to lineages. Hence the heads of the lineages, particularly uncles control land within their lineages; similarly at household level it is the husband who controls land and decides what to do with a particular field⁶.

With regard to the customary land tenure system, there were two critical issues observed. Firstly, the chief sits on top of village/community hierarchy and appoints elders known as chief's councilors who assist the chief in land allocation. However, selection of such councilors is guided by traditional values:

Leaders with large lineages, who have been staying in the village for some time, knowledgeable on land issues in the area and with good personalities, are qualified to be selected into chief's council. Such features are found in men⁷.

⁵ Interview with official from Department of Land

⁶ Focus group discussion with beneficiaries

⁷ Focus group discussion with non-beneficiaries

The above findings confirm that the majority of people who occupy leadership positions in customary systems are men. And there are two possible observable effects by the customary selection criterion. Firstly, on the gender perspective, women in Pawira have been excluded in decision making processes, for instance, land allocation has been a responsibility of male dominated structures (chief's council). Secondly, allocation of land by male dominated structures means that men have been favoured over women in terms of ownership of and access to land.

While interviews revealed that the Pawira village no longer has enough land to be distributed by the village head, the majority of the people in the area have access to land through inheritance and very few have access through borrowing and renting (figure 8).

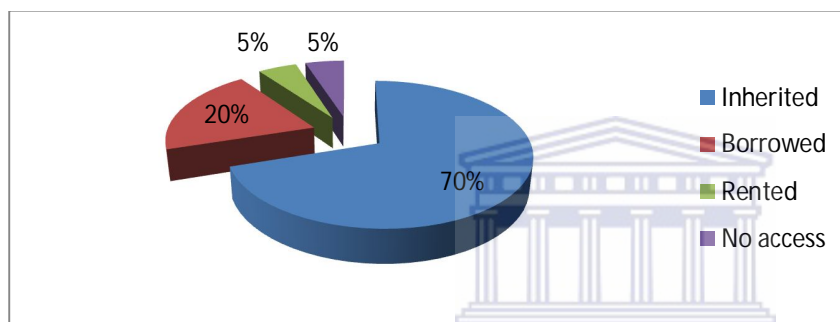


Figure 8: Means of land access by beneficiary respondents before CBRLDP

3.5. The Chikuya Trust and its Members

The Chikuya Trust was founded in 2008 by the people of Pawira and Mbuleje villages so as to acquire land under the CBRLDP project which was introduced by the Malawi government in 2004. Officially, the trust has 25 registered households; however, during the course of this research (a period between 2012 and 2013) only 20 active household beneficiaries could be identified, and out of this number, 14 were male headed households while 6 were female headed households. Beneficiaries reported that some members had withdrawn from the project at an early stage citing reasons known to the remaining beneficiaries:

Some of our colleagues went back to their villages because they could not contain to the problems such as lack of social services, water is scarce and there is no one whom you can

*borrow money from because all of us here are new, we are not yet settled*⁸. In that regard, the number of respondents for the Chikuya Trust was 20.

The age profiles of the beneficiaries were between 18 and 60 years. Of the 20 members, 11 members were in the ranges of 18-30 years: 6 members were aged 31 or over, 2 were aged over 51 while one was in his sixties. The general picture of the sampled households is that the majority of the beneficiaries are at the ages of below 40. This information contradicts with the common assumptions that traditionally, particularly in a matrilineal society such as Pawira the majority who owns land are elder women. From an equity perspective, the project created access to land for everyone regardless of age. The average household size of the beneficiaries is 6 with an average number of adults of 4.

Prior to CBRLDP project, members reported that they had access to land through different means; 14 reported that they had access to land through inheritance; four members had access to land through borrowing. One member indicated that she had no access to land while another female had access to land by renting from the surrounding estate farms. While the majority indicated that they consider land for settlement and as a source of materials for constructing shelters, almost all the food consumed in the area is self-produced; therefore land in Pawira is regarded as a critical resource. Although land is an important resource, members reported that prior to the project they had access to land that ranged from 0.2 to 0.5h. Two respondents reported that they had 2 heads of goats each and one had a bicycle. Nine members described themselves as unemployed and relied on off-farm casual labour. Three were subsistence farmers with total harvests of less than half a metric ton of maize each; according to respondents this could last them only three to four months. Eight respondents were working as casual labourers on the nearby estate farms.

Nine members could not read or write; 6 could read and write while 5 reported to know how to read only. Literacy is very important for the people not only on economic perspectives but also from a social point of view. The level of illiteracy in the area poses a threat to the economic and more crucially to their social welfare. The majority of the people in that area, particularly women are illiterate. Literate people are better informed and have the potential to understand the root

⁸Focus group discussion with beneficiaries.

causes of the situation and are thereby better positioned to fight for their rights. The low level of literacy among women in the area means that the majority are exposed to various kinds of discrimination including ownership of property as they are not aware of their rights. Economically, in rural areas like Pawira, the majority of women rely on agriculture which requires modern agricultural methodologies to maximize their production and improve income. Therefore, low levels of literacy mean a slow pace in adapting to modern agricultural methods and the possible outcome could be low production leading to low income, food insecurity and possibly poverty.

Prior to the project, members of the Chikuya Trust had varying income sources. Eight members reported that their main income source was working as farm labourers at the nearby farms in which their income ranges were between K5000 (\$10) and K8000 (\$15) a month; three described themselves as self-employed in which they were engaged in subsistence farming and earning income by selling surplus harvests earning between K40000 (\$80) and K90000 (\$166) per annum. Nine had no fixed income sources.

The criterion for selection of beneficiaries was that communities were self-selected and asked to form Beneficiary Groups (BGs); however, eligible beneficiaries were endorsed by a Community Oversight Committee (GoM, 2005). Village headmen took a leading role in identifying potential beneficiaries. The methods and criteria of selection of potential beneficiaries are problematic and likely to affect women because the Community Oversight Committee which was headed by a group village headman was responsible for the endorsement of beneficiaries therefore the chances of favouring male beneficiaries and their close relations were very high. The low participation of female beneficiaries could be contributed by the selection criteria, for example out of 25 household beneficiaries of Chikuya Trust, only 6 were female headed households⁹. Furthermore, despite that the Malawi National Gender Policy (GoM, 2000) makes provision for 30% of women beneficiaries in any development (Ngwira, 2005), selection of CBRLDP was on the basis of first come first served¹⁰.

From a gender perspective, the criteria led to the exclusion of women from ownership of land because the programme has no gender equity as a goal on its own and by custom the husband is

⁹ Focus group interview with beneficiaries

¹⁰ Interview with official from the Malawi ministry of lands

regarded as the head of the household and main decision maker therefore he automatically becomes the owner of the land.

The process leading to land transfer from the estate owner to Chikuya Trust was that Changuti estate where the trust is located was first put on sale following the tenders released by the CBRLDP in 2006. Before the finalization of the purchase of Changuti estate, interested households filed and submitted Interest Expression Forms to the District Commissioners' office. Thereafter, Land Project Officers and the District Executive Committee organized Village Development Committee meetings where eligible members of beneficiary groups were endorsed by the communities. After endorsement, the beneficiary group elected office bearers and the beneficiary groups were introduced to the Land Acquisition and Farm Development Project Cycle. During Village Development Committee meetings a list of estates on sale was distributed to the beneficiary group for selection (Machira, 2007). Once the beneficiary group identified and selected the estate, project staff and officials from the District Assembly (DA) would visit the estate for verification and inspection. Thereafter, the project staff issued negotiation and price guidelines. According to beneficiaries, price negotiation was done by themselves. Once the price was agreed, the estate owner issued the provisional letter of agreement. Lastly the group prepared a general farm plan and submission of Group Application Forms to Mangochi District Assembly. Initially, 52.936 hectares of land were released for sale to the Chikuya Trust.

According to the Project Implementation Manual (GoM, 2005), the farm has been demarcated in four categories, namely, residential, arable, agro forestry and sports areas. Each beneficiary household received 1.7 hectares of arable land for cultivation. As mentioned above 25 households were allocated land by the CBRLDP project and of this group 19 beneficiaries are from Pawira village, two households are from a village in the Traditional Authority Jalasi and 4 households are from Mbuleje village, a neighbouring village to Pawira.

Currently, there is no Land Law to guide the establishment and management of trusts; however, beneficiaries developed their own Constitution to guide them in management of the trust. The leadership of the trust is comprised of five trustees (chairperson, vice chairperson, treasurer, secretary and vice secretary) who have power and authority to run the trust on behalf of Chikuya

members¹¹. The Deed of Trust was registered by the Registry on 11 February 2008 under the registration number 32634 (Annexure 8; Chikuya Deeds of Trust). The main functions of the trust are to manage the land and run the affairs of the group on their behalf.

While Chikuya Trust remains the legal owner of the land, the legal ownership of land at household level remains an issue. Members reported that they have no documentation to prove ownership of the land. This could discourage beneficiaries from investing in land they received and had been promised to be theirs.

3.6. Factors Influencing Women's Participation in CBRLDP

In Malawi, women experience all sorts of problems including social, economic and structural problems and these are among the reasons that women participate in various development initiatives. Likewise, in Pawira women had different reasons for participating in the CBRLDP project. While some women mentioned the lack of access to adequate land to cultivate food crops for their families as explained by one, 'I decided to participate in CBRLDP to get enough land where I can cultivate various crops and harvest more to feed my family'¹².

For others, both lack of food and low income were the main reasons for participating in CBRLDP project as Miss Elena James claimed,

*I was working as a labourer at a nearby farm and getting very low wages, as a single parent I couldn't support my family. I decided to join this programme so that I can get enough land where I can produce more and feed my family and sell the surplus so as to increase my household income*¹³.

Participation creates opportunities for communities, particularly marginalized groups in society such as women, to identify and analyze issues affecting their daily lives. This translates that participation could be effective only if beneficiaries themselves are involved in all stages of development, notably planning, designing, implementation and monitoring. In this regard, it was expected that within the CBRLDP women would participate in all stages of the project. Yet, information collected from the field shows that women's participation in all levels was very low.

¹¹ Focus group interview with beneficiaries

¹² Individual interview with female headed household beneficiary

¹³ Individual interview with a female headed household beneficiary

For instance, at national level, there were only three female members in the Project Steering Committee, a committee responsible for CBRLDP policy issues while in the Project Management Team, there were only six positions occupied by women¹⁴.

Similarly, at district level, there were only three female representatives in Mangochi district executive committee. Likewise, at local level, women's participation was low, for instance, there was only a single woman in Katuli Area Development Committee (ADC) and also only one female member in the Community Oversight Committee¹⁵. One of the main objectives of the project is to increase access to land by the landless poor regardless of their age and gender. The expectation therefore was that all people including women would be given equal opportunities; however, in Pawira, out of 25 households who benefited from the project only 6 are female headed¹⁶.

The low participation of women in the project could have various negative consequences. For instance, at national level, the absence of female representatives in a Project Steering Committee means that the articulation of women's needs was very low; as a result the project had no gender objective as a goal on its own. Furthermore, information on the number of female headed households who participated in the project is not locally available. This confirms that the CBRLDP did not pay attention on gender issues despite the existence of national gender policy which advocates for 30% women representation in any development initiative.

Low female representatives at local structures, i.e. district executive committee, area and village development committees produced a negative picture of women's seriousness on CBRLDP; as a result the number of women given opportunities of receiving land is very low. The chiefs, Community Oversight Committees and Area Development Committees played critical roles in the identification of beneficiaries. The absence of female representatives in these structures created an impression that women have no interest in joining the project. Therefore, the objective of creating equitable access to land regardless of gender remains an unattainable principle because the implementation of CBRLDP has provided more opportunities to male beneficiaries.

¹⁴ Interview with CBRLDP project staff

¹⁵ Interview with village headman Pawira

¹⁶ Focus group interview with beneficiaries

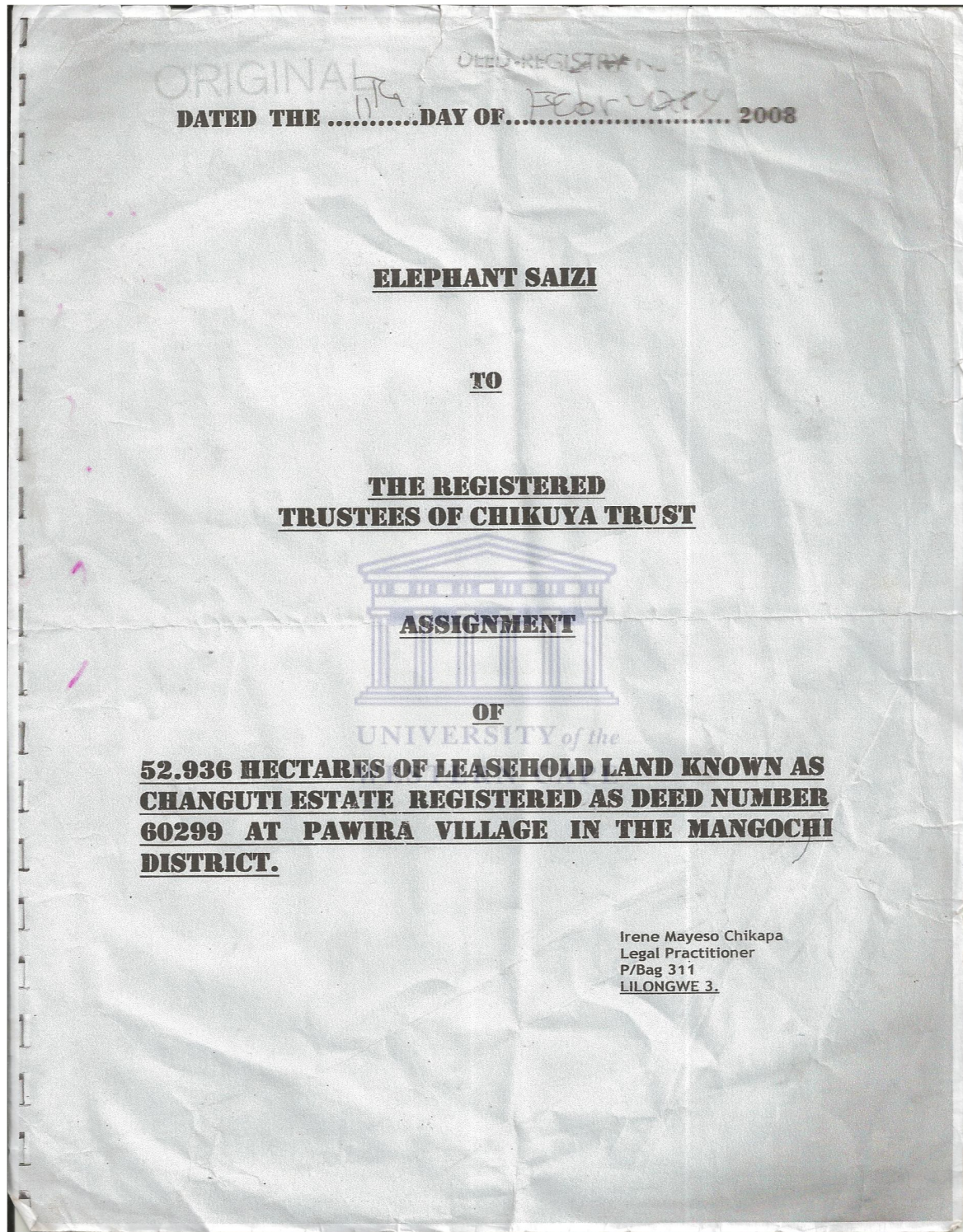


Figure 9: Chikuya Trust Deed

Source: Fieldwork

3.6.1. Power Relations and Gendered Rights within Chikuya Trust

Within the Chikuya Trust of CBRLDP, the allocation criterion based on household means that both female and male headed households received land. While it may be claimed that the project created access to land for both men and women, the household based allocation seems to be problematic particularly considering the power relations that exist within the household. The influence of power is more feasible in areas such as women's land rights within their households, production and decision making over household resources (land) and outputs.

3.6.1.1. Women's Land Rights

A household is comprised of a family and other tenants that share residence, resources and eat together. Although within the household people share resources, they have different individual interests, needs and goals. These individuals include men and women and their relations signify the behaviour of the household which sometimes may dearly cost or benefit the household. Since a household is composed of women and men it can also be headed either by a woman or a man.

Traditionally, a man is regarded as a head of a household who coincidentally may be an income earner and primary decision maker; as a result the majority of households are headed by men hence holding decision making power.

Within the Chikuya Trust, it was observed that the majority of households are headed by men therefore households based allocation meant that more men profited from the project and automatically became title holders and consequently acquired control rights. This means that within the male headed household beneficiaries, men have the power to decide on what to do with the land while other household members including women remain with weaker rights.

Similarly, in female headed households it was observed that a woman is a primary beneficiary who possesses decision making power and therefore has control over the resources, e.g. land. While women had opportunities to own land, that does not necessarily mean that they are decision makers within their households. It could be possible that it is a man who decided on her participation in CBRLDP. In such cases the woman's rights over land she registered as her own depends on another individual who holds decision making power within that household.

The CBRLDP household based allocation has therefore created gendered rights in which women continued to be excluded from having independent rights to land.

3.6.1.2. *Productivity and equity*

Within Chikuya Trust, household based allocation created two categories of title holders female and male title holders. Through access to land, beneficiaries reported that they have opportunities to grow various kinds of crops:

“Access to land enabled us to cultivate crops such as maize, groundnuts, soya beans, sweet potatoes and tobacco which we had no chance to cultivate before the project”¹⁷. Maize and groundnuts are regarded as food crops while and soya are grown for commercial purposes.

