

# The significance of community-level land and forest governance institutions for land restoration and land degradation neutrality programmes

## A case study of Bua catchment area in Malawi

June 2024



**Responsible Land Governance in LDN Programmes**  
Monitoring the impact of land degradation neutrality  
(LDN) measures on legitimate tenure rights  
of forest-adjacent communities: a follow-up to  
implementation of the UNCCD Decision  
26/COP.14 on land tenure.

Bua Catchment Case Study, Malawi  
Global Soil Week 2022–2024

## Authors

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**Washe Kazungu**  
TMG Research gGmbH

**Check Abdel Kader, Baba**  
TMG Research gGmbH

**Jephthah Maliro**  
Total LandCare Malawi

**Frederike Klümper**  
TMG Research gGmbH

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## Executive summary

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Healthy and productive agricultural land is a vital catalyst for economic growth. It improves food production, thereby contributing to food security, and provides a livelihood for billions worldwide, including the most vulnerable populations (UNCCD, n. d.). In recent decades, there has been a global push to mitigate the loss of productive land by restoring degraded areas and moving towards land degradation neutrality (LDN), a condition wherein the amount and quality of land needed to support essential ecosystem functions and services remain stable or increase.

According to the 2023 report of the UN Convention to Combat Desertification (UNCCD), at least 100 million hectares per year of healthy and productive lands were lost between 2015 and 2019. The report found that land degradation had accelerated in Africa, Asia and Latin America, and that current efforts to restore land are insufficient to achieve land degradation neutrality by 2030.

Notwithstanding this alarming trend, the UNCCD insists that the global goal of achieving LDN by 2030 is still achievable, and that parties to the Convention can even exceed this goal if further land degradation is halted and efforts, based on existing commitments, to restore one billion hectares of land by 2030 are expedited.

This target can only be achieved if stakeholders from the public and private sectors, academia and local communities all support initiatives to protect and restore land health and productivity. The contributions of local communities to restoration initiatives are of key importance because healthy lands have direct implications for livelihoods and household food security. However, research has shown that without recognizing the legitimate tenure rights of local communities, measures to ensure healthy and productive lands at the local level are unlikely to succeed.

As part of its Global Soil Week (GSW) project, TMG Research conducted research in Benin, Kenya, Madagascar and Malawi to develop [solution pathways for mainstreaming legitimate tenure rights in national LDN programmes](#). GSW is a follow-up to the 2019 UNCCD Land Tenure Decision (Decision 26/COP.14), which called on parties to the Convention to recognize legitimate tenure rights and apply the principles of responsible land governance as they implement measures to address land degradation. The Decision puts people and communities at the centre of efforts to achieve LDN. The GSW project sought to examine how the decision is being implemented at the national level by analysing community tenure rights dynamics in LDN target areas.

Malawi is among the countries that have set national targets to achieve LDN by 2030. Its Land Degradation Neutrality Target Setting Programme (LDN TSP) has prioritized forest protection and land restoration to combat desertification / land degradation. Six of the eleven specific targets listed in the LDN TSP involve protecting, restoring, regenerating, and sustainably managing forests.

TMG partnered with Total LandCare (TLC) Malawi to implement GSW project activities and carry out research in Malawi. The first case study under this project focused on communities living adjacent to Ntchisi Forest Reserve. The second case study, which is the subject of this report, examined tenure rights in Bua catchment area within the context of national efforts to achieve LDN by protecting Mchinji Forest Reserve and Kasungu National Park.

The Bua catchment case study reviewed the legal provisions for the recognition of tenure rights and the application of the principles of responsible land governance, as prescribed by the UNCCD Land Tenure Decision. The application of these provisions has been hindered by the limited capacity of community-level institutions. While access to protected areas is tightly controlled in Kasungu National Park (under the management of the Parks and Wildlife Department), there are fewer controls in Mchinji Forest Reserve (under the management of the Forestry Department). As a result, communities cultivate crops in sections of the forest reserve. More than 90 percent of rural Malawians rely on fuelwood to meet their household energy needs, and most of the respondents in this study gather fuelwood in Village Forest Areas and individual woodlots, rather than from protected areas such as Mchinji Forest Reserve and Kasungu National Park. Communities adjacent to Kasungu National Park are permitted to collect mushrooms and other non-timber forest products from the park but they are prohibited from collecting fuelwood. However, the cultivation of crops in buffer zones outside the park and the growing demand for farmland within Mchinji Forest Reserve point to an urgent need for LDN plans that also consider the livelihood needs of local communities.