Although the household based allocation assumed that both women and men will have access to land, it was observed that power dynamics that exist within these households created gendered rights (as shown above) in which control over land, particularly decisions on how to utilize land are determined by those holding power. For example, it was found that in a female headed household, a large piece of land is dedicated to maize production, whereas the remaining portion is planted by other crops such as groundnuts, sweet potatoes or soya (figure 10). In some cases, intercropping is being practiced, for instance, maize and groundnuts planted in the same field.

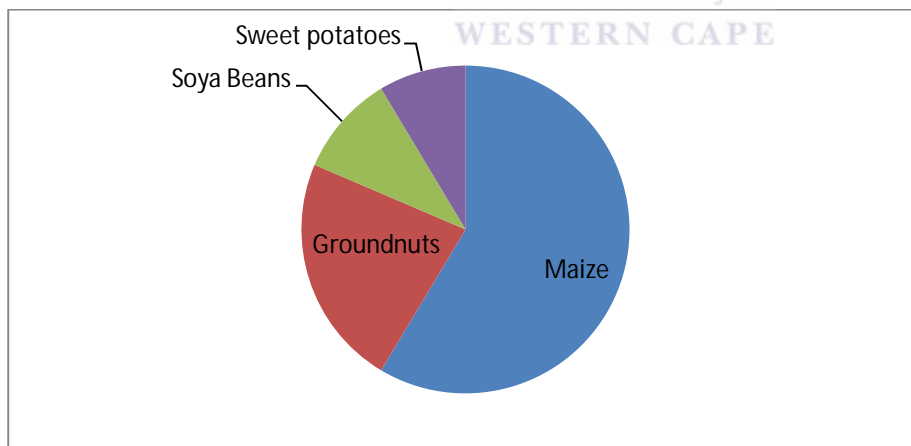


Figure 10: Distribution of crops cultivated in a female headed household beneficiary

Source: Field work (2013)

The study further showed that a female title holder has full control over the income she realized from crop sales, for instance, buying farm inputs that were mainly used for production of food

¹⁷ Focus group discussion with beneficiaries

crops, maize in particular (the main staple food in the area). Such authority is also feasible when applying for agricultural credit, for instance, Chikuya women beneficiaries opted for farm inputs credit for maize production (Figure 10). Furthermore, the majority of female beneficiaries rely on their own labour and in some cases it is their daughters and sons who assist in farm activities, therefore, women in female headed households have full control of labour. The above findings show that women who have access to and control over resources put more effort on crops that are used for household food. This can lead to improved food security among their households as well as their communities.

In comparison, household based allocation has strengthened men's control over land within the male headed households, for instance, almost two-thirds of land held by a male head is planted with tobacco and only a small portion of land is planted with maize and other crops (figure 11);

Tobacco is regarded as men's crop and the main source of income, and when the market performs very well, the income from tobacco sales is used for purchasing almost all the needs of the family including food, clothes and farm inputs mainly fertilizer¹⁸.

A man as household head and main decision maker means that he automatically becomes a primary beneficiary and holds full control over household resources, for instance it was observed that he controls household labour and usually has the authority to decide on how to spend income from crop sales:

Before buying anything with income from tobacco I make sure that farm inputs mainly fertilizers have been bought just in preparation for the next tobacco production season, in some cases the money is spent even before my wife sees it¹⁹.

This assertion confirms that while women may have access to land within households, power relations may exclude them from experiencing the real benefits of having access to land within their households.

¹⁸ Individual interview with a male beneficiaries

¹⁹ Focus group discussion with beneficiaries

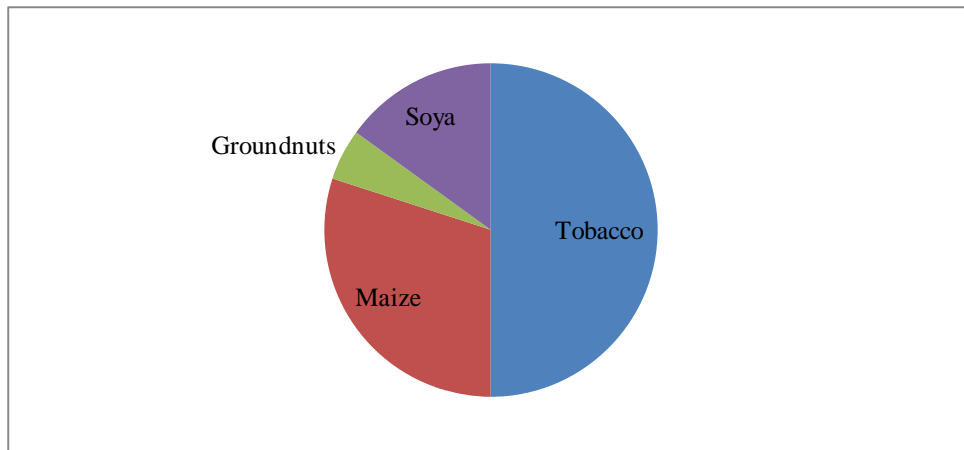


Figure 11: Distribution of crops cultivated in male headed household beneficiary

Source: Field Work (2013)

The CBRLDP is guided by Malawi's new National Land Policy which stipulates that children, regardless of their age or gender will inherit land. However, no information was recorded on the effects of the project on inheritance. Nevertheless, the majority of beneficiary respondents favoured their first born baby to inherit the land simply because it is assumed that a first born baby is old enough and therefore has thinking capacity to guide her/his young brothers or sisters²⁰.

3.7. Key Roles of Traditional Leadership in Securing Women's Access to Land and Land Rights in Chikuya Trust

Traditional leaders play critical roles: they enforce justice and order, socially and economically, chiefs mobilize rural communities to do development work²¹.

With regard to land and property, chiefs assist in allocation of land and settling land related disputes:

²⁰Focus group interview with beneficiaries

²¹ 1967 Chiefs Act (section 7)

*In areas where communal land is still available, chiefs distribute land to their subjects and due to this role they are referred to as 'owners of land'; in such cases chiefs distribute communal land to newcomers while in areas where there is scarcity of land, the chief's role is to settle land related disputes"*²².

While the 1967 Chiefs Act places chiefs as leading players in land issues, the CBRLDP guided by the 2002 National Land Policy also returns these roles:

*It is not strange for us to remain under the jurisdiction of the village headman of Pawira, because before Changuti Estate was established, the village head was responsible for the allocation of the land which today is under Changuti Estate. Therefore, despite becoming CBRLDP beneficiaries we will remain subjects of Pawira village and any disputes that arise will be settled by the chief*²³.

With regard to securing women's land rights, there is no established mechanism apart from the Trust Committee which oversees the Trust affairs:

*Our leadership (Trust Committee) is responsible for settling land disputes and if the committee fails, the dispute goes to the village headman and if the chief fails, the matter would be referred to a court of law*²⁴.

While the committee and village headman claim to be responsible for settling land disputes, within the Chikuya Trust, women remain vulnerable:

*I don't think women's land rights are secured in Chikuya Trust, because our female colleague was divorced and forced to leave the land she jointly received with her husband and consequently she had no access to land*²⁵.

This incident confirms that within the CBRLDP project women's access to and land rights are not secured because this incident took place in the presence of Chikuya Trust leadership as well as the group village headman.

²² Interview with official from the Department of Land

²³ Focus group interview with beneficiaries

²⁴ Focus group interview with beneficiaries

²⁵ Focus group interview with beneficiaries

While there was no indication of a power struggle between the chief and leadership of Chikuya Trust, creation of new structures (Chikuya Trust committee) which controls land could be seen as a threat to the authority of the chief. This could be the possible reason for the village headman not to intervene during the above mentioned marriage disputes. Hence, within the Chikuya Trust women's access to land remains insecure.

3.8. Effects of Group Based Titling on Livelihoods and Land Access for Women Beneficiaries within Chikuya Trust

A livelihood comprises of assets in the form of natural, financial, human, physical and social resources (Figure 4), whereas access to these resources is mediated by institutions such as the group based titling. Hence the effect of the group based titling can therefore be assessed by looking at its efficiency in creating secure access to these resources by women, and their wellbeing.

3.8.1. The effects on creating women's access to land

Land is a source of livelihoods for many rural women; therefore, the successful outcome of the land reform project depends on the efficiency of its institutional arrangement and structures in promoting secure access to land by women. Within the group based titling of the Chikuya Trust, women have an opportunity for access to land as Mrs. James explains:

The land left by my mother is no longer enough, as a first born daughter I managed to get a share, approximately 0.5 hectare, this is not enough to provide food for my family. After I joined the CBRDP, I received 2.1 hectare of land. On this land I am now able to grow various kinds of crops²⁶.

The above claim confirms that within the Chikuya Trust, the landholding capacity among female beneficiaries improved from 0.5 to 2.1 hectares. Nevertheless, the effect of group based land titling on access to land was not only felt by the beneficiaries but also the surrounding communities:

²⁶ Individual follow up interview with female beneficiary

*When I got an opportunity to receive land through the CBRLDP project, the plot I held before the project was taken over by my young sister.*²⁷

While it cannot be ignored that the project has created women's access to land, but in reality it has created gendered land ownership in which men have benefited more than women, for example, out of 25 members of the Chikuya Trust, only six are female. The total hectares of land transferred to Chikuya is 52.963 hectares and each beneficiary was entitled to receive 2.1, meaning that only 12.6 hectares of land are held by women, representing only 6.7%. This means that 93.3% of land within the Chigawe Trust is under male ownership.

The above figures provide an indication that on trust level the project has failed to achieve equality in terms of land ownership. However, contrary to the allegation that in rural areas the majority who owns land are elderly women, within Chikuya Trust the many beneficiaries are at the ages between 18-40 (Table 4) and the youngest being a female who is 18 years old. Therefore, the project has created access to land regardless of age.

3.8.2. The effects on income

Prior to the CBRLDP project, many beneficiaries relied on working on farms as their major source of income. After they joined the project, beneficiaries had access to financial aid in a form of grants. Access to finances and land has enabled beneficiaries to engage in both rain fed and irrigation farming which has increased their income:

Upon joining the programme and receiving a total land of 2 hectares, I had to engage in maize and soya production. From the \$1050 I received from the CBRLDP project as a grant I spent part of it on purchasing farm inputs such as fertilizers and paid labour to assist me in preparing the land. During the very first growing season I managed to harvest 30 bags (50kgs/bag) of maize of which 15 bags were sold at a total income of K115000.00 (\$250) and from soya production I raised about K70000.00 (\$150).

Apart from rain fed farming, beneficiaries engage in irrigation farming and gain extra income:

My joining in this project assisted me to access grants of which part of it was used to purchase chemicals for vegetables production. I have been struggling to access farm-inputs which usually

²⁷ Individual interview with female beneficiary

need a lot of capital, but then after having access to enough land through the CBRLDP project, I decided to venture into vegetables that do not require more capital. In vegetable production, I managed to raise K50000 (\$110) after spending only K10000 (\$21) for fertilizers and chemicals²⁸.

The income benefits created by the project were not only experienced by beneficiaries but they also trickled down to surrounding communities through creation of informal employment:

When the programme started we also had employment opportunities by providing labour to beneficiaries during planting, weeding and harvesting and in some cases we could be hired to assist them constructing their shelters. That money was as helpful as we could use it for buying salt and other household necessities.

3.8.3. The effects on agricultural production and food security

Prior to the CBRLDP women used to concentrate on the production of a single crop, particularly maize. Improved access to land has beneficiaries to cultivate various types of crops which have improved their food security, as Miss Chibwana confirms:

Upon joining the programme, I received a total land of 2 hectares, and in the first year of resettlement, the project gave me a total amount of \$1050 as grant. Part of this money I used to construct a dwelling structure and the rest bought farm inputs such as fertilizers and paid labour to assist me in preparing the land. During the very first growing season I planted soya beans, groundnuts and maize and managed to harvest 30 bags (50kgs/bag) from maize harvest and six bags of soya beans. From maize I decided to sell 15 bags and managed to get a profit of K45000.00 (\$95) and K39000.00 (\$83) of soya beans. Today I am food secure and my income improved as compared prior to the CBRLDP project.

3.8.4. The effects on assets ownership

Prior to relocation, beneficiaries were characterized as being poor, landless, with low income which contributed to a low asset profile. Through the project, beneficiaries reported that they have managed to purchase households assets. Miss Elena claims that,

²⁸ Follow up individual interview

Before I joined the project I had only 6 plates and 2 pots. After I joined the CBRLDP, I managed to raise funds and purchased some household assets. I bought 2 chickens which have multiplied to 12; I had no pail for collecting water, today I have 3, a big plastic basin and I also have 1 bicycle which I frequently use as transport to the Maize Mill. I also own a radio and a cellphone, all of these are the benefits of the CBRLDP programme”²⁹.

3.8.5. The effects on social services

Among the successful outcomes of any project aimed at alleviating poverty are those mentioned in the Sustainable Livelihoods Framework (Figure 4) aimed at improved well-being such as good health facilities, portable water and better infrastructure. Similarly, within the CBRLDP, the expectation of the beneficiaries was that their welfare would be improved through access to portable water and health facilities:

We used to have a special date, probably one or two times every month, in which the ambulance could come and take us to the hospital, but such services disappeared, we are no longer provided with the ambulance and once you fell sick you will have to be taken on the pushing bicycle or walk a distance to get medical attention³⁰.

The above statement confirms that the CBRLDP did not provide the sustainable social welfare for the beneficiaries.

Malawi Social Action Fund (MASAF) was one of the stakeholders in the CBRLDP which was mandated to provide infrastructure development to the beneficiaries including drilling of boreholes, construction of schools and roads in the new resettlement. Regarding water services, it seems that not much has been done:

For us to get access to water well we have to contribute money from our own pockets and invite people to dig the water well. The government told us that we should ask for application forms from MASAF and apply for a borehole; the application was lodged three years ago but up to now no response from MASAF. Currently some of us use the boreholes in the surrounding

²⁹ Follow-up individual interview with female beneficiary

³⁰ Focus group interview with beneficiaries

villages (Pawira and Mbuleje) which are far and sometimes we are forced to use non-treated water from the river³¹.

To provide access to better education for the children of beneficiaries in some newly resettled areas MASAF has built school blocks. However, the majority of the beneficiaries do not have access to better education. The only schools accessed by children from the newly resettled areas are located far. Some are forced to construct grass thatched school buildings.

3.8.6. The effects on social networks

The CBRLDP has also created social capital for the beneficiaries. For instance, access to land has enabled beneficiaries to engage in crop production which has influenced them to join different farmer organizations such as the National Small Farmers' Association of Malawi (NASFAM):

NASFAM assists small scale farmers like us in searching for competitive markets, and as a group of small scale farmers, it has inspired bargaining power in us and we have opportunities to negotiate ourselves for better farm input prices and transport costs.³²

Furthermore, unlike other trusts which have reported about conflicts between beneficiaries and surrounding communities, Chikuya Trust has registered very few cases of conflicts and these conflicts occur within families, particularly marriage related ones. Such a peaceful report could be possible because the majority of the beneficiaries originated from the surrounding communities of Pawira and Mbuleje villages. This means that most of them same kinships who share social characteristics.

3.8.7. The effects on securing women's access to and land rights

Secure access to land and land rights are critical for sustainable livelihoods, however, according to information collected from the beneficiaries revealed that access to land created by the project is insecure:

We are not sure whether this land belongs to us or not because no one is allowed to rent it out, sell or mortgage. This condition is also applied to the committee although it is entitled to oversee

³¹ Focus group discussion with beneficiaries

³² Focus group discussion with beneficiaries

*land matters, the committee has no mandate to either lease or rent out land. Furthermore, until now we haven't received any documentation as a proof that we own this land despite the government promising to issue them and we are scared that anytime the previous land owner or government may expropriate this land.*³³

The above statement confirms that the group tilting of CBRLDP did not provide security of tenure among the beneficiaries, and such lack of security of tenure has potential to discourage beneficiaries from investing in the land.

3.9. Challenges and Opportunities Faced by Female Beneficiaries Relative to Male Beneficiaries within Chikuya Trust

While many beneficiaries feel that the project has created various opportunities. A number of challenges including institutional, social as well as economic ones were also reported.

3.9.1. Institutional opportunities

Contrary to the authority of traditional institutions in which decisions are made by men and women are just informed about already made decisions, within the CBRLDP institutional arrangement, women have been offered an opportunity to exercise the power and rights to make decisions:

*When I heard about this project I decided to join and as I am speaking, I am a vice secretary. Women as beneficiaries of the CBRLDP do take part in the trust's meetings and speak up on issues that affect us and in some cases we have the power to call a meeting and endorse issues affecting our daily lives as women. For instance, it was women who came up with a suggestion for MASAF to drill a well within the area of new settlement*³⁴.

3.9.2. Opportunities for social services and networks

With regard to social opportunities, the CBRLDP has created opportunities to access social services and networks:

CBRLDP provided me with opportunities to access social support networks and through this I joined a farmer's club. As a member of the club I do have the opportunity to apply for credit and

³³ Focus group discussion with beneficiaries

³⁴ Focus group discussion with beneficiaries

*receive agricultural training. Within the trust we have an opportunity to ask for help from MASAF to assist us in any infrastructure development in which we usually work together. Beyond social services is the opportunity of social networks. As a custom we do help one another in days of hardship such as hunger and funerals*³⁵.

Furthermore, beneficiaries reported that the project has opened up opportunities to access better government social services such as health care. According to beneficiaries, this was experienced particularly in the first year of resettlement. ‘Whenever you are sick, the ambulance had to come from Mangochi district hospital and we had an arrangement in which the ambulance had to come twice every month’³⁶. While some female beneficiaries report the better health care others report that, the CBRLDP has opened up the opportunity to improve their well-being, ‘Access to land by the project has given us a recognition in this village, in the sense that the village headman includes our names as beneficiaries of the targeted farm input subsidy programme’³⁷.

3.9.3. Economic opportunities

3.9.3.1. Opportunity to engage in commercial farming


The majority of beneficiaries in Chikuya Trust come from the background of subsistence farmers in which their main crop was maize. However, access to land has enabled female beneficiaries to engage in commercial farming by growing different types of commercial crops like soya beans and groundnuts: ‘Before I joined the CBRLDP, maize was the main crop I used to cultivate, but after I joined the project I started to grow some commercial crops such soya beans, groundnuts and tobacco that I can sell in formal markets (Figure 12)’³⁸.

³⁵ Individual interview with female headed household beneficiary

³⁶ Interview with female headed household beneficiary

³⁷ Focus group interview with beneficiaries

³⁸ Individual follow up interview with female beneficiary


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FARM INPUT LOAN PROGRAMME

DELIVERY NOTE DN No. **21736**

CUSTOMER: MAKWELENI CLUB
MATUMBA VILLAGE
KATUNI EPA

DATE: 23.12.13

NO	DESCRIPTION OF GOODS	QTY	UNIT PRICE	TOTAL COST
9	UREA 50KG'S	9	17000	153000 = 00
9	23:21:07HS 50KG'S (NPK)	9	17000	153000 = 00
				306.000 = 00

I CERTIFY THAT THE ABOVE ITEMS HAVE BEEN RECEIVED IN GOOD CONDITION

MARDEF OFFICIAL:
 NAME: LIMBU ALU SIGNATURE: [Signature] DATE: 23.12.13

CUSTOMER:
 NAME: MILAMBO SIGNATURE: [Signature] DATE: 23.12.13

WAREHOUSE SUPERVISOR:
 NAME: KATOPOLA SIGNATURE: [Signature] DATE: 23.12.13

DISTRIBUTION 1-white copy- Customer 2-green copy-MARDEF 3- pink copy - Fertilizer Distributor 4-blue copy - Book Copy


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Figure 13: Farm Inputs Credit Note (Makwelani Club) in which Chikuya female beneficiary belongs

Source: Field work (2013)

3.9.3.3. Employment opportunities

Pawira is a village, in which the majority works on commercial farms (3.6). However, through the grants provided by the CBRLDP, it improved the financial status of the beneficiaries. This enabled beneficiaries to acquire labour to help them clear the field, in so doing some beneficiaries had an opportunity to work for their colleagues.

3.9.4. Challenges faced by female beneficiaries within Chikuya Trust

While the CBRLDP created various opportunities to female household beneficiaries, a number of challenges including institutional, social as well as economic were also reported.

3.9.4.1. Institutional Challenges: Power and Authority

Unlike in traditional institution in which decision making power rests in the hands of the chief, in Chikuya Trust, decisions rests in hands of elected leadership known as trustees, ‘the trust committee comes up with a suggestion and bring it to the members where we discuss for final resolution’⁴¹. While it could be true that trustees debate on issues affecting them, in most cases, the committee members make decision. This assertion highlights that in group titling beneficiaries are not primary decision makers.

3.9.4.2. Insecure access to land

Within the CBRLDP, the land ownership structure is governed by the statutory law. However, delays in issuing of documents to the beneficiaries have created fears among women, particularly about their rights to land, as expressed here: ‘We are not sure whether this land belongs to us because we are not allowed to lend it out and anytime the state can take back it since there are no any documents that confirm that we own this land’⁴².

Furthermore, in principle, the land belongs to the household (husband and wife). However, Pawira is a matrilineal society in which marriage is governed by custom and practically the husband controls the land, and the wife can lose her rights to land through any means (such as divorce): ‘The CBRLDP is silent on what will happen in situations of divorce; this has seen our colleague lose her access to land she jointly received with her husband’⁴³. The above assertions confirm that women’s access to land within the CBRLDP is insecure.

3.9.4.3. Economic challenges

Besides lack of credit providers, women beneficiaries have no financial sources to raise collateral. For instance, of the 6 female beneficiaries of Chikuya Trust, only one managed to secure credit. Besides women’s involvement in the production of a wide range of crops, there are no competitive markets to provide better prices:

⁴¹ Focus group discussion with female beneficiaries

⁴² Focus group discussion with beneficiaries

⁴³ Focus group with female beneficiaries

In 2011, I produced more kilograms of soya beans, but I could not realize the money I was expecting because the price dropped from K100 (\$.20)/kg to K70 (\$.15). This has influenced me to grow groundnuts which fetched good prices at the local market, at K250 (\$.53)/kg⁴⁴.

3.9.4.4. Social Challenges

While all Chikuya trustees mentioned the problems of the lack of access to farm inputs, the question of poor infrastructure is among the major constraints affecting beneficiaries. Interviews revealed that some beneficiaries have relocated back into their respective villages due to poor social services such as schools as well as the lack of social networks. Almost the majority of beneficiaries went back to Pawira village because they felt disconnected from cultural cohesion:

I would be happy if all the beneficiaries remain settled in their newly resettlement area, but now most of them returned to this village⁴⁵

3.10. Conclusion

Chapter 3 has presented the empirical findings and analysis of the Chikuya case study. The chapter has shown that institutional structure determines access to resources (Scoones, 1998), Chikuya Trust has clearly shown this, and for example, access to resources such as land and cash has helped beneficiaries to create livelihoods. In rural areas, women are subjected to all sorts of marginalization for example; lack of secure access to resources which in most cases results in poverty. In trying to address poverty, women participate in various development initiatives. This chapter has also shown that in Pawira the lack of secure access land, food security and low income influenced women to participate in the CBRLDP.

In traditional land tenure, chiefs play a crucial role in the allocation of land. However, the chapter has shown that in most cases chiefs favour men over women. In cases where a woman has access to land, chiefs do not provide any protection regarding their access to and land rights. Within the Chikuya Trust, by losing land through divorce in the presence of a village headman and Trust Committee, is evidence that in group titling, traditional leaders do not protect women's access to and rights to land.

⁴⁴ Individual interview with female beneficiary

⁴⁵ Interview with village headman Pawira

While institutions mediated processes for access to resources, in some cases it can hinder the process. For example, power relations, socio-economic and gender factors can undermine women's access to resources. The chapter has also shown that despite various opportunities created by the group titling of the CBRDP, women still face various kinds of challenges including insecure access to land, poor infrastructure and lack of social support.



4. CHAPTER FOUR: CHIGAWE CASE STUDY

4.1. Introduction

This chapter presents the empirical findings of the Chigawe case study. The chapter identifies the institutional arrangement under which the Chigawe Trust operates. Unlike the Chikuya case in which people from the surrounding villages who share cultural and social characteristics formed the Chikuya Trust, Chigawe Trust was formed by the people from Chinyama village and settled in the area of Mponda under the new leadership and surrounded by communities with different social and cultural characteristics. The case study shows how different socio-economic interests and power relations that exist within institutions (traditional leadership, leadership of the trust and the state) may inhibit the creation of sustainable livelihoods among the marginalized groups in society. Furthermore, in some traditional institutions e.g. matrilineal, women are alleged to have access to land. However, the findings from this study have revealed that gender and power relations that exist within the household may undermine women's productivity within the household.

There are various factors that influenced women to participate in the CBRLDP. On the one hand, food insecurity, lack of productive land, insecure tenure rights and poor income are key factors that influenced women's participation. On the other hand, fear of losing current land and negative rumours of the project are among reasons for women's low participation in the Community Based Rural Land Development Project.

One of the objectives of Malawi's new National Land Policy (2002) is to ensure that traditional leadership's role is transformed and recognized so that it promotes transparency, accountability and equity in executing land related roles. However, this study revealed that within the Chigawe Trust, the role of traditional leadership in securing women's access to land remains unclear.

Lastly, the study established that despite the improved livelihoods experienced by women within the Chigawe Trust, women still face various challenges which include the lack of post settlement support, poor infrastructure, lack of competitive markets to sell their produce and a lack of clearly defined land rights which discourage them from investing in land.

Methods such as in-depth interviews, focus group discussions and questionnaires (see Appendices 2, 3, 4 and 5) were used for collection of primary data while project evaluation reports, literature reviewing, government policy documents and research reports were used as secondary data sources. The research participants of the Chigawe Trust included people from the vacated area of Mulanje district, beneficiaries, officials from the government departments and non-beneficiaries from Mponda village (see table 4).

Table 4: List of Research Participants and data collection methods for Chigawe case study

Data Collection Methods	Research Participants
In-depth Interviews	Officials from Mangochi and Mulanje Districts Assemblies Traditional Authority Katuli Village headman Mponda Group village headman Chonde (Mulanje) 2 Officials from Malawi ministry of Lands 1 Official from NASFAM 5 Non-beneficiaries from vacated area of Mulanje 5 Non-beneficiaries from Mponda village 1 Former member of Community Oversight Committee 1 Official from the Project Management Team
Focus Group Discussions	18 Male and Female beneficiaries of Chigawe Trust
Secondary Sources	Project evaluation reports Literature reviewing Government policy documents Various research reports

4.2. Background to the Chigawe Trust

The Chigawe Trust is a group of people who originated from Chinyama village in Traditional Authority (TA) Mabuka. The people formed the Chigawe Trust in order to purchase land through the Community Based Rural Land Development Project (CBRLDP). People in Chinyama village are a matrilineal society that practices polygamy.

The Mulanje district is in the southern region of Malawi. It is one of the more highly populated districts, with a population density of over 300 people per km² (Lombe, 2009). Besides high

population density, the most productive land is owned by foreign tea growing companies. The average landholding per capita is less than 0.5ha (Chirwa, 2008; Machira, 2007; Chinsinga, 2008) and there are very minimal opportunities for local people to access productive land.

As a result of the occupation of land by tea growing companies and the high population growth rate, indigenous people have no access to land and communities in the district are characterized by poverty, unemployment and food insecurity. The result has therefore been that land in Mulanje is a contested resource. Land conflicts and encroachments are widespread. Members of the Chigawe Trust moved from Mulanje district to Mangochi district and settled in the Mponda village within the Katuli TA.

4.3. Location and Situation of the Study Area

Mponda village is situated to the north-east of Katuli, along the boundary between Malawi and Mozambique; just 7 kms away from the Katuli Trading Centre (see Figure 14).

4.3.1. Access to land in Mponda Village

While the institution of traditional leadership has historically played a key role in land allocation within customary land tenure, social and economic factors have created land scarcity to the extent that no communal land is available to be allocated by chiefs (Kishindo, 2004). Communities have access to land in different ways. While communities in Mponda village still have access to land allocated to them by the village headman and some still use lineage land, the situation is different in Chinyama village. For instance, a female beneficiary revealed that prior to the CBRLDP she had access to land through inheritance and two female beneficiaries had access to land through borrowing and renting⁴⁶.

While 13 (70%) of the beneficiaries respondents said that they had access to land through renting⁴⁷, given the low economic status of rural women, many cannot afford to pay fees for rent, hence the majority of women have limited access to land.

4.3.2. Land use in Mponda Village

In Mulanje, the deepening land conflicts are evidence that land is important to the people in the district just as in Mponda village where the majority of the people rely on land-based livelihoods.

⁴⁶ Interview with female beneficiary

⁴⁷ Focus group interview with beneficiaries

People in the area are poor; they depend on land to produce their own food. Being a rural area, 85% of the people aged over 15 years are categorized as subsistence farmers (Kanyongolo, 2008). Due to the scarcity of health facilities, most people rely on traditional medicine which comes from plants.

In Mponda land and the wetlands in particular, are a primary means for generating income. Most people in Mponda, just like in Chinyama, prefer to rent out wetlands and to use the money to buy groceries. While land is usually cultivated by women, particularly for growing vegetables, the decision on how to spend income generated out of it is mostly made by husbands.



Just like Chinyama village from which members of the ChigaweTrust originated, the residents of follow matrilineal principles in which descent, succession and inheritance is through female lineage. Due to leadership conflicts, many people in Mponda village have recently moved to other villages within the Katuli TA:

*My nephew was among the councillors responsible for land allocation and he used this position to advance his plan of claiming Mponda chieftainship. However, after losing the succession battle, he left the village with his sisters and created new hamlets somewhere else outside the Katuli TA. And today my village has very few people staying in a very scattered settlement pattern*⁴⁸.

This probably accounts for the selection of Mponda village as a receiving area for CBRLDP beneficiaries, who are members of the Chigawe Trust.

4.4. Institutional Structure that Determines Access to Resources in Mponda and Chinyama Villages

Just like in Mponda village, in Chinyama village from which the people who formed Chigawe Trust were originated, people have different means of access to resources. Critical to land access is the institutional arrangement under which land is held. In Mponda village, as in Chinyama in Mulanje, people have access to resources through different means:

*Before I joined the CBRLDP, I had access to land inherited from my late parents. However, due to rapidly growing family, the land became smaller and smaller to the extent that no one in our family has enough land to produce enough food*⁴⁹.

While the majority in the two villages have access to land through inheritance, the scarcity of land within Mulanje district has seen many in Chinyama accessing land through renting and borrowing:

*You may go around this area; you will never see an idle (piece of) land, many of us do borrow from people who left this area and are now staying and working in town, sometimes we borrow from the surrounding estate if you are luck*⁵⁰.

⁴⁸ Interview with village headman Mponda

⁴⁹ Individual interview with female beneficiary

The above assertion confirms that land scarcity in Mulanje is a serious issue which needs argnt intervention.

While in matrilineal society such as that of Chinyama and Mponda villages, land and other properties are transferred through female lineage and women have access to and land rights, the institutional arrangement within customary systems creates women's insecure access and lack of land ownership:

Although three of my councillors are women, the majority of the chieftainship positions in Mulanje district are occupied by men and it has been difficult in such forums for women's voices to be heard and once there is any sort of conflict whether land related or not, women emerge as losers”⁵¹.

The struggle over land among women in rural Chinyama is not only insecure access to land but also the lack of access to enough land. While the majority has no access to land, a large percentage of land in the vacated area of Chinyama is under private tenure and owned by the tea growing companies (see Figure 15). Furthermore, due to social and economic transformation, women in Chinyama are no longer enjoying such rights and the area is characterized by conflicts as confirmed by official from the Department of Lands that there is “no single day that passes without recording land related conflict; in this district, land is a contested issue that needs an urgent solution”⁵².

4.5. Chigawe Trust and its Members

As a result of the land occupation by the tea growing companies and the population growth rate, the people of Chinyama village decided to form the Chigawe Trust to acquire land through the CBRLDP. Official data shows that Chigawe Trust has 29 registered beneficiary households. However, during the period of this study only 18 households could be identified. Of this group, 15 are male headed households while 3 are female headed households. Respondents reported that some beneficiaries had withdrawn from the project due to government's withdrawal from providing financial and social support to beneficiaries; hence beneficiaries felt abandoned and decided to return to their original homes. Other than that, beneficiaries reported the lack of

⁵⁰ Interview with non-beneficiaries in the vacated area of Mulanje

⁵¹ Interview with village headman Chonde in vacated area of Mulanje district

⁵² Interview with official from Department of Lands

infrastructure, i.e. roads, schools and health care facilities as the reason for withdrawing from the project.

The Chigawe Trust was formally established in 2009. The Deed of Trust was registered on 11th March 2009, under the registration number 64345. The trust is managed by a committee on behalf of the members. Members elect office bearers that include the chairperson, vice chairperson, treasurer, secretary and vice secretary: 'We have a committee and constitution, and the committee comes up with suggestions which are then brought to members for discussions and approval'⁵³.

Beneficiaries are self-selected in that individual households in the sending district (Mulanje) express their interest in joining the CBRLDP. They are then required to complete 'Individual Interest' application forms, which are taken to the village headmen who submit the forms to the District Assembly through the Traditional Authority. The District Assembly and Land Project Officer then organize Village Development Committee VDC meetings where communities endorse eligible beneficiaries. Once beneficiaries are endorsed they are advised to form groups of between 10 to 35 household members and complete 'Group Interest' application forms. Once these forms are approved, the beneficiary groups elect office bearers.

While the participation of communities in the election of beneficiaries was aimed at achieving transparency and accountability, the fact that local leaders had already endorsed eligible beneficiaries, means that communities had minimal chances to effectively scrutinize those names. That created chances for local leaders to manipulate the process, as one district assembly official observed:

*I don't think that the selection process was effective, a large number of beneficiaries who withdrew from the project indicates that there was no transparency and accountability during the selection process. It seems that many beneficiaries were connected to traditional leaderships in vacated areas and I have no doubts that their participation was influenced by the financial opportunities attached to the project'*⁵⁴.

⁵³ Focus group interview with beneficiaries

⁵⁴ Interview with official from department of lands

Likewise, it seems that there was no extensive publicity in the receiving districts regarding selection criteria,

We did not know the process followed in selecting beneficiaries, it was a surprise to see that people had been brought in from as far as Mulanje while some local people were experiencing similar problems of lack of access to land and tenure insecurity⁵⁵.

The process leading to the purchase of land by a beneficiary group is that once the land is identified, the District Executive Committee, Land Project Officer and BG in sending districts travel to receiving districts where the chosen estate is located. The purpose of such trips is to assess its condition in terms of agricultural productivity.

Once the District Executive Committee, Land Project Officer and the beneficiary group office bearers are satisfied, the estate owner signs a temporary agreement of the sale of the land with the beneficiaries. Thereafter the beneficiaries, with assistance from the CBRLDP staff develop a farm development plan and submit it to the District Assembly in the receiving district. Once this plan is approved by the Project Management Unit, beneficiaries relocate to their newly purchased land.

According to Project Implementation Manual (GoM, 2005), the farm has to be demarcated in categories according to how it will be used. In this regard, land belonging to the Chigawe Trust was demarcated into homesteads and gardens, arable land, woodlots and a sports ground.