The Bua catchment case study highlights the need for investing in institutional frameworks for forest conservation and land restoration at the community level in order to restore forest landscapes (within and outside protected areas) while supporting sustainable livelihoods. Strengthening the capacity of local government actors will help ensure the recognition of communities' tenure rights and consistent application of forest protection and land restoration policies. It will also help communities to maintain alternative sources of forest resources (mainly Village Forest Areas and individual woodlots), thereby relieving the pressure on protected areas. In addition, investment in community-level institutions provides a way to sensitize communities to national restoration goals and win support for sub-national interventions in pursuit of these goals. This case study also underscored the need for a stronger position on land tenure as parties prepare for UNCCD COP16 in Riyadh, Saudi Arabia in December 2024. A position on land tenure that considers national contexts is crucial to developing forest protection strategies that support sustainable livelihoods while furthering national biodiversity protection and climate change mitigation and adaptation plans.

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## Acronyms

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<b>ADC</b>	Area Development Committee
<b>AFR100</b>	The African Forest Landscape Restoration Initiative
<b>BMC</b>	Block Management Committee
<b>BMZ</b>	German Federal Ministry for Economic Cooperation and Development
<b>CBO</b>	Community-based Organization
<b>COP</b>	Conference of the Parties
<b>CSO</b>	Civil Society Organization
<b>DoF</b>	Department of Forestry
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>FGD</b>	Focus Group Discussion
<b>FLR</b>	Forest Landscape Restoration
<b>FMNR</b>	Farmer-managed Natural Regeneration
<b>FRIM</b>	Forestry Research Institute of Malawi
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (German national development cooperation agency)
<b>GoM</b>	Government of Malawi
<b>GSW</b>	Global Soil Week
<b>Ha</b>	Hectare
<b>LDN</b>	Land Degradation Neutrality
<b>LDN TSP</b>	Land Degradation Neutrality Target Setting Programme
<b>MCFW</b>	Malawi College of Forestry and Wildlife
<b>MEA</b>	Multilateral Environmental Agreement
<b>NAP</b>	National Action Plan
<b>NFLRS</b>	National Forest Landscape Restoration Strategy
<b>NFP</b>	National Forest Policy
<b>NGOs</b>	Non-governmental Organizations
<b>NTFPs</b>	Non-timber Forestry Products
<b>RFO</b>	Regional Forestry Officer
<b>TA</b>	Traditional Authority
<b>TFCA</b>	Trans-frontier Conservation Area
<b>UNCBD</b>	United Nations Convention on Biological Diversity
<b>UNCCD</b>	United Nations Convention to Combat Desertification
<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>VDC</b>	Village Development Committee
<b>VFA</b>	Village Forest Area
<b>VGGT</b>	FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
<b>VNRMC</b>	Village Nature Resource Management Committee

# Key messages

- 1** **LDN and land restoration targets are achievable only if LDN policies take current tenure issues and the livelihood needs of rural communities into consideration.**

Inclusive land restoration policies are essential to achieving land degradation neutrality. Management and policy decision-making must consider the tenure concerns and livelihood needs of forest-dependent communities. Currently, forest conservation and land restoration plans designed to achieve LDN tend to focus on conservation objectives and limit livelihood opportunities. In Mchinji Forest Reserve, where adjacent communities depend on land for crop cultivation, forest conservation policies largely fail to consider these communities' tenure and livelihood concerns (in practice). This has the effect of limiting community engagement in conservation and restoration efforts and of jeopardizing opportunities to reconcile communities' livelihood needs with national conservation goals.
- 2** **Strengthening the capacity of local institutions helps promote responsible governance of tenure within and adjacent to protected forests.**

This requires progressive reforms to contextualize national laws and regulations and to enable community representatives to undertake their respective roles and responsibilities. Various policy instruments and frameworks designed to ensure the responsible governance of tenure exist at national and international levels. However, these must be adapted to local contexts if they are to be translated into meaningful development actions. Reinforcing the capacities of local communities and grassroots organizations is a key function of strong institutions.
- 3** **Multistakeholder platforms can bring together more actors and ensure the consistent application of sustainable land management practices and resolution of tenure issues in restoration programmes.**

While recent studies have shown that the resolution of tenure issues is essential to forest restoration, most national restoration programmes have yet to effectively apply the lessons learned from these studies. In Malawi, multistakeholder platforms such as the Civil Society Network on Climate Change (Cisonecc) and Landnet Malawi are an entry point to begin identifying gaps in tenure governance within environmental programmes, and to co-develop interventions to fill these gaps. Introducing the issue of tenure rights for discussion among Cisonecc members can ensure that all projects and programmes that contribute to Malawi's forest protection and land restoration plans also include components that address the tenure dynamics of local communities.