The age profile of Chigawe members was between 25 and 60: five members were in the range of 25-30 years, seven were aged between 31 and 50, another five were between 41-50 years, and only one was in his sixties. The size of members' households ranged between 2 to 8 members with an average number of 3 children. The majority of the households had 2 to 5 adults. Three households had five adults each, one household had 2 adults, five households had 3 adults each, and 9 contained 4 adults. The average household size of the Chigawe members is 6.1.

Prior to the CBRLDP, members of the Chigawe Trust had access to land ranging from 0.2 ha to 0.5 ha. A total number of 6 households reported owning chickens (between 1 and 18), 1 reported owning a bicycle, and 1 reported owning two rabbits. Two households reported owning goats

⁵⁵Interview with non-beneficiaries in Mponda village, Katuli TA.

(maximum herd size of 4), one household owned a radio and 4 owned pigs (1 to 2 herd/s). Five households had no tangible assets.

Before joining the project, members of the Chigawe Trust had a wide range of income sources described by themselves as unsustainable. A total of 6 member respondents reported casual agricultural labour as their primary source of income of which 3 were working in tea growing companies. Some migrated to Mozambique and worked in the fields in exchange for either money or food: 'I used to stay in Chinyama during off-season where I could do a small business of selling bananas but during the rainy season when life became tough I used to go to Mozambique and worked in the gardens in exchange for food'⁵⁶.

Three members reported casual non-agricultural labour as their main source of income, while four were engaged in petty trade such as selling banana. Only three reported having access to social grants provided by OXFAM and Africare. Two members did informal business by selling vegetables and sand. The average total household's income for those involved in non-agricultural activities (informal businesses) ranged from a minimum of K20000 and to a maximum of K50000 per annum while those involved in casual agricultural labour (working for tea growing companies) earned K3000. This income is far below that of Chikuya members.

Members of the Chigawe Trust reported that a large percentage of their income was used to buy food. Although some grew their own food, that could only last three to four months. The main crops grown were maize, pigeon peas, cassava, soya beans and vegetables. Just like in Chikuya Trust, in Chigawe the majority of the beneficiaries were illiterate particularly the women. Of the three female members only one could read. Six members could write their names, seven members could read while four were able to read and write. Literacy is very important to rural communities, not only from an economic perspective, but also from a social point of view. In Chigawe it was reported that the low participation of women was attributed to their low level of education because they could not understand the aim of the project⁵⁷. This impacted on their rights to participate in poverty alleviation programmes such as the CBRLDP.

⁵⁶ Focus group discussion with beneficiary respondents

⁵⁷ Focus group interview with non-beneficiaries

In Chigawe Trust, legal ownership of land remains an issue. During the course of this study members reported that they were yet to receive documentation that confirms their legal ownership of land.



Figure 15: Tea plantation belonging to Chitakale Tea Estate in Mulanje

Source: Field work (2013)

4.6. Factors Influencing Women's Participation (or not) in the CBRLDP

While in matrilineal societies such as Katuli and Mabuka, women are often said to have access to land, social and economic factors such as traditional customs and increasing informal land markets have exacerbated women's struggle over land. Village headman Chonde confirms,

It is true that in matrilineal society, property such as land belongs to a woman; however, in most cases within the lineage land is controlled by men, particularly uncles. Such a custom is rooted from biblical teaching that taught us that a man is the head of a family and therefore holds decision making power over household resources⁵⁸.

These claims show that social beliefs undermine women from independent ownership of resources.

⁵⁸ Interview with group village headman Chonde

While traditional practices have been identified as one of the factors that create women's insecure access to land, factors such as poor economic profiles among women have further deepened women's struggles over access to land:

*Although there was an opportunity of access to land through rent but it was often insecure because we have no sustainable sources of income for renting land every growing season, that is why many of us decided to join the CBRLDP project so that to have secure access to land*⁵⁹.

Within Chinyama village, it was observed that all customary land belongs to families. Hence, traditional institutions are no longer responsible for the allocation of land. Instead of traditional land acquisition such as inheritance, there has been an increasing trend towards land rental. In this regard the lack of security of tenure influenced women in Chinyama village to participate in the CBRLDP project.

Coupled with land expropriation by the large commercial farms, social factors such as rapid population growth, impacted on women's struggles to access land in this village:.

*We were born seven in our family, four daughters and three sons; we have access to land that was left by our mother. However, due to the increased birth rate, the family is big and the land is becoming smaller and smaller for the family*⁶⁰.

While some beneficiaries mentioned the lack of food security as a reason for participating in the CBRLDP, for others, low income influenced them to join the project. In Chinyama, the situation is difficult particularly for unmarried women, whose only means of livelihood often involves providing labour to tea estate farms and mining sand:

*My primary livelihoods source was working as a labourer in tea companies. Alternatively I could go in the river and do sand mining, but it is not easy for you to realize enough income from selling sand because a pail of sand is sold at K50 (\$0.08) only. Unfortunately a large percentage of income from selling sand is spent on buying food*⁶¹.

⁵⁹ Interview with female beneficiaries in Chigawe Trust

⁶⁰ Interview with non-beneficiary in vacated area of Mulanje

⁶¹ Interview with non-beneficiaries in vacated area in of Mulanje

The above findings confirm that it is difficult for the people in Mulanje to earn a living, and most of those affected are poverty stricken women who cannot afford to pay rental fees.

While tenure insecurity was a major factor in the decision by female and male members of Chigawe Trust to participate in the CBRLDP, women seemed to be generally more land insecure in their villages of origin than men. Although many of the women members of Chikuya Trust, who originated within Katuli TA, faced similar challenges (see Chapter 3), insecure access to land and limited land rights appear to have been worse in Mabuka TA (and Mulanje district as a whole) than in Katuli TA. In the former, there was no land for traditional leaders to allocate. This condition, coupled with the lack of secure income, influenced women to seek an intervention by the CBRLDP.

From the above findings, it is clear that rural women face various challenges in creating their livelihoods. Therefore, one would expect that women's participation in the project is high, however, within the two trusts (Chikuya and Chigawe), women's participation is very low. This is attributed to various reasons, e.g. 'I didn't want to participate in the project because joining the project meant for me to lose land left to me by my parents'⁶².

While some feared losing their current land, others had different reasons for not joining the project:

*I am settled here, have friends and relatives from where I can borrow money and other things and moving out of here could mean that I am going to stay in unfamiliar places where everyone is waiting for government assistance*⁶³.

4.6.1. Power relations and gendered rights within the Chigawe Trust

Within the Chigawe Trust, the influence of power regarding ownership of land is more evident, particularly between the state and the trust leadership, host communities and the beneficiaries as well as within the beneficiary households (see Figure 19). In the CBRLDP, the state as the owner of land has power to decide who can access this land and how to use it;

⁶² Individual interview with non-beneficiary in vacated area of Mulanje

⁶³ Individual interview with non-beneficiary in vacated area of Mulanje

*We were told that this land belongs to Chigawe trust of which we are trustees; surprisingly we are not allowed to use the abandoned and deceased land pending decisions from the Ministry of Lands.*⁶⁴

Such conflicting interest creates an impression among the beneficiaries that they do not own the land, and this could discourage them from investing in the land.

In the case of hosting communities and the beneficiaries, the claim by hosting communities regarding ownership of land is based on historical injustices in which they believe that the resources (i.e. land) which are being redistributed by the CBRLDP belong to them. This claim is demonstrated by the action of village headman Mponda by refusing the newly settled communities from cutting trees in the nearby hills for firewood.

Just like in Chikuya Trust, in Chigawe Trust, household based allocation meant that both female and male headed households received land. However, unlike in Chikuya Trust, it was observed that in Chigawe such criterion created three categories of farming systems, namely female, male and joint farming systems. The assumptions for implementing household based allocation could be that household resources are shared among the members that household. Nevertheless, power relations that exist within the household could undermine some members to experience the meaningful benefits derived from land. For example, within the Chigawe Trust, it was observed that the influence of power is more evident in areas such as women's rights to land within the household, productivity and decision making over land and outputs derived from land.

4.6.2. Women's access to land and land rights

Unlike in Chikuya Trust, in Chigawe, household based allocation created three categories of titling, namely male, female and joint titles. It was noted that all three titling systems have effects on women's access to land and land rights and the benefits realized from such access.

By custom, in Chinyama, just as in Mponda village, a man is regarded as the head of the household who has power to control household resources. Therefore, household based allocation implemented by the CBRLDP created more male title holders and automatically accorded them with control rights. For example, it was found that of the 21 beneficiary respondents, only three

⁶⁴ Focus group discussion with beneficiaries

were female title holders representing 10% of the 29 beneficiary households who received land. In this regard, women within the male headed households remained with limited rights. This finding illustrates that although women in male headed households of the Chigawe Trust may have access rights to land; such rights were meaningless simply because decisions over the land and any benefits derived from that land are usually made by the man who holds decision making power.

The finding in male headed households is different from female headed households. For instance, it was observed that where a beneficiary is a widow, she holds rights to control the land as Miss Zipangani explained;

I am a single mother and every decision regarding the land I received is usually made by me. I can cultivate any crop at any portion of land. I don't need anyone to show me where to plant what

This finding confirms that where a woman has rights to control land, the chances of exercising power over that land are usually high. This could encourage women's productivity thereby creating livelihoods of their families and those of the community.

Within the Chigawe Trust, there are cases where a husband and a wife registered their names as primary beneficiaries and jointly became title holders. The picture in this joint titling seems to achieve equality in terms of access to and land rights for both a woman and a man. Remarking on rights to land within the CBRLDP, a non-beneficiary respondent in the vacated area of Chinyama village in Mulanje said;

*Unlike in our tradition where household's properties including land belongs to the wife. The CBRLDP provides opportunities for both a wife and husband to own land and have equal rights. The CBRLDP arrangements will protect and empower men in terms of ownership of properties*⁶⁵.

Such remarks confirm that jointly owned land has chances to provide equal opportunities for both female and male members within the household who equally hold rights over and benefits from household owned land. While such findings provide evidence that both men and women

⁶⁵ Interview with non-beneficiary

share rights to control land within joint titling of the Chigawe Trust of the CBRLDP, the effects of the programme on women's access to land are not that convincing in the sense that the number of female beneficiaries within the project is very low.

4.6.3. Productivity and income

In Chigawe Trust, beneficiaries cultivate various types of crops such as pigeon peas, soya beans, maize, groundnuts, vegetables and tobacco. Strengthened men's control rights within the male headed households has created gendered benefits in which men benefit more while women remain marginalized and unproductive. For instance, it was noted that 55% of land is allocated to production of tobacco and soya beans which mainly benefits men. Within the Chigawe Trust, it was observed that due to men's strengthened rights over arable land, women opt to cultivate in wet lands where they engage in vegetable production. A female respondent explains, "While my husband concentrates more on tobacco and maize production, I decided to shift into vegetable production in wetlands this where I am free to spend the income after selling the produce"⁶⁶.

The above findings demonstrate that the CBRLDP created gendered benefits in which men benefited more than women. Such gendered benefits are not only feasible in income created from crop sales, but in other areas as well. For example, during the construction of beneficiaries' temporary shelters various types of informal employment created, were taken up by men.

⁶⁶ Individual follow up interview

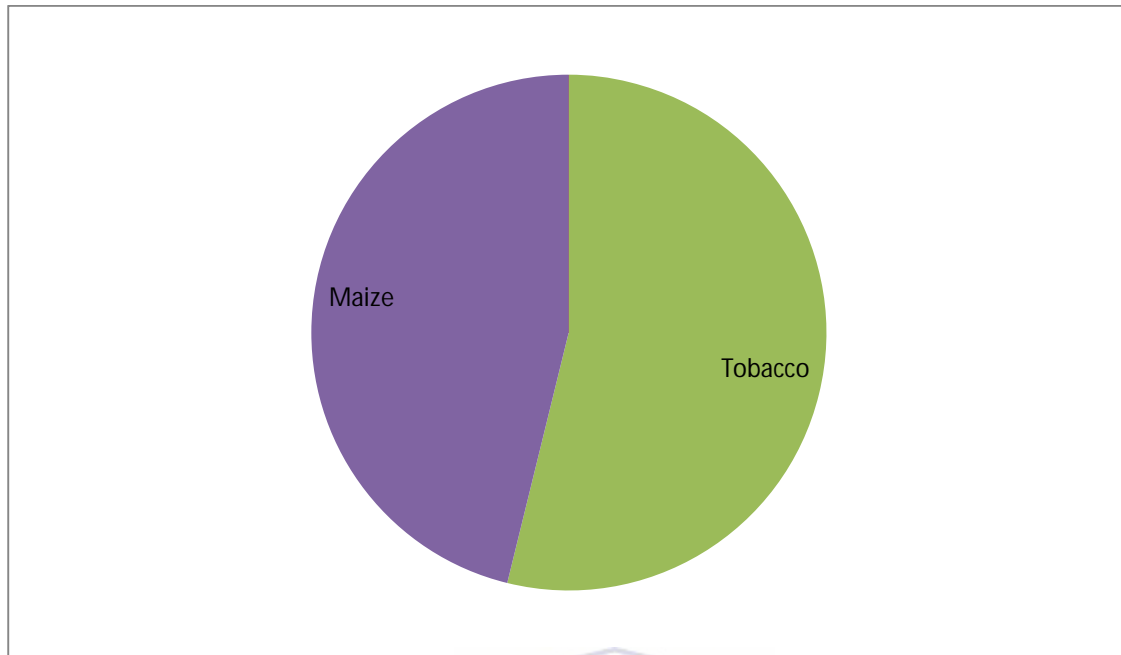


Figure 16: Distribution of land per crop grown in male headed households

Source: Field work (2013).

While in male headed households men enjoy rights to control both land and income realized from farm produce, it was noted that in female headed households more land was allocated to the production of food crops such as maize, groundnuts, sweet potatoes or soya beans (regarded as a source of nutrition for babies) (see Figure 17).

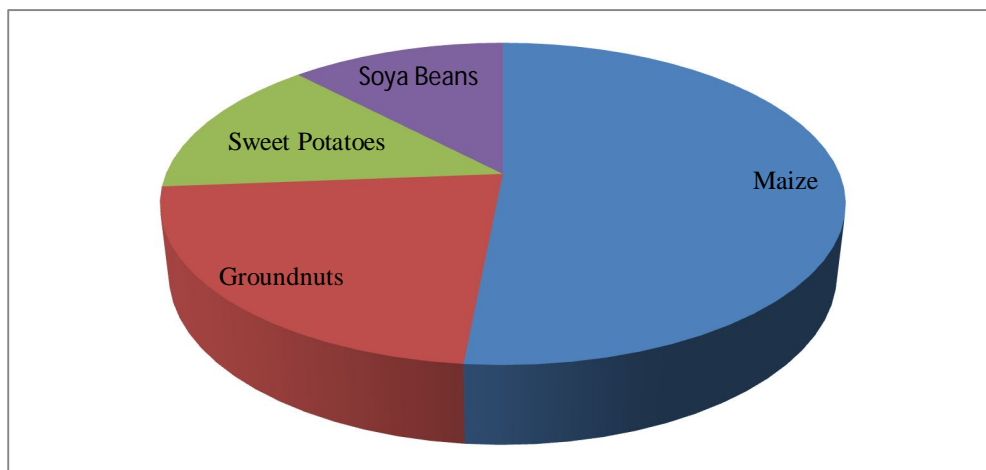


Figure 17: Distribution of land per crop grown in female headed households

Source: Field work (2013)

In some cases it was noticed that inter-cropping is practiced in which sweet potato is planted in a maize field. Such flexibility in rights to land was not found in male headed households. In this regard, within female headed households women enjoy full rights in control of the land. This has potential to promote productivity and addressing food insecurity among rural women's households.

Contrary to the above findings, in joint titles, both a man and a woman seem to have equal rights and decision making power over land, for instance, production of both commercial and subsistence crops was noticed. Land allocated to both crops is almost equal, for instance, it was observed that a maize field was almost equal to groundnuts or soya beans, which are usually regarded as women's crops (see Figure 18).

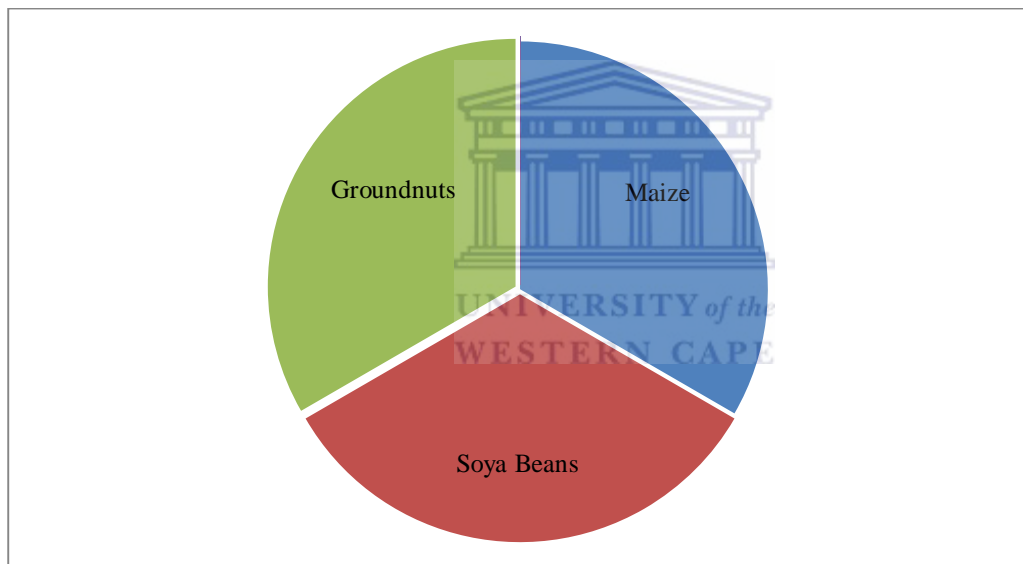


Figure 18: Crop and land ration in Joint Title

Source: Field work (2013).