## 4

### **Calls for synergies and intersectoral coordination are hampered by institutional silos in management and decision-making.**

A common institutional framework and shared policy vision are needed to ensure biodiversity conservation, climate protection, land degradation neutrality and the alleviation of poverty. In Malawi, as in many African countries, agriculture, land management, and environmental policies are managed through a variety of ministries and institutions. The ongoing national consultations on land degradation neutrality and the revision of LDN Target Setting Programmes offer opportunities to bring policy-makers together and break down silos in land restoration, biodiversity conservation, and climate protection policies at local and national levels. The findings of the case studies conducted by TMG in partnership with TLC Malawi offer valuable insights into current challenges and opportunities for integrating tenure rights in Malawi's LDN programme.

## 5

### **A stronger position on land tenure that responds to national and sub-national contexts is crucial to developing an effective global forest landscape restoration agenda.**

The increasing attention being paid to forest-based carbon-offsetting and biodiversity conservation projects will have significant implications for the tenure rights of rural communities (indigenous people and local communities). In Malawi, where less than 10 percent of communities living on customary lands possess some form of land title, and with most enjoying only informal tenure rights, local communities' rights to land risk being further infringed by forest conservation and carbon-offsetting programmes. In light of this reality, a stronger global position on tenure rights must be a part of all environmental action. At the national level, effective institutional safeguards coupled with equitable conflict redress mechanisms are needed to ensure that the tenure rights of rural communities are not compromised by land restoration, biodiversity conservation or climate protection policies.



# 1 Introduction

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According to the UNCCD, between 2015 and 2019 the world lost at least 100 million hectares of healthy and productive lands per year as a result of land degradation and drought (UNCCD, 2023). In response, governments are implementing measures based on quantifiable targets to promote land management practices that can help avoid, reduce and reverse land degradation. A key feature of national and global environmental policies in recent years has been the promotion of sustainable land use to safeguard healthy and productive soils that support both agriculture and ecosystem services. Sustainable land management practices such as agroforestry, grassland management, forest plantations, assisted natural regeneration and cross-slope barriers have the potential to restore up to five billion hectares globally, reduce biodiversity loss by 11 percent in 2050, and improve land conditions and ecosystem functions (van der Esch, et al., 2022).

However, as governments champion forest protection and landscape restoration policies, it is important that these actions do not jeopardize the livelihoods of communities living adjacent to protected areas. The UNCCD land tenure decision, adopted in New Delhi in 2019, aims to resolve this dilemma by encouraging parties to the Convention to recognize legitimate tenure rights and apply the principles of responsible land governance while implementing policies to combat desertification and land degradation (UNCCD, 2019).

Since 2020, TMG's Global Soil Week (GSW) project has sought to identify solutions that support the integration of tenure issues in national LDN policies. As a follow-up of the UNCCD's land tenure decision, the project examined the impact of national LDN measures on the tenure rights of forest-adjacent communities in Benin, Kenya, Madagascar and Malawi.

Malawi's LDN targets largely focus on protecting, restoring, regenerating and sustainably managing forests. The first case study set out to assess the impact of the country's forest protection and conservation efforts on the tenure rights of communities living adjacent to Ntchisi Forest Reserve. The second case study was conducted in the Bua catchment area and studied communities living adjacent to Mchinji Forest Reserve and Kasungu National Park. Bua catchment was proposed as a suitable case study during the national validation workshop for the first case study in September 2022. Malawi's UNCCD National Focal Point endorsed the selection of this site as an area prioritized for forest protection and conservation projects. To enrich the findings of this study, the project team also engaged with communities living in areas beyond the buffer zones of the two protected areas, investigating their sources of fuelwood and non-timber forest products, and assessing the viability of Village Forest Areas (VFAs) as the main source of fuelwood for forest communities and to reduce pressure on forest resources from protected areas.