4.7. Challenges and Opportunities Faced by Female Beneficiaries Relative to Male Beneficiaries within Chigawe Trust

4.7.1. Opportunities

The main objectives of the CBRLDP are to create secure income, food security and various other opportunities through access to productive resources such as land. Regardless of the challenges

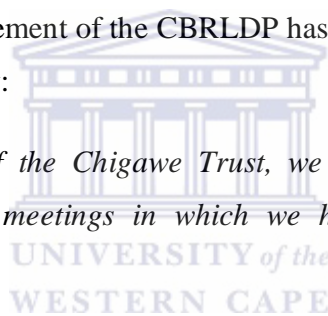
faced by women within the CBRLDP, women believe that access to land through the project has created different livelihoods opportunities including institutional, economic and social opportunities.

4.7.1.1. Institutional opportunities

Access to resources alone is not enough to create sustainable livelihoods. Critical to livelihoods are the institutional arrangements by which a resource is held. Inefficiency institutions may hinder achievement of sustainable livelihoods. For instance, while many anthropologists noted that within the matrilineal practices women have access to land, but in reality such access is insecure. This usually hinders women from effectively investing in land and in the process women do not fully execute their potential.

Contrary to traditional institutions in which decision making is made by male dominated leadership, the institutional arrangement of the CBRLDP has created opportunities for women to exercises their power and authority:

As beneficiaries and members of the Chigawe Trust, we have the opportunities to occupy leadership positions and attend meetings in which we have opportunities to express our problems⁶⁷.



4.7.1.2. Economic opportunities

Prior to the CBRLDP women had income opportunities such as working on farms, receiving cash donations from non-government organizations (NGOs) as well as selling sand, but sustainability of these sources is questionable. The employment offered to women by tea companies are seasonal, while selling of sand offers less income and the same applies to income from NGOs that in most cases depend on donors who give money to such NGOs.

After joining the CBRLDP, women had access to cash provided by the government in a form of grants: 'As a woman I had nothing to start with after I joined the project. Luckily every beneficiary household used to receive cash as grants from the project. This money sustained our

⁶⁷ Interview with female beneficiaries in Chigawe Trust

income as we could use it for buying basic needs and some of us used this money to buy farm inputs such as hoes and fertilizers.’⁶⁸.

Access to land and cash has created opportunities for beneficiaries to engage in the production of commercial crops such as cassava and vegetables which has increased their financial status:

*Although we did not directly benefit from the project but the indirect benefit is that the beneficiaries engage themselves in production of vegetables such as tomatoes and onions and we buy from them. Their hard-working manner is benefiting them. This is something that is missing in hosting communities since the majority of us are lazy.*⁶⁹

Such statements provide lessons that a clear and effective selection criterion is very critical for land and agrarian initiatives to select the eligible beneficiaries.

4.7.1.3. Social services and networks

Beneficiaries spoke about the improved access to health services as claimed by themselves: ‘We had special arrangements in which we had to see doctors at the district hospital in Mangochi.’⁷⁰ Such improved access to health services was only rendered for a short period, only for the first year of resettlement. It is reported that their access to health facilities is far worse as compared to before they moved to the new settlement area: ‘While we acknowledge the effort that government has been doing regarding our health services but much hasn’t been done. We walk a long distance to access health services, probably 15 kilometers.’⁷¹

The Chigawe Trust was formed by the people who were transferred from their original homes and settled in a new area under the leadership of Mponda village headman. Unlike other trusts which were formed by the people from within the surrounding communities and shared customs, people who formed Chigawe Trust have different characteristics to that of hosting communities making it so crucial for them to settle. However, despite such differences beneficiaries claimed

⁶⁸ Focus group interview with beneficiaries

⁶⁹ Interview with non-beneficiaries in Mponda village

⁷⁰ Focus group interview with beneficiaries

⁷¹ Focus group interview with beneficiaries

that, 'within the Chigawe Trust we live as one family, whatever problem one may face, as a group we solve it.'⁷²

It was also reported that access to land by beneficiaries has created opportunity to join farmer clubs which assist them in different ways; for instance, access to competitive market, access to higher bargaining power particularly when it comes to purchase of farm inputs and transport costs⁷³.

4.7.2. Challenges faced by female beneficiaries

4.7.2.1. Institutional challenges: Access to land, land rights and powers of Chigawe beneficiaries

Although beneficiaries have access, ownership and use rights, there are two striking issues at the ChigaweTrust, namely ownership rights and power relations within the household and CBRDLP levels. In the ChigaweTrust, the household is regarded as the beneficiary, represented by the head of that particular household, either a male or a female. Currently there are no formal titles given to household beneficiaries. In principle, the land belongs to the wife and the husband, however, practically; the husband makes all the decisions. Those who received land as single mothers seem to lose their rights after marriage:

*I received this land as a single mother and I had all powers over it until I got married, it is now my husband who makes decisions.*⁷⁴

Secondly, beneficiaries accept that the land belongs to them and the management of land is governed under the constitution of the trust. Such claims have no basis given the expression from the beneficiaries themselves:

*We don't know if this land belongs to us. Currently we have land which was abandoned by some people as well as deceased land (Figure 19). But we don't have power to redistribute this land despite some potential beneficiaries showing interest to use the land, the government told us not to use this land pending a state decision.*⁷⁵

⁷² Interview with beneficiaries

⁷³ Focus group discussions with beneficiaries

⁷⁴ Focus group discussion with beneficiaries

⁷⁵ Focus group discussion with beneficiaries

This expression confirms that within the CBRLDP, beneficiaries have no authority and power over the land they believed that they own.



Figure 19: Abandoned land, over which Trust Committees have no mandate to redistribute to potential beneficiaries

Source: Field work (2012)

Almost all the beneficiaries mentioned the issue of the lack of infrastructure such as schools, clinics and roads (see Figure 20). Insecure rights seem to be a major issue threatening the livelihoods of the beneficiaries. Although the Deed of Transfer took place five years ago, such a document is just a confirmation that the Seyani Estate was bought by and transferred to the ChigaweTrust, meaning that on household level, there are no papers to confirm the ownership of land.

In theory, there are a number of institutions, including Mangochi District Assembly which were involved in planning and implementation of the CBRLDP. However, after the relocation of beneficiaries the assembly does not seem to know the services to render to newly relocated households. When asked about any services that the assembly provides to the newly relocated communities, an official from the district assembly responded that, “A part from the traditionally

established channels of service delivery in which the assembly reaches villagers through local government structures, we have no special arrangements and services to provide land reform beneficiaries.”⁷⁶ This result highlights that beneficiaries lack post-settlement support.

4.7.2.2. Access to farm inputs and clean water

Almost all beneficiary respondents mentioned the issue of lack of post-settlement support, particularly farm inputs and agricultural extension services:

*Although government provides subsidized farm inputs to the people every farming season, the village headman does not include our names; the perception from people is that government is still giving us grants.*⁷⁷

Furthermore, the two trusts that settled in Mponda village draw water from one borehole; to get to another borehole they have to walk for 2 kilometers.

Besides the above problems, access to competitive markets is another challenge mentioned by beneficiaries:

*It is a discouragement to put efforts into farming and later on during marketing you get prices that do not even return the capital you invested in producing such commodities. For example, last year I produced 1.5 metric tons of soya beans; instead of getting better prices I ended up selling at a lower price of K70 per kilogram instead of the anticipated price of K100.*⁷⁸

⁷⁶ Interview with official from Mangochi district assembly

⁷⁷ Focus group discussion with beneficiaries

⁷⁸ Individual follow-up interview with a beneficiary



Figure 20: Mponda Bridge to Chigawe Trust

Source: Picture by Researcher (January 2013).

4.8. Key Roles of Traditional Leadership in Securing Women's Land Rights in Chigawe Trust

Malawi's recognition of the institution of traditional leadership dates back to the colonial era in which chiefs' roles were described under the 1912 District Native Administration Ordinance. After gaining independence in 1964, the recognition of chiefs' roles were once again continued through enactment of the 1967 Chiefs' Act, specifically Section 7: 'Traditional leaders are responsible for all land related matters including settling land related disputes and allocation of land.'⁷⁹ Since then chiefs have been playing critical roles in their communities.

While the institutional arrangements of the CBRLDP seem to accommodate traditional leaders in which they will continue playing land related roles, within the hierarchy of the CBRLDP institution, there are various leaders including trust committees, project management units and village land committees to be established in villages across the country which will be involved in disputes resolution.⁸⁰ Such an arrangement seems to threaten the local leadership particularly chiefs as regards to ownership and power over natural resources:

⁷⁹ Section 7 of the 1967 Chiefs' Act

⁸⁰ Malawi National Land Policy, 2002

*I had problems with CBRLDP beneficiaries, they were cutting trees without considering that in future they will need these resources, they could not listen when I reasoned with them regarding the issue of deforestation, but now they have changed and we have a good relationship.*⁸¹

While the chief claimed that his relationship with CBRLDP beneficiaries was good, it seems that that was not the case:

*When we came here the government told us that we will be under the jurisdiction of chief Mponda, but when we have problems such as encroachment, the chief does not come to assist us in addressing such issues, it is the trust committee that deals with such matters.*⁸²

While the chief as well as the trustees claim that they play leading roles in settling land disputes, women's land rights within Chigawe Trust seem to be taken over by men. 'Yes, I could say that when I received land, I had every right regarding my land, but then after getting married, my husband does everything because by culture a man is the head of the family.'⁸³ This statement confirms that women's access to land and land rights is determined by their male relationships.

4.9. Effects of Group Based Titling on the Livelihoods of Women Beneficiaries within Chigawe Trust

Agrarian reforms can only be regarded as successful if it they produce tangible results in the form of improved assets profile, food security and increased income, among others. Likewise, the CBRLDP's effects, particularly its group based titling is based on how it has delivered with regard to land as a resource for creating livelihoods such as food security, income, social services and networks as well as improved well-being of the poor.

4.9.1. Effects on landholding within the CBRLDP

Measuring against the background of beneficiaries, the majority reported that their landholding capacity has improved. For women beneficiaries, prior to the CBRLDP, their access to land was based on their financial status because the only way to have access to land was through renting or borrowing. However, after joining the CBRLDP their access to land improved: 'What I am happy with is the huge land I have. Back home as a woman I couldn't be able to have an

⁸¹ Interview with village headman Mponda

⁸² Focus group interview with beneficiaries

⁸³ Interview with female beneficiary

opportunity of access to huge land. I used to share with my brother less than 0.4 hectare of land, but after I joined the project I have access to 2 hectares on which I can grow various crops.’⁸⁴ While some women beneficiaries felt that their participation in the programme had increased their opportunity in independent ownership of resources, others felt that the project had not done more to facilitate women’s land access, as Mrs. Mponda explains,

I don’t think the approach of government buying land and giving it to people is going to be effective because if the government doesn’t have money, what next to those who didn’t have an opportunity to get land?’⁸⁵

Such utterances confirm that the surrounding communities are not happy with the idea of transferring beneficiaries into their area. This may result in conflict between new settlers and the indigenous communities leading into failure of the project to achieve the intended objectives. While women who did not have the chance of receiving land believe that the project has failed to create women’s access to land, men felt that CBRLDP has potentially empowered them in terms of ownership of assets, as Mr. Felix confirms claims:

In CBRLDP, property is jointly owned and belongs to a man or woman and there is no cultural roles attached regarding ownership of CBRLDP land. By custom I cannot claim anything. For example, though I and my wife built a house, that house, other assets and the land we cultivate belong to my wife and by culture if she decides to divorce me, I will just go, leaving everything behind.’⁸⁶

The assertion by Mr. Felix seems to highlight that CBRLDP is empowering men, and in the long run women may be marginalized in terms of ownership of land, particularly considering that within the CBRLDP arrangements there are no clear guidelines and land laws to guide land inheritance and mechanisms for strengthening women’s security of tenure.

4.9.2. Effects on agricultural productivity and food security

Beneficiaries indicated that access to land created by the Chigawe Trust has improved their agricultural production. Some beneficiaries regretted the withdrawal of grants by the state and

⁸⁴ Individual interview with female beneficiary

⁸⁵ Group discussion with non-beneficiaries in Mponda village

⁸⁶ Interview with male non-beneficiary in vacated area of Mulanje

the World Bank, which affected crop production in the subsequent years. There have been changes in terms of livelihoods; their food production has increased and now they feel more secure in terms of food. With regards to food security Mrs. Zinenani explains,

Before joining CBRLDP, I had access to a small piece of land where I could harvest only 4 bags of maize; this could not even feed my family for four months. Every year I used to experience hunger, having one meal per day and in some cases I could just cook porridge for the children and go to bed. After I joined the CBRLDP, I started experiencing changes in terms of food security. The land and support I received from the project changed my life for the better. I am now able to produce more. Last year I harvested 25 bags of maize, this lasted the family the whole year and the rest I sold and raised an income of K120, 000:00 (\$255). From this income, K80,000:00 (\$170) was used to purchase farm inputs which I have used to grow more maize (21) and I have no doubts that this year I will harvest 30 to 40 bags of maize.⁸⁷



Figure 21: A female beneficiary in her maize field

Source: Picture taken by the Researcher (January 2013)

⁸⁷Individual interview with female beneficiary

The benefit of abundant food is not only felt by beneficiaries but it is also trickling down to the surrounding communities as well as vacated areas. Mr. Aman confirms this:

*The benefits of the project are clearly visible. Before, the project residents of Mponda village used to buy vegetables from as far as Katuli trading center, today we buy these things from CBRLDP beneficiaries. I have observed that we the indigenous people are very lazy. There is a river close to us but no one is interested to venture into vegetable production and we don't like to work with the soil as our colleagues do.*⁸⁸

The above claims are echoed with that of the residents in vacated areas,

*I usually see people who received land through CBRLDP selling maize in the markets here in Mulanje, and to me that is a great benefit created by the project because some of them had no source of income as well as land to farm. Having food security is the most important benefit of all; the rest comes after you have enough food to feed your household.*⁸⁹

4.9.3. Effects on household income and ownership of assets

Before the project, the majority of the beneficiaries reported that they had no specific source of income apart from engaging themselves in non-sustainable income activities. This information was confirmed by data collected from five non-beneficiary respondents from the vacated area of Mulanje district, "I have no specific source of income apart from grants given to me by OXFAM in a form of cash transfer and sometimes I do mining (sand)."⁹⁰

Likewise, prior to the CBRLDP project, the majority of the beneficiaries had no sustainable income sources:

*I used to work as casual labourer in a tea growing estate, and during off-season, my main income source was informal businesses such as selling bananas.*⁹¹

After relocation women beneficiaries had access to land and cash which they used to purchase farm inputs. Due to improved access to farm-inputs, beneficiaries had experienced increased agricultural produce that have increased household income through selling the surplus harvest,

⁸⁸ Individual interview with non-beneficiary

⁸⁹ Male non-beneficiary in vacated area in Mulanje district

⁹⁰ Interview with female non-beneficiary in Mulanje district

⁹¹ Individual interview with female beneficiary

“after last year’s growing season, I managed to harvest 32 bags of maize and out of the 32 I saved 15 bags for food while 17 bags was sold and raised a total amount of K56000 (\$120).”⁹²

Miss Diana Zipangani, a female beneficiary reported that through the project she has ventured into vegetable production:

After I joined the project, the assistance I received in a form of grant I used to buy farm inputs that I used to grow enough maize that I alone could not use as food, and the money I realized after selling the surplus maize I invested in tomato production (figure: tomato field). In 2012 my income from selling tomatoes was K25000 (\$53). Half of this income was further reinvested in tomato production. This (2013) I have already sold a total of K100000 (\$112) and I still have more tomatoes, as you can see I am busy selling tomatoes (figure 23). From the K100000 (\$112), I bought assets such as 1 bicycle, 28 chickens, 1 radio, 2 cellphones, blankets and my children’s clothes⁹³



Figure 22: Tomato field belonging to Miss Daina Zipangani

Source: Field work (2013)

⁹² Interview with female beneficiary

⁹³ Individual interview with female beneficiary



Figure 23: Diana Zipangani selling her tomatoes at Katuli market

Source: Field work (2013)

4.9.4. Effects on improved access to farm inputs and credit

Beneficiaries reported that through the CBRLDP their access to farm-inputs (fertilizers and farm tools) improved. Such an improvement was mainly recorded during the first season after resettlement. Unlike in the vacated areas, beneficiaries reported that improved access to farm inputs was due to grants provided by the project.

While such an improvement in access was necessary for improving food security and income for the beneficiaries, the majority reported that such an improvement was for the short term. After the project withdrew provision of grants, crop production dropped:

Access to inputs led to increased production, unfortunately the provision of the grants was for one year. Although the government provides subsidized farm inputs through targeted subsidy farm inputs programme, the chief does not include our names because he thinks we are still

*getting assistance from the state and for credit we cannot afford to pay collateral credit providers as they always ask very high fees.*⁹⁴

4.9.5. Effects on social services

While beneficiaries reported improved access to social services particularly health care, such an access was not sustainable:

*The immediate social effect of the project was the arrangement in which every month the ambulance used to transport patients to the district hospital. However, such an arrangement was temporarily implemented only in the first year of the resettlement. Right now every household within the trust has responsibility of arranging its own means of transport to the hospital which is almost 10 kilometres away.*⁹⁵

Prior to the project, the majority of the project beneficiaries had access to health services and clinics were allocated close to their villages.

Although MASAF had the responsibility to drill boreholes, access to water remains a major problem for the beneficiaries. Beneficiaries reported that the lack of a clean water source forces them to walk long distances to fetch water: “As women, we feel ignored. There is no water source close to this community, the only borehole access for us is in Mponda village, a distance of 1 hour to walk.”⁹⁶

While water and health are the crucial services required by beneficiaries, it was observed that there were no education facilities within or close to new settlement,

*Our children walk as far as a distance of 10 to 15 kilometres. What pains is that for them to go to school it requires one adult to escort them through the forest. There was a time we were advised to construct a grass thatched structure to be used as school blocks (see Figure 24). Unfortunately those working as teachers were doing so on a voluntary basis; after sometime they left until now.”*⁹⁷

⁹⁴ Focus group interview with beneficiaries

⁹⁵ Focus group interview with beneficiaries

⁹⁶ Focus group interview with beneficiaries

⁹⁷ Focus group interview with beneficiaries



Figure 24: Chigawe Trust: Grass thatched structure used as a school block for primary school pupils

Source: Own Fieldwork (2012)

4.9.6. Effects on social networks

In rural areas, the majority of women have rich sources of networks; such social capital connects them to various livelihoods activities. Likewise, it was reported that prior to the CBRLDP some beneficiaries were members of the saving clubs. Non-beneficiaries in the vacated area of Mulanje district reported that through becoming members of the saving clubs they have benefited by increasing their income by sharing the interest.

Regarding the social capital within the Chigawe Trust, some beneficiaries reported that they had opportunities to join farmers' clubs and organizations in which they have access to agricultural extension services: "After I joined NASFAM clubs, I had an opportunity to access better markets and seeds."⁹⁸

While such benefits are from external sources, within the Chigawe Trust beneficiaries have been assisting one another in various ways:

*Due to social cohesion within Chigawe Trust we have been able to settle the disputes without inviting the village headman who usually does not come to assist us whenever conflicts arise. As beneficiaries, we have developed very good social relationships.*⁹⁹

⁹⁸ Individual interview with male beneficiary

⁹⁹ Interview with beneficiaries

4.10. Conclusion

Chapter Four presented findings of the Chigawe case study. The chapter demonstrated that while institutions determine access to land, they may also undermine access to resources. For instance, the chapter showed how power relations, gender, politics and socio-economic factors that exist within an institution, undermine access to resources.

The chapter also demonstrated that rural women experience various problems including the lack of secure access to resources, low income and food insecurity. These problems influence women to participate in various activities that strive to address poverty. Similarly, the chapter showed that factors such as the lack of secure access to resources, low income and food insecurity influenced women to take part in the CBRLDP.

It was necessary for women in Chinyama village to participate in the CBRLDP, particularly considering that the majority of women in the area are disadvantaged in terms of access to land. However, the chapter showed that women's participation in the project was very low, only 3 females (section 4.5). The reasons for women's participation were negative publicity of the project, fear of losing current land and anticipated heavy workloads.

Chiefs play a critical role in the allocation of land. However, the chapter demonstrated that in Chigawe, the chief's role in protecting women's land rights remains unclear - by staying away from addressing the land disputes among Chigawe members, it demonstrates that traditional leaders have nothing to do with the CBRLDP particularly with regards to women's access to and land rights.

Finally, while group titling has the potential to create livelihoods among the beneficiaries. Chapter four revealed that the livelihoods created by project are gendered because the majority of beneficiaries are men. Furthermore, the chapter demonstrated that the lack of farm inputs, poor infrastructure development and poor social services (e.g. scarcity of clean water sources and health care facilities) and insecure land tenure are among challenges faced by women.

5. CHAPTER FIVE: DISCUSSIONS OF THE RESEARCH FINDINGS

5.1. Introduction

Despite the fact that the CBRLDP has been implemented without a comprehensive Land Law, which until today is still at Bill stage awaiting approval by the Malawi Parliament, valuable lessons can be drawn from the success and failures of the CBRLDP in order to aid future land redistribution processes and policies. It is also clear that land reform remains a tool for poverty alleviation among the marginalized groups in society. This study has showed that projects such as the CBRLDP that aims to redistribute land and improve rural livelihoods should clearly provide the meanings and distinction between land access and land rights. Because it could be possible that on paper such projects may claim to have created access to land and land rights while practically beneficiaries have no independent rights to land.

5.2. Institutions and Access to Resources

While institutions mediate processes for access to resources and strategies for creating livelihoods (Scoones, 1998), however, institutions, both informal and formal, have been singled out as obstacles to women's access to land, particularly policies that have failed to address equity and inequalities in terms of allocation of land and related benefits. Similarly, this study shows that promoting access to resources is not just a magical work of good institutions, but rather that their design and implementation critically depends on the role of agents and agencies, power and gender relations that exist within institutions, socio-economic relations and politics.

As demonstrated by the CBRLDP, the implementation of such kinds of projects is a complex process as the role of agents and agency, power relations, gender, socio-economic relations and politics determine and in most cases undermine institutional arrangements designed to implement such programmes. In the context of the CBRLDP, agents and agency include the communities, the government of Malawi, NGOs, the World Bank, traditional leaders, the community oversight committees and the beneficiaries. While it cannot be ignored that the project created access to resources for some, at the same time the role of agents within the CBRLDP project excluded women from access to land. Women's exclusion from resource ownership was materialized through excluding them from CBRLDP structures in which policy

negotiations took place. For example, at national level, the project ignored women's roles in decision making. The study found that there were only three female representatives in a 13 member national Project Steering Committee responsible for policy and gender issues. Low female representation in this committee resulted in the development of policies and the design of programmes that overlooked women's problems because there was poor articulation of women's needs.

Similarly, at project level, the number of women in decision making positions was very low. Despite the low number of women occupying positions in project staff, the project went ahead implementing policies that ignored women's needs. For instance, the study found that the project implementation manual failed to stipulate procedures for communities to participate in defining the registration of potential female beneficiaries. Instead, the project continued implementing the selection criterion of the 'willing buyer' in which the first household head to show interest was given preference. That policy approach created false hope among women both at national, project and local levels.

While institutions remain primary mechanisms to mediate, structure and facilitate social interactions (Agarwal and Gibson, 1999) which in turn shape access to land by the poor (Scoones, 1998), secure access to land is determined by power relations that underpin institutional arrangements (Tapela et al, 2011). During project implementation, the government promised beneficiaries that ownership of the land will be in their hands. However, despite this promise, it seems the state (Ministry of Lands) is not ready to devolve power. For example, the study found that within the Chigawe Trust there are some potential beneficiaries who had capabilities to cultivate the deceased land (Figure 19), they could not, pending the decisions by the Ministry of Lands. This demonstrates that the state still has an interest to maintain its authority over the distributed land. This decision is negatively affecting the productivity of some members within the Chigawe Trust.

At community level, in rural areas the majority of those who occupy leadership positions are men. By giving chiefs, area development committees and village development committees the power of identifying and endorsing eligible beneficiaries, facilitated the exclusion of potential women in decision making. Hence the project ignored women's roles as decision makers and

their power over resources. This means that power dynamics within institutions determine access to resources.

While the goal of the CBRLDP is to create access to land by everyone regardless of gender, this outcome remains unattainable. The failure of institutions to address gender inequality particularly in terms of resources ownership has been recorded in Malawian history (Kanyongolo, 2008; Ik Dahl et al, 2005). In traditional institutions, women's access to resources has been determined by male dominated authority both at community and household levels (from traditional leaders, husbands and uncles). The number of female headed households in rural areas at national level is 30% (Kishindo, 2004). Therefore, it cannot be ignored that the majority of households are male headed and the implementation of household based allocation by the CBRLDP gave preferential treatment to men over women in terms of access to land.

The study found that there are only three female headed households in Chigawe and six in Chikuya Trust. By failing to describe social and production relations that exist between men and women, the household land allocation approach justified the reduction of potential female beneficiaries. Therefore, from a gender perspective, the CBRLDP facilitated women's exclusion from access to resources including land and cash. The study therefore affirms an observation by Chambers and Conway (1992) that at both the household and community levels, access to land tends to be gendered.

Socio-economic relations that exist within an institution determine access to resources. For instance, in the receiving districts of Mulanje and Thyolo, some beneficiaries embraced the CBRLDP as an opportunity for getting access to cash. That was affirmed by the large number of beneficiaries who withdrew from the project immediately after the state stopped providing grants to beneficiary households. Furthermore, traditional leaders in receiving districts regarded the CBRLDP as a threat to their authority over resources. The study found that village headmen did not include names of CBRLDP beneficiaries in the farm input subsidy programme implemented by the Government of Malawi to improve food security. Such actions exclude female headed household beneficiaries from access to productive resources thereby affecting their livelihoods choices.

Conflicts may arise when certain institutions interpret structural reform as a threat to their authority over resources. This was confirmed by disagreements that arose between the village headman and CBRLDP beneficiaries over a forest in Mponda village. Furthermore, the delay in passing the pending Land Bill into law created conflict between local institutions (village headmen) and the newly created institutions (Trusts). The study found that in Chigawe Trust village headman does not participate in disputes resolution. Such lack of a corresponding law to guide the implementation of the CBRLDP creates a vacuum on what exactly are the responsibilities of chiefs within the CBRLDP structure.

This study has also confirmed that while institutions mediate processes of access to resources, the role of agents, power relations, gender, socio-economic factors and politics determines access to resources.

5.3. Factors Influencing Women's Participation (or not) in the CBRLDP

This study shows that low income, food insecurity and insecure access to land are among the reasons influencing women's participation in the CBRLDP. The study found that while some female beneficiaries had employment opportunities in tobacco estates prior to CBRLDP, their income was too low to sustain the livelihoods of their families.

Furthermore, the study shows that in rural areas the majority of female headed households experience food insecurity. Prior to the CBRLDP the average annual harvests per female headed household were between three and four bags of 50kgs of maize, which could only last for four months. These findings are similar to the results of the study done by Chirwa (2008) where it was found that the average household harvests before joining the CBRLDP were less than 9 (50kgs) bags of maize. These results confirm that low income and food insecurity influenced women's participation in the CBRLDP project.

The lack of secure access to land is one of the reasons that influence women's decisions to participate in land reform projects. This study found that prior to the CBRLDP some women in Pawira had access to land through renting or borrowing while for others it was through their male relationships such as with uncles or husbands. Access through renting or borrowing is insecure as both depend on economic status and maintaining relationships with the land owner.

Again access to land through male relations is insecure as women may lose such land in times of divorce or death. This study found that a woman lost her rights to land after she was divorced. This confirms that women face various problems which influence them to participate in poverty alleviation projects such as the CBRLDP.

The study also shows that despite the Convention on the Elimination of all forms of Discrimination against Women (UN - CEDAW, 1979) to which Malawi is a signatory, as well as the Malawi Gender Policy developed in 2000 and Malawi's Constitution in the Bill of Rights Chapter 24, women's participation in various development sectors remains low. The study found that within the CBRLDP, women's roles in decision making are undermined. There were only three female representatives in the Project Steering Committee, while at project level only six women occupied management positions in the CBRLDP team. Such low women's representation in decision making structures led to a situation in which developed policies excluded women's needs and consequently led to the continuous struggle in creating their livelihoods.

The majority of leadership positions at local structures are occupied by men. The study found that the Mangochi District Executive Committee had only three female representatives. The Katuli Area Development Committee had two female representatives. Within the Chigawe and Chikuya Trusts, there were only three and six female beneficiaries, respectively. These findings translate that both in Chigawe and Chikuya, women beneficiaries stand at 24% and 10% respectively. These findings correlate with the results of the study done by Price Waterhouse Coopers (2007), which found that out of the 488 households benefited from the project, only 99 were female headed. These percentages are drastically lower than the 30% proportion of female headed households at national level (Thumba, 2012). Similarly, Zimbabwe's land reform project also recorded the low participation of women which remained at an average of 18% (Thumba, 2012).

The study further revealed that women's low participation is attributed to various reasons including socio-economic reasons. The main factors that contributed to women's low participation in Chikuya Trust were negative rumours about the programme and poor methods of programme publicity. In Chigawe Trust low participation was a result of fear of losing control of their current land.

The above results are similar to the findings of the study by Kishindo (2004) which found that the fear of loss of social support and lack of clarity in the objectives of the project contributed to the low participation of women.

While a number of factors contributed to low women's participation, those who had opportunities to join the project were influenced by some factors beyond their control. This study found that the majority of female household beneficiaries were influenced by factors such as low income and the lack of secure tenure rights.

5.4. The Roles of Traditional Leaders in Securing Women's Access to and Land Rights

While traditional leaders play important roles in mobilizing communities to do development work and allocating land to their subjects, this study shows that within the group titling of the CBRLDP, chiefs' roles in securing and protecting women's access to land and land rights remain unclear. The study found that in Chikuya Trust a woman lost her access to land after she was divorced; that happened in the presence of the village headman. Similarly, in Chigawe Trust, the chief was reluctant to settle the land disputes between the male and female beneficiaries. These results are similar to the findings by Claassens and Ngubane (2008) who observed that in rural areas chiefs favoured men over women. The above results confirm that within the group titling of the CBRLDP, women's access to land is not secure. This lack of security threatens women's livelihoods; as such land may be taken away at any time and leaves them without any livelihood means.

One of the objectives of the new Malawi National Land Policy is to ensure accountability and transparency through formalizing roles of traditional leaders in land management. However, the study found that while the state transformed chiefs' roles, at the same time it distorted chiefs' power. For example, Section 3(3) and Section 10 of the 1967 Chiefs Act empower the State President to alter, or create the boundaries and even to appoint the person the President feels is fit to hold traditional leadership. Clearly, such actions create problems because promoted leaders do not know what to do other than serving the authority that put them into power instead of serving their subjects. The above finding is similar to the results of the study by Chinsinga (2008) which found that chiefs' roles are associated with favours. This creates accountability problems, and women are the most affected groups. Therefore, such policies create and promote

institutions that are not accountable to their subjects and consequently promote corruption which is detrimental to rural women's development.

In rural areas, traditional leaders may rise against any reform if that change imposes the structure of authority that challenges their traditional authority. This study shows that the creation of leadership of trust which oversees land related matters has reduced the chief's authority over land. As a result, chiefs have chosen to fight against this by not taking part in any issues affecting the newly settled communities. The study found that in Mponda, the village headman did not participate in meetings organized by the leadership of Chigawe Trust. Such actions by leaders may promote conflict between newly settled and indigenous communities.

Beyond participation in meetings, beneficiaries are excluded from access to resources rendered by the state, for example, excluding beneficiary names from the list of those eligible to receive state funded subsidized farm inputs. This finding is similar to the results of the study by Ntsebeza (1999), which found that in South Africa, conflicts between headmen and civic structures over the distribution of land ended up for some individuals who received land through the newly established authority (rural councillors) not to be recognized by chiefs as real owners of land. In such situations, the losers are those who are powerless, such as women, who look upon the traditional leaders to protect them.

5.5. Livelihood Sustainability Issues

A significant contribution by this study is that it provides micro-level insights from empirical research in Katuli TA, which complement the national perspective provided by the Simtowe et al (2011) Project Evaluation Report. This study sought to examine whether or not the Katuli TA and beneficiaries shared the same results reported by Simtowe et al (Ibid.) in the national CBRLDP evaluation. In particular, the study attempted to assess women's opportunities and challenges relative to those of men within the Trusts and the manner in which group-based titling under the CBRLDP affected the livelihoods of women beneficiaries in Katuli.

The findings show that access to the increased average land holding per beneficiary means that households are now able to grow more crops, consequently increasing crop production. For instance, in Chikuya Trust, a female beneficiary reported that prior to the CBRLDP, she had access to 0.5 hectares of land and after joining the project she received 2 hectares of land.

Increased access to land improved household productivity. In Chikuya, the annual maize harvest for a female beneficiary improved from 150 kilograms to 1500 kilograms after participating in the CBRLDP. Similar results were also recorded in the study by Simtowe et al (2011) which found that the mean production for household beneficiaries increased from 456 kilograms per hectare in the 2005/06 growing season to 1750 kilograms per hectare in the 2007/2008 growing season.

Livelihoods consist of assets such as financial and increased access to financial sources that improve the household's well-being. This study shows that the introduction of the CBRLDP has improved income among the beneficiaries. For example, the average annual income for a female beneficiary before joining the CBRLDP was K40000 (\$85). After joining the project, the income from crop sales improved to K90000 (\$191). This finding affirms similar findings by Simtowe et al in (2011). These results are attributed to access to land, increased farm inputs and provision of agricultural extension services. Besides the income from crop sales, some female beneficiaries now have access to credit (see Figure 13).

Although the project created opportunities for access to agricultural credit, only very few have successfully secured credit; for instance, in Chikuya only one female beneficiary had successfully applied for and received credit. These findings confirm that land titling cannot improve access to credit, as has been advocated by some development practitioners such as De Soto (2002).

The benefits of having access to resources become significant if those resources are used to create various livelihoods opportunities which include ownership of other assets. This study found that access to resources by women has created opportunities to own assets. In Chikuya Trust, it was reported that prior to the CBRLDP, a female beneficiary had no kitchen materials, not even a pair of plates. After joining the CBRLDP, she managed to buy assets such as plates, a radio, a bicycle, a cellphone and one hen which had multiplied. Similar results were also recorded in the study by Simtowe et al (2011) which found that chickens and goats which were locally owned by beneficiaries increased; for example, the number of livestock units increased from 0.45 in 2005/06 to 2.13 units in 2007/08.