## 1.1 Bua Catchment Case Study

The second phase of the Global Soil Week project in Malawi targeted the Bua catchment area – the area from which water flows into the Bua River. Bua River has its source in the Mchinji highlands on Malawi’s western border and flows in a north-easterly direction through central Malawi (through Nkhotakota, Kasungu, Ntchisi, Dowa, Mchinji and Lilongwe districts), before entering Lake Malawi in the east of the country (Matsimbe, et al., 2011) (Kelly, et al., 2019). The Bua has five main tributaries: the Mphelele, Kasangadzi, Rusa, Ludzi and Namitete rivers.

The Bua catchment spans an area of 10,658 km<sup>2</sup>, and includes three hydrological zones: the flat plateau, the highlands that rise from the plateau and the rift valley escarpment, and the lakeshore plain (Kelly, et al., 2019). The Bua catchment area is a target for conservation and restoration in response to land degradation. The Government of Malawi aims to conserve the protected areas within this catchment area as part of its water resource management plan. Mchinji Forest Reserve is critical to the Bua catchment as it is the source of the Bua River. Some tributaries of the Bua also originate from the southern part of Kasungu National Park.

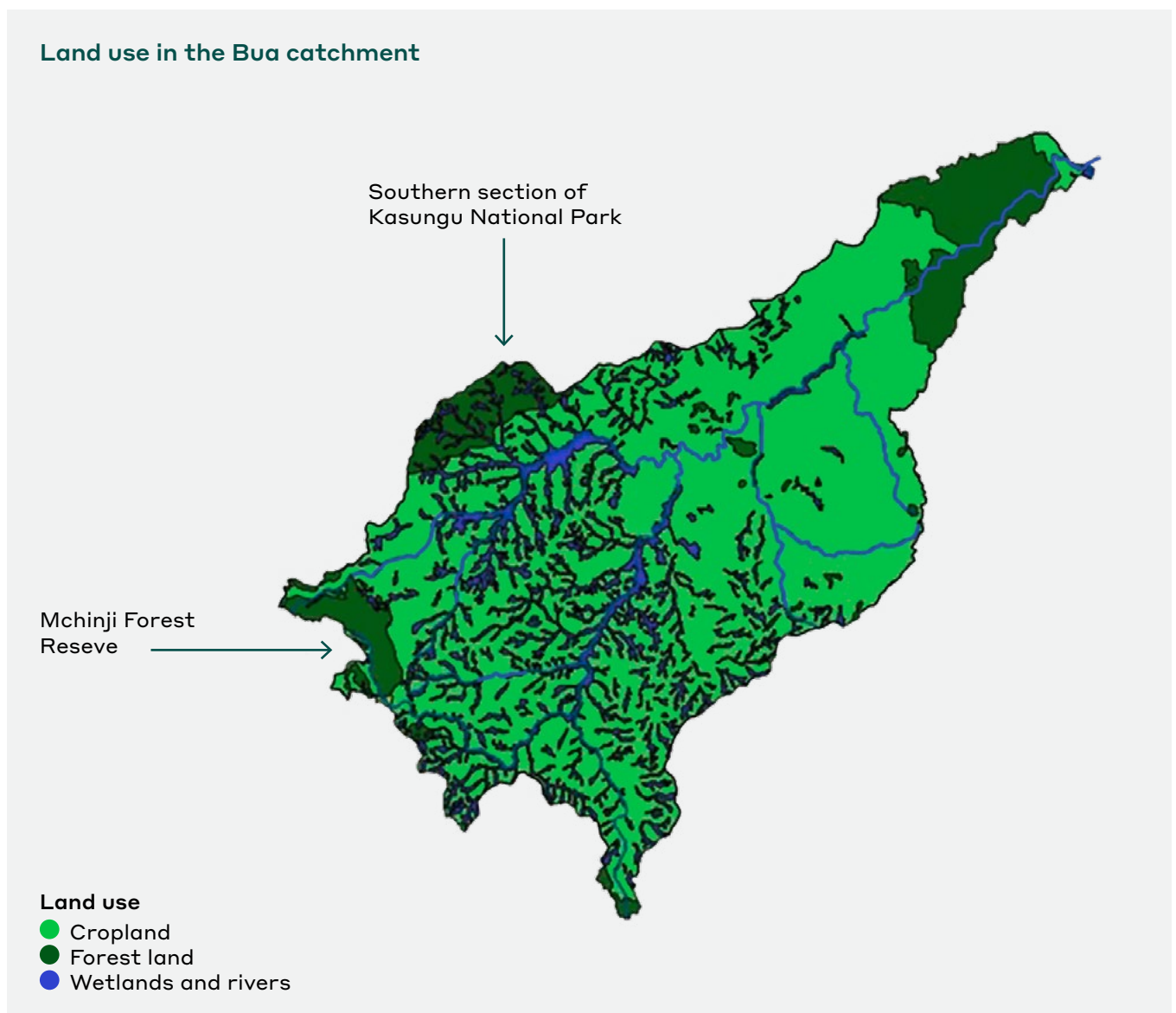


Figure 1: Land use map showing forests, croplands and waterways in the Bua catchment (Mchinji District) (Kelly, et al., 2019)

The main land use categories in the Bua catchment are cropland (mainly used to cultivate maize and tobacco) and forest land (Mchinji Forest Reserve and Kasungu National Park to the west, and Nkhotakota Game Reserve to the east), with some wetlands scattered throughout (Kelly, et al., 2019).

The Bua catchment also includes village communities living adjacent to the national protected areas (national parks and reserves) and others that are distant from the protected areas. Eighty percent of respondents in this case study rely on subsistence farming undertaken on lands held under customary rules (source: household survey data). In addition to maize and tobacco, these communities also farm soybeans and groundnuts and obtain both timber and non-timber products from the forested areas.