While the project has improved the economic status of many of the beneficiaries, the CBRLDP has also created social capital for the beneficiaries, as observed by Smith et al (2001) that traditional group-based titling often leads to good internal cohesion that provides social and

economic benefits. Similarly, group-based titling of the CBRLDP has created various sources of social and economic capital which potentially enable them to grow economically. The study found that in Chikuya Trust some beneficiaries had opportunities to join farmer associations in which all farm related activities (e.g. the purchase of farm inputs) were carried out as a group, thus reducing costs.

Having been drawn from diverse communities, beneficiary groups consist of people who possess different skills and experiences. This 'bridging' social capital is critical for the survival of the newly settled communities. According to Simtowe et al (2011), membership within beneficiary groups of former farm workers, who used to reside in the distributed land, has helped to strengthen social relations and thus prevent social conflicts between new settlers and local communities.

According to the Malawi National Land Policy, the CBRLDP structure of group based titling is aimed at securing land tenure through maintaining customary tenure in which, on the one hand, the title holder will have usufruct rights in perpetuity while, on the other hand, traditional leaders will continue to play a role in land administration. With the absence of a land law to guide the management and administration of land, this goal seems to be untenable. The arrangement seems to create problems in terms of the role of traditional leaders, Trust Committees and local government authorities. The most vulnerable to such power struggles are those who have no one to protect them in situations of land disputes. Hence, within the group titling of the CBRLDP, security of tenure remains insecure.

Despite the above achievements, a problem is that the livelihood created by group titling of the CBRLDP is gendered and unsustainable. On one hand, the majority of the beneficiaries are men and this has created gendered institutions resulting in gendered livelihoods. On the other, increased crop production was noticed during the first growing season after resettlement and after the state withdrawal of grants, the productivity went down slightly. This study found that the maximum average maize production per household beneficiary is 30 bags of maize, while the results of the study done by Simtowe et al (2011) showed that the average household maize production was 40 bags. This means that access to land is not enough for sustainable rural livelihoods.

5.6. Women's Challenges despite Various Opportunities within CBRLDP

This study shows that despite several interventions, such as the Convention on the Elimination of all forms of Discrimination against Women (UN – CEDAW, 1979)¹⁰⁰, the Malawi Gender Policy developed in 2000 and Malawi's Constitution in the Bill of Rights, Chapter 24; in particular, women still face challenges of discrimination. The study found that both in the Chikuya and Chigawe Trusts only one female occupies a leadership position and in the Chikuya Trust a woman lost her land rights after divorce. This simply means that within the group based titling, women face challenges despite a number of intervention sat international as well as national levels.

While one of the objectives of the CBRLDP is to address gender inequality through land inheritance by children, regardless of their age and gender, the study shows that the project has promoted male authority over land. The study found that within the household men have claimed power over resources; this is in conflict with the traditional system in the study areas in which land belonged to a female lineage. With regard to inheritance, the study has not established the effect of the project on land inheritance. This is a challenge to women considering that traditional land allocation in the area is no longer working.

While the study shows that the project has the potential of creating various opportunities for women, for instance, opportunities for access to assets such as land, within the group based titling, women experience financial challenges; the study found that women have no opportunity for accessing credit. Furthermore, women experience challenges in gaining access to agricultural skills - the study found that in Chigawe Trust beneficiaries relied on state agricultural extension officers who visit them only once a month.

According to the Malawi National Land Policy, the CBRLDP structure of group based titling is aimed at creating secure access to land. However, the study found that beneficiaries have not yet been given any documentation to prove that they own land. This lack of documentation creates fear among them that their promised land may one day be taken by the state. This result confirms that women within the group based titling still face a challenge of insecure access to land.

¹⁰⁰Malawi is a signatory of the CEDAW.

One of the critical elements within the sustainable rural livelihoods framework is access to physical capital such as infrastructure. This study shows that women experience challenges such as poor infrastructure - in Chikuya Trust women walk long distances to access health facilities while in Chigawe Trust there is a lack of a good road and a school (see Figures 20).

Social capital plays a critical role in creating livelihoods; this study shows that within group titling, beneficiaries have access to social networks. In Chikuya, some beneficiaries have opportunities to join farmers' clubs which assist them to access agricultural credit. However, despite such opportunities, women experience social challenges. The study found that beneficiaries did not use the same water sources with surrounding communities, hence, that could be one of the reasons contributing to the high number of beneficiary withdrawals from the project. Within the Chigawe Trust, of the 29 beneficiary households, only 18 could be identified, while in Chikuya where beneficiaries share social characteristics with surrounding communities, out of the 25 households who benefited from the project, 20 could be identified. The findings confirm that social characteristics such as culture and religion have the potential to undermine access to resources.

5.7. Conclusion

This chapter discussed the role of institutions in mediating the processes of creating livelihoods. It showed that while institutions mediate access to resources, the role of agents, power relations, gender, politics and socio-economic factors could undermine the role of institutions in creating livelihoods.

The chapter also discussed factors that influenced women to participate in the CBRLDP or not. Low-income, insecure access to land and food insecurity have been identified and discussed as the main factors hindering women's participation in the CBRLDP. Furthermore, the chapter discussed issues such as the fear of losing the current land and poor methods of publicizing the aims of the CBRLDP as reasons that contribute to low women's participation in the CBRLDP. While the role of traditional leaders in the allocation of land cannot be ignored, through discussions, the study confirms that within the group titling of the Community Based Rural Land Development Project, the role of traditional leaders in securing and protecting women's access to land and land rights remains unclear.

The chapter also discussed the role of land reform in alleviating poverty among rural women. Discussions of the study's findings demonstrated that by creating access to productive resources such as land, the group titling of the CBRLDP has the potential of creating rural women's livelihoods. While it has been demonstrated that agrarian reforms can address poverty, factors such as poor infrastructure, lack of social support services, e.g. poor health facilities, and the lack of farm inputs outplayed the benefits of land reform. Hence, the livelihoods created by the CBRLDP remain unsustainable.



6. CHAPTER SIX: SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter summarizes the entire study, draws conclusions based on the objectives and the data (discussion chapter), and it also makes recommendations.

6.2 Summary

6.2.1 The Main Argument

This study has been influenced by the fact that despite women's significant role in creating the livelihoods of their households and those of their communities, they generally lack secure access and rights to land. Recognizing the problems of insecure access to land by many people including women, the government of Malawi introduced the land reform programme known as the Community Based Rural Land Development Project (CBRLDP) aimed at providing security of tenure and secure land rights. A number of studies have been done which mainly focused on assessing the economic impacts of the project. This study began with the aim of assessing the effects of group-based titling of the CBRLDP on the livelihoods of women beneficiaries.

6.2.2 Methodology

This was a case study in which methods such as focus group discussions, in-depth interviews, questionnaire surveys (both closed and open ended questions), were used to collect primary data from 40 beneficiaries, 20 non beneficiaries, government officials, traditional leaders and NGO representatives. Project reports, literature views, CBRLDP programme planning documents and evaluation reports were used to collect secondary data.

6.2.3 Study Findings

While institutions promote the processes of access to resources, this study found that power relations, gender dynamics, socio-economic factors, politics and the role of agents may undermine access to resources.

Women's participation in different development initiatives are influenced by a number of factors including the lack of social services. With regard to the CBRLDP, the study found that food

insecurity, low incomes and insecure land tenure rights influenced women's decisions to participate in the Community Based Rural Land Development Project or not. There are a number of factors that may perhaps contribute to women's low levels of participation in development initiatives. This study showed that the fear of losing their current land and negative rumours about the aims of the CBRLDP were some of the factors that contributed to low levels of women's participation in the CBRLDP.

Chiefs play critical roles in allocating land and mobilizing rural people to do development work. With regard to traditional leaders' roles in securing and protecting women's land rights within the group titling of the CBRLDP, the study found that, within the group titling of the CBRLDP, women's land rights were not protected and there were no mechanisms put in place for securing and protecting women's land rights. Furthermore, chiefs' roles in protecting women's land rights remain unclear.

Land remains a vehicle for creating livelihoods for many rural people, including women. This is confirmed by this study which found that increased access to land led to increased crop productivity which in turn increased food security as well as income among female beneficiaries of the CBRLDP.

While increased access to resources such as land and financial aid created various opportunities such as access to credit, social networks and income generating through vegetable production, the study also found that within the group titling of the CBRLDP women experienced different challenges. Those challenges include insecure land rights, lack of farm inputs, poor social services, lack of infrastructure, lack of competitive markets and agricultural extension services.

6.3 Conclusions

6.3.1 Institutional context under which the CBRLDP operates

Based on the study's findings, it concludes that while institutions mediate processes of access to resources, the role of agents, power relations, gender, socio-economic factors and politics may undermine the ability of institutions to create access to resources by the poor. It was clearly demonstrated by this study that access to land within the CBRLDP was determined by powerful individuals such as chiefs, and members of the VDC and ADC who had the power to identify and endorse eligible beneficiaries.

The social construct of 'household', as an institution, deliberately fails those holding secondary rights, particularly women, to become productive citizens in the sense that their access to resources is determined by primary decision makers within the households. Politically, since the emancipation of the project, the state has not shown any interest to devolve power over authority of land by laying down land laws and policies that will promote equity and equality in terms of ownership of resources. And such a delay makes it difficult for the beneficiaries to invest in land as they fear eviction, either by the state or indigenous communities.

6.3.2 Factors that have influenced women to participate in the CBRLDP or not, relative to men

Based on the information gathered from female beneficiaries and non-beneficiaries, the study concludes that women's participation in the CBRLDP was a result of low-income, food insecurity and insecure access to productive resources such as land. While women were influenced by the above factors, field data revealed that the number of female beneficiaries is very low as compared to male beneficiaries. Such low numbers of female beneficiaries are attributed to factors such as negative rumours about the aims of the CBRLDP and many women were not ready to give up their current land.

6.3.3 Role of traditional leaders in securing women's access to land and land rights within the group titling of the CBRLDP

Information collected from the field showed that both unmarried and married women held weaker rights within the beneficiary household. Factors such as loss of rights to their male relationship in the presence of the traditional leadership and the leadership of the trust and the absence of any mechanisms for protecting women's land rights, clearly confirm that women's access to land within the group titling of the CBRLDP are not secure and protected. Therefore, this study concludes that within the group titling of the CBRLDP, the role of traditional leaders in protecting women's land rights is unclear and such lack of clarity in land rights creates women's insecure access to land. This disconnects women from participating in household productive activities as their access to resources is solely determined by those who hold decision-making powers within the household, in communities as well as at national level.

6.3.4 Livelihoods and the group based land titling of the CBRLDP

Data collected from beneficiary and non-beneficiary participants revealed that the group based titling created various livelihoods opportunities including access to resources such as land, financial aid and labour which consequently increased productivity. However, the study's results revealed that the majority of the people who participated in and benefited from the project were men. Therefore, the study concludes that the livelihoods created by the group titling of the CBRLDP is gendered.

6.3.5 Women's opportunities and challenges relative to those of men within the Trusts

While the project created opportunities such as access to land and financial assets and, information from the field shows that within the group titling system, women experience various challenges. These include the lack of agricultural farm inputs, access to competitive markets, insecure rights to productive resources such as land and a lack of funding. is the study therefore concludes that women in the group based titling system experience various challenges that prevent them from becoming productive members within the communities that they live as well as in their households.

The above aims and objectives were addressed and the following conclusions are made:

Group titling in the CBRLDP has created various livelihoods opportunities for the poor, who include both the project beneficiaries as well as surrounding rural communities. For instance, beneficiaries who previously had no land on which to grow crops acquired enough land through the CBRLDP to produce food and improve their household food security and livelihoods. However, these livelihoods are gendered and unsustainable.

Although the group titling of the CBRLDP has created various livelihoods opportunities to women, such livelihoods are short-lived and unsustainable. Increased food production was only noted in the first two years of the project. Such reduced production is partly attributed to the lack of post-settlement support, e.g. agricultural extension services, farm inputs and access to competitive markets to sell surplus production.

The study suggests that land reform has the potential to create sustainable livelihoods for many rural women. However, socio- economic factors and the failure of institutions to address gender inequalities subject women to vulnerable conditions and expose them to various risks and

shocks. For example, traditional leaders allocate land only to married couples, meaning that unmarried women struggle to access productive resources. The social construct of 'household', as an institution, deliberately fails women to become productive citizens in the sense that their access to resources is determined by their status in relation to men, such as wife, sister or other similar designation. Similarly, policies have not created a conducive environment for women to productively participate in development initiatives. For instance, despite the awareness that in rural areas the majority of women are illiterate, which means that they could not read the procedure for joining the project, the state went ahead with the implementation of the project on a 'first come first served' approach in identifying beneficiaries (GoM, 2005). As a result women were excluded from participating in the CBRLDP. A conclusion reached by this study is that institutions must function properly if the land reform programmes are to benefit the poor as well as achieve gender equity in ownership of resources.

In rural areas, such as Katuli, women are exposed to various challenges, for instance, by tradition, a woman accesses land through her status as a wife, sister or daughter. Furthermore, socio-economic factors create an environment where women cannot access land in their own rights. For instance, population growth has created scarcity of land thereby leading to increased land prices. The majority of women are poor therefore they cannot afford to pay land rentals. This excludes women from accessing productive resources. Furthermore, the majority of women have access to land through traditional land acquisition; however, land scarcity has resulted in the decline in traditional land acquisition systems. As a result women no longer access land through customary means. This disconnects women from participating in household productive activities.

While traditional leadership still plays significant roles in land management, in most cases their role seems to be associated with corruption and non-transparency. The findings by Chinsinga (2008) confirm this. However, if the traditional institutions are formalized, their role can effectively contribute to the management of land thereby creating sustainable livelihoods for the poor.

Although it is claimed that women have rights to land within the group titling of the CBRLDP, such rights exist at Trust level but at household level such rights are non-existent. Furthermore, women, particularly those who are unmarried and widows are excluded from access to resources

within the CBRLDP, in particular by the leadership of traditional institutions. This is because beneficiaries of the state funded subsidy programmes are identified based on household socio-economic status. Many households are male headed, as a result the programme is dominated by male beneficiaries.

6.4 RECOMMENDATIONS

In view of the findings of the two case studies, the following recommendations are made:

6.4.1 Institutions and access to resources

For institutions such as the CBRLDP to function properly and achieve its intended goals, it must recognize the role of agents, power and gender relations, socio-economic and political factors that exist within communities and households. This may be done by taking into account the local systems and structures within the targeted areas.

6.4.2 Factors influencing women to participate in the CBRLDP or not

Women's exclusion in decision making within the CBRLDP structures affects their livelihoods and that of the communities they live in. Therefore, creating opportunities for women to participate in decision making structures and processes is critical for improving rural women's livelihoods. To this end, strategies should be in place to make sure those policies such as the Malawi National Gender Policy formulated in 2000, is transferred to local levels where implementation takes place.

6.4.3 Roles of traditional leaders in protecting women's access to land and land rights within the CBRLDP

Secure land rights ensure secure livelihoods. However, the study shows that chiefs' roles in securing women's land rights within the group titling system of the CBRLDP remain unclear. Nevertheless, possible ways to enhance the roles of traditional leaders in rural contexts, such as CBRLDP contexts, could include engaging with the chiefs to make them aware of their responsibility to ensure that the more vulnerable people, especially women, in their communities are given support in securing their land rights. With regards to inheritance, this study has shown no effect of the group based titling on inheritance; therefore, it is recommended that a study on

the effect of the CBRLDP on inheritance should be carried out. This will determine whether or not the goal of promoting the ownership of production resources regardless of gender and age as stipulated in the New Malawi National Land Policy has been achieved or not. The outcome of such study will aid the future land reform projects, in particular on how to design and implement projects that will promote the redistribution of resources using local methods such as inheritance.

6.4.4 Livelihoods and the group based land titling of the CBRLDP

This study revealed the problems of ignoring the social issues such as power, gender and politics that exist within the communities as well as in the household. It should be noted here that groups are comprised of individuals with different interests and needs, and within the group, power relations, gender and socio-economic differentiation do exist. In this regard, the more powerful tend to benefit more than the powerless. Similarly, although the goal of achieving equitable access to land is expressed in the Malawi's 2002 Land Reform Policy, due to power and gender relations that exist within the group titling of the CBRLDP, the project created gendered livelihoods in which the powerful, men in particular, benefited more than the powerless, such as women. Therefore, this study recommends that strategies should be put in place to ensure that policies such as the Malawi National Gender Policy, formulated in 2000, is transferred to local levels where implementation takes place. This will ensure that all people regardless of their gender have benefited.

6.4.5 Women's challenges and opportunities within the CBRLDP

While the group based titling of the CBRLDP created some opportunities such as access to land and finance, the study revealed that access to land alone is not sufficient to create sustainable livelihoods for rural women. The study indicates that there is a lack of support services such as the provision of skills to beneficiaries, e.g. agricultural extension services. Clean water, infrastructure (such as roads) and health care facilities are all critical for rural women to improve land based livelihoods. From this background, it is therefore recommended that the state addresses these issues in order to sustain the livelihoods created by the project.

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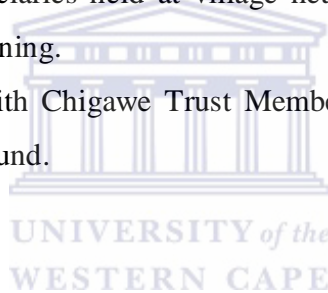
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Appendix 1: List of Interviews and Focus Groups

1. Interview with District Land Officer and Monitoring and Evaluation Officer held on 23rd November, 2012 at Mangochi District Assembly Offices.
2. Focus group discussion with Chikuya Trust members held on 27th November, 2012, at village headman of Pawira.
3. Interview with non beneficiaries held on 02nd December, 2012, at village headman of Pawira.
4. Interview with village headman of Pawira held at village headman Pawira's compound on 30th November, 2012.
5. Interview with village headman Mponda held at village headman Mponda's compound on 5 December, 2012 in the morning.
6. Interview with non beneficiaries held at village headman Mponda's compound on 5th December, 2012 in the morning.
7. Focus group discussion with Chigawe Trust Members held on 5th December, 2012 at Chigawe Trust football ground.