## 1.2 Policy and legal framework on forest management and land governance in Malawi

Malawi is a signatory to various multilateral environmental agreements (MEAs), including the three Rio Conventions: the UNCCD, the UNFCCC, and the UNCBD. The Ministry of Natural Resources and Climate Change develops and coordinates national measures, plans and strategies aimed to achieve the objectives of these conventions. As in other signatory countries, one ministry coordinates all such national measures. In Malawi this is the Ministry of Natural Resources and Climate Change.

The country's actions to combat desertification and land degradation are guided by its National Action Programme for the UNCCD ([Malawi UNCCD NAP](#)) and its Land Degradation Neutrality Target Setting Programme ([LDN TSP](#)).

The UNCCD NAP lists overdependence on wood fuel (for domestic use) and deforestation (to establish new areas for crop cultivation) among the issues that are of concern in relation to desertification and land degradation (GoM, Ministry of Natural Resources, 2005). According to the UNCCD NAP, 90 percent of rural Malawians depend on wood fuel as a source of energy. One of the aims of the UNCCD NAP is to strengthen the capacity of local authorities and to ensure the active involvement of local communities and groups, with emphasis on education and training, mobilization of NGOs with proven expertise, and strengthening of decentralised government structures (GoM, Ministry of Natural Resources, 2005).

Malawi's LDN TSP aims to achieve land degradation neutrality by 2030, working from a baseline of 2015 (no net loss) (GoM, Ministry of Natural Resources, 2017) and to improve 188,000 hectares, representing 2 percent of Malawi's total land area (GoM, Ministry of Natural Resources, 2017). The sub-national LDN targets are based on five main landform areas: the Highlands, Escarpments, Plateaux, Lakeshore and Upper Shire Valley, and the Lower Shire Valley. The LDN TSP targets are aligned to the country's AFR100 commitment to restore 4.5 million hectares of degraded land<sup>1</sup>.

<sup>1</sup> AFR100 is part of the policy framework (i.e., part of the Malawian government's statement of intent with regard to land restoration). However, the findings of this study (and the first case study) show that the measures being implemented on the ground are often not commensurate with the commitments made in policy documents.

Six of the eleven targets listed in the LDN TSP aim to contribute to the achievement of land degradation neutrality by protecting, restoring, regenerating and sustainably managing forests.