Appendix 2: Household Questionnaire for CBRLDP Beneficiaries 2013

Name of the respondent: Danken Saizi

Name of Trust: Chikuya

Village: Pawira

Traditional Authority...Katuli

Household from area of surrounding Estate=1, from vacated area=2: 1

(A)		(B) Demographic Information					
Q1	Q2	Q3	Q4	Q5	Q6	Q7	
						Main Occupation	
						Before CBRLDP	After CBRLDP
What is your gender? (see codes) Male (1) Female (0)	What is the age? (see codes) 1=15-25years 2=25-35 3=35-45 4=45-55 5=over 60	Marital status (See codes) 1=married 2=divorced 3=widowed 4=single(never married)	Marriage or Inheritance system of the household (see codes below) 1=matrilineal 2=patrilineal	Literacy Level (See codes below) 1=can read 2=read and write 3 = cannot read and write	Number of household members (see codes) 1= under 5 2=5-10 3=10-15 4=15-20	(see codes) 0=No occupation 1=Farming, 2=Fishing, 3=Non-farm related employment. 4 = family business	(see codes) 0=No occupation 1=Farming, 2=Fishing, 3=Non-farm related employment. 4 = family business
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

(B) Land Holding size and Ownership systems										
	Q8	Q9	Q10	Q11	Q12	Q13	Q14	Q15	Q16	Q17
	Do you own the land (1=yes 2=no)	Size (indicate acre or hectare)	Inherited (1=yes 2=no)	Allocated by chief (1=yes 2=no)	Purchased (1=yes 2=no)	Borrowed (1=yes 2=no)	Rented (1=yes 2=no)	lease (1=yes 2=no)	Other - specify (1=yes 2=no)	Under which tenure the land is held (see codes below 0=not known 1=Leasehold 2=Freehold 3=Communal 4=Family)
Field 1										
Field 2										
Field										

3										
---	--	--	--	--	--	--	--	--	--	--

C. Women's participation in CBRLDP project	
Q18 Why did you join CBRLDP	
1	
A. Primary (1st Most) B. Secondary (2nd Most) C. Tertiary (3rd Most)	
1=Scarcity of land , 2=lack of security of land tenure 3= poor income 4=lack of freedom in decision making and control over crop production	

D. Women's land rights and roles of traditional leaders in promoting these rights	
Q19	The CBRLDP Project has created secure access and rights to land for everyone regardless of gender and age 1=strongly agree) , 2=agree) , 3=strongly disagree, 4=disagree)
Q20	What type of land related conflicts you have been experiencing since you settled here? A. Primary (1st Most) B. Secondary (2nd Most) C. Tertiary (3rd Most) 1=family conflicts, 2=member/ Trust conflicts, 3=between member, Trust and surrounding communities
Q21	Which leaders have been dealing with issues of land allocation, land conflicts and dispute resolution within your Trust? A. Primary (1st Most) B. Secondary (2nd Most) C. Tertiary (3rd Most) 1= Traditional leaders, 2=Trust Leadership, 3=Community Oversight Committee(COC), 4=Project Management Unit(PMU)
Q22	Which roles have been frequently played by traditional leaders in protecting your rights to land within the Trust? A. Primary (1st Most) B. Secondary (2nd Most) C. Tertiary (3rd Most) B. 1=Land allocation, 2=Disputes resolution and campaign against gender related violence , 3=Allocation of usufruct rights Land

(E)Household Food Security		
Q23	What staple food crop did the household used to grow in order of importance before joining CBRLDP (maize=1, cassava=2, millet=3, bananas=4, rice=5, Irish potato= 6, sweet potatoes=7,	How many months did the staple food last
	1 st	
	2 nd	
	3 rd	
	4 th	
Q24	What staple food crop did the household grow in order of importance after joining CBRLDP (maize=1, cassava=2, millet=3, bananas=4,soyabeans=5 , Irish potato= 6, sweet potatoes=7,	How many months did the staple food last
	1 st	
	2 nd	
	3 rd	
	4 th	
Q25	What was the total amount of staple food mentioned in Q24 per growing season before joined CBRLDP	What was the total amount of staple food mentioned in growing season after joined CBRLDP

Q26	What are your other sources of food in the household since moving here in order of importance (Market=1, relations=2, government/NGO free handouts=3, food for work=4, ganyu for food=5)	
	1 st	
	2 nd	
	3 rd	
Q27	How many meals were you used to take per day before becoming CBRLDP beneficiary? See codes below 1=one 2=two (lunch and supper) 3=three times(breakfast, lunch and supper) ____	
Q28	How many meals do you take per day since you became a beneficiary? See codes below 1=one 2=two (lunch and supper) 3=three times(breakfast, lunch and supper) ____	
Q29	Name coping mechanisms since you joined CBRLDP (in order of importance) in the household when food is finished (Ga food=1, food for work=2, food remittances=3, appeal for funds to relatives=4, selling firewood/charcoal=5, selling livestock=6, selling household belongings=7, eating wild fruits/roots/leaves=8, reducing number of meals per day=9, eating chitibu=10 others=11)	
	1 st	
	2 nd	
	3 rd	
	4 th	
D. Income and Expenditure		
30 What is your household's main or primary source of income or livelihood before and after resettlement?		
	Before	After
Formal Wage/salary		1
Casual Agric. labour		2
Casual non Agri. labour		3
Crop Sales		4
Vegetable sales		5
Livestock sales		6
Subsistence farming		7
Subsistence fishing		8
Formal business (registered)		9
Informal businesses(unregistered)		10
Petty trade (firewood, grass and sand mining)		11
Q31 How much income does your household get from the main source		
use income category (Circle only one answer for each column)		
Non		0
4000 to 4999		1
5000 to 5999		2
6000 to 6999		3
7000 to 7999		4
8000 to 8999		5
9000 to 9999		6
10000 to 10999		7
11000 to 11999		8
14000 to 14999		9

15000 to 15999	10
<200000	11

32 How much of your income do you spend on		
Expenditure category	Per month	Per growing season
Food		
Medicine		
School fees		
Household groceries		
Farm inputs		
Other		

E. Assets Profile		
Describe the type of main dwelling unit currently owned by the household		
Q33	Type of wall (See codes below) <i>Burnt bricks=1 mud bricks=2, Poles covered with mud=3</i>	<input type="checkbox"/>
Q34	Type of floor (See codes below) <i>mud=1 cement/concrete=2, wood=3, straw=4, Others=5</i>	<input type="checkbox"/>
Q35	Type of roof (See codes below) <i>Grass thatched=1, Iron=2, Tiles=3, polythene paper=4, grass with polythene paper=5, other=6</i>	<input type="checkbox"/>

What type of property is owned by your household			
	Type of property	Yes=1, No=0	Total Number Before/After Relocation
Q36	Hoe		
Q37	Axe		
Q38	Panga		
Q39	Bicycle		
Q40	Radio		
Q41	Plough		
Q42	Watering can		
Q43	TV		
Q44	Treadle Pump		
Q45	Sprayer		
Q46	Oxcart		

What Livestock is owned by your household			
Type of property		Yes=1, No=0	Total Number Before relocation/ After Relocation
Q47	Cattle		
Q48	Goats		
Q49	Pigs		
Q50	Chicken		
Q51	Guinea Fowls		
Q52	Sheep		
Q53	Doves		
Q54	Ducks		
Q55	Rabbits		

F. Social Support and Services

Which type of support have you been relying on from other households and Institutions?		Received in the past 3 years	
		Yes	No
		<input type="text" value="1"/>	<input type="text" value="0"/>
		Before/	After
Q56	Cash		
Q57	Groceries		
Q58	Loan of cash		
Q59	Groceries		
Q60	School Fees		
Q61	Clinic/Hospital expenses		
Q62	Draught cattle		
Q63	Funeral support		
Q64	Agricultural Inputs(Seed or Fertilizers)		

Q64	Access to water			
	Sources of drinking water	Distance to water source (km or m)	Who provided the water source	Problems of water source (0=none, 1=water drying out, 3=water not clean, 4=water salty, 5=other –specify)

Codes: **sources of water:** Piped in = 1, Communal piped water = 2, Protected well = 3 Unprotected well=4, Borehole = 5, Spring = 6, Stream/river = 7, Lake/dam = 8, Rain water = 9.

Who provided: Government=1, NGO=2, Donor=3, Religious organization=4, Private owner=5, others =6.

If water is not from tap, is the water treated to kill germs?

1= Yes 2= No

If yes, what treatment method do you follow?

0=none, 1=boiling, 2=water guard, 3=chlorine treatment, 4=other (specify)

Q 65 How long does it take to WALK ONE WAY to each of these facilities?

Nearest primary school		Codes 1=Less than 30 minutes 2=31 min to 1 hour 3=1 hour to 2 hours 4=2 hours to 3 hours 5=3 hours to 5 hours
Nearest health facility		
Nearest market/shop		
Nearest sports facility		
Nearest Post Office		
Nearest Police Station		
Nearest Maize Grinding Mill		

Q 66 Do you have access to extension services now?

1= yes 2=no

Q67 How many times were you visited by an Extension Officer in the past six months?

Q68 Has any member of the household obtained a loan from a lending institution in the past six months? If YES go to Q69 and if No, go to Q74

1=Yes, No=0

Q70: Credit taken by household members last year

Member of household	Source of loan	Type of loan	Loan received (Not applicable=0)			Loan repaid (Not applicable=0, Amount repaid not known=1)		
			Quantity (Kg)	Number	Amount (MK)	Quantity	Number	Amount (MK)
Wife								
Husband								
Son								
Daughter								
Others								

Codes: Source of loan: MRFC=1, ADMARC=2, NGO=3, Donor project=4, Banks=5, FINCA =6 UsiwaWatha =7 PRIDE=8 other=9 Not applicable=10

Type of loan: Cash=1, seed=2, livestock=3, pesticides=4, fertilizers=5, implements (specify)=6, others (specify)=7 Not applicable=8

Q 71: What are the reasons for not accessing the loan (s)

Reason	Response (Yes=1, No=2)
Default	
High interest rates	
Absence of lending institutions	
Low producer prices	
Others (specify)	

Q72. What were your main expectations for the new place?

1. _____
2. _____
3. _____

Q73. Are your expectations being met?

1=no, 2=partly, 3=being met

Q74 What are the difficulties your household is experiencing since resettlement?

1. _____
2. _____
3. _____

Q75: How satisfied are you with the general livelihood after resettlement?

1=not satisfied, 2=partly satisfied, 3=satisfied

Q76: Any other comments?

Appendix 3: Guiding questions for in-depth-interviews with government officials

Date of interview.....

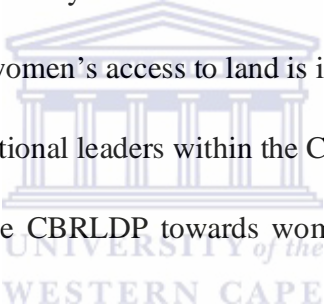
Name of interviewee.....

Group represented.....Portfolio.....

Place of Interview.....

Contact details.....

1. To whom does land belong in communal areas?
2. Who is entitled to receive land in communal areas?
3. Are there any criteria for allocation of land in communal areas?
4. What criteria are there for land inheritance in communal areas? I.e. for unmarried women, widows, children and divorced women?
5. Who has the right to inherit land in communal areas?
6. Do people in communal areas have the rights in land?
7. Do women have rights in communal areas, what is the nature of their rights? If no, why not?
8. Are women having sufficient rights to land? If yes, are these rights secured? Or will women be able to prove their rights to legitimized authority (e.g. court of law).
9. Do you think women's customary status constrains their economic contribution? If yes, how?
10. Is there a government land policy for allocation of land? If yes, what does the policy address?

- 11 Is the government land policy in line with the human rights frameworks demands for equal rights for women and men?
 - 12 Does government have a gender policy for land allocation? If yes, what does the policy address?
 - 13 Tell me about CBRLDP.
 - 14 Do you think CBRLDP addresses issues of equality in terms of land rights?
 - 15 What is the percentage of women participating in CBRLDP in Katuli area?
 - 16 Sometimes it is alleged that in rural areas allocation of land favours older women, are young women among the beneficiaries of the Community Based Land Distribution Project? If yes, how many are they?
 - 16 What could be achieved if women's access to land is improved?
 - 17 What is the position of traditional leaders within the CBRLDP?
 - 18 Are there any effects of the CBRLDP towards women's livelihoods? If yes, what are these effects?
- 

Appendix 4: Guiding questions for in-depth interviews with Village headmen

Date of interview.....

Name of interviewee.....

Group represented.....Portfolio.....

Place of Interview.....Contact details.....

1. In many areas, among the touchy issues experienced by women, particularly married women, divorced as well as widows are their rights to land and inheritance to properties including land. What is the situation about this in Katuli area?
2. According to Yao tribe, to who does the land belong within the household?
3. Who has the right to inherit land within the household? Give reasons for your answer.
4. Do women have access and rights to land?
5. What criteria do you have in place for land allocation in communal areas?
6. Who has the responsibility of allocating land in communal areas?
7. What challenges do unmarried women and widows face with regards to their land rights?
8. What kind of assistance do you give women facing the land rights related problems?
9. Do you think it is necessary for women to own and have access to land?
10. Is there any difference between women's rights to land and that of men?
11. Do you think it is necessary to give women and men equal access to land and land rights?
Give reasons for your answer.
12. What is your understanding of CBRLDP?
13. What do you think influenced women to participate in CBRLDP?
14. What is the nature of your relationship with CBRLDP beneficiaries?
15. What challenges do women face in claiming their rights in land within CBRLDP?
16. What kind of assistance do you lend to women facing land rights related problems (if any)?
17. Are you involved in land management activities?
If yes, what are these activities?
18. Do women occupy leadership positions in Trusts?
19. Do women participate and speak up in different meetings including village meetings?

20. Do you see any difference in the rights women enjoy after becoming CBRLDP beneficiaries and before?
21. What are your views and attitude towards land and the CBRLDP?
22. Do you see any contribution of the CBRLDP to women's livelihoods?
23. Do you think government's land policies (if any) are adequate to address women's problems with regards to their rights in land?



Appendix 5: Guiding questions for follow up in depth-interviews for individual beneficiaries

Name.....

Age.....

Marital status.....

Type of marriage.....

Education level.....

1. Do women have access to land in communal areas?
2. Did you have access to land before CBRLDP? What was the size?
3. In situations where women do not have formal access to land, do they have any other means to access or own land?
4. How did they get access to land? And what type of land?
5. According to your culture, who has the right to own and control household land?
6. Who has the responsibility for land allocation?
7. In circumstances where women have access to land, what do they do with the land?
8. Can you tell me about CBRLDP?
9. What influenced you to participate in CBRLDP?
10. Do you experience any changes in terms of women's land rights or access to land and how does this affect woman?
11. Do women have secure land rights in CBRLDP?
12. Do women have the freedom to make independent decisions and choices over what to do with the land within CBRLDP?
13. How are household production and women's land use organized?
14. Are there cases where women beneficiaries do not use the land at all?
15. What is the procedure for appointing leadership of the Trust, and do women participate in such process? If yes, how?

16. What is the composition of leadership within a Trust? And what leadership positions are occupied by women?
17. Who does most of decision-making in your field?
18. Who has the right in decision-making within the Trust?
19. Do women participate in the decision-making process within the Trust?
20. Do women attend and speak up in meetings?
21. Are women occupying leadership positions in CBRLDP Trusts?
22. What is the nature of women's land rights within CBRLDP Trusts?
23. Are these rights socially recognized? Will women be able to prove their rights to legitimized authority (e.g. court of law)?
24. Who has the responsibility of allocating such rights and what are the criteria?
25. What challenges do you encounter within a Trust?
26. How does age, education and marital status (e.g. unmarried) affect women in terms of rights in land?
27. If any land related disputes arise, how do you address such problems?
28. Are there mechanisms to address land disputes?
29. How can you describe your relationship with traditional leaders?
30. What are the roles played by traditional leaders in protecting women's rights within the CBRLDP?
31. Are there any institutions that exist to protect women's land rights within the CBRLDP?
32. What capacity do they possess to address your concern with regards to women's land rights?
33. What does the CBRLDP say about land transfer, and who do you prefer to inherit the land you received within the household? What is the reason for your choice?
34. If the husband decides to marry another wife, will she be allowed to access the land?
35. How is land allocated to new household members (e.g. newly-wed sons or daughters)?
36. Do you think government's land policies (if any) are adequate to address women's problems with regards to their rights in land?
37. Do you think land reform has created opportunities among women beneficiaries? How does it contribute to their livelihoods?
38. What do you think could be done to strengthen women's land rights and access to land?

Appendix 6: Oral Consent Form

Rural Livelihoods and Women's Access to Land: A Case Study of the Katuli Area, Mangochi District, Malawi

This is an interview for research done by Daudi Saidi, a Masters student at the University of the Western Cape, South Africa.

The purpose of the interview is to collect information on the institutional context of the Community Based Rural Land Development Project (CBRLDP) and its effects on the livelihoods of women beneficiaries in the Katuli area. The researcher will also gather information on the challenges and opportunities experienced by traditional leaders in protecting women's land rights.

Only those who agree to participate in this research will be interviewed, their names will only be recorded with their permission, thereafter, during data analysis names will be changed, this will be done in order to protect their identity. The information gathered will be used for study-related purposes only.

Your participation is voluntary and there will be no penalty if you refuse to participate (that will not affect you in any way).

You have all the rights to withdraw from the interview or not to answer any question/s.

Signature.....

Date.....