#### Box 1: Malawi LDN TSP forestry targets

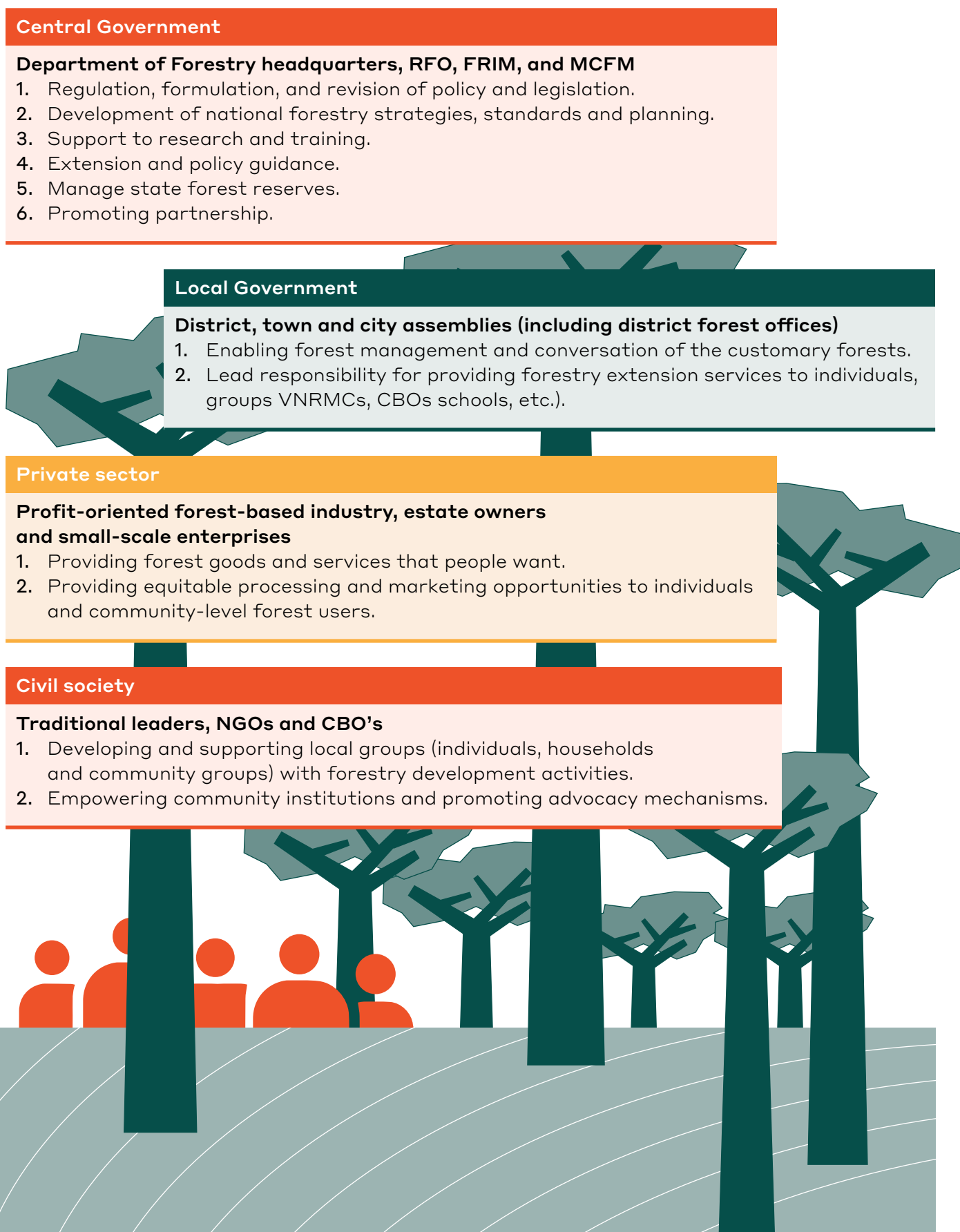
- ▶ Halt the conversion of forests and wetlands to other land cover classes by 2020
- ▶ Increase forest cover (plantation & indigenous) by 33,750 hectares by 2030 compared to 2015
- ▶ Protect 2.4 million hectares of natural forest by 2035
- ▶ Increase forest cover by 2 percent above 2015 baseline by 2022
- ▶ Restore 820,000 hectares of degraded indigenous forest by 2030
- ▶ Sustainably manage 138,000 hectares of plantation forest by 2025

The main policy document guiding forest management is the National Forest Policy (NFP) of 2016. The NFP provides guidance on Malawi's strategy for conserving and developing forest resources for economic and environmental benefits through community-based forest management (GoM, Ministry of Natural Resources, 2016). This policy also includes provisions for promoting tree growth through the establishment of woodlots and the demarcation of Village Forest Areas (VFAs) within communal lands as a means of achieving self-sufficiency in the provision of firewood, charcoal, construction timber, and other timber uses. The NFP lists agricultural expansion, human settlement, uncontrolled forest fires, unsustainable harvesting for energy (charcoal and firewood), and timber demand as the main factors contributing to Malawi's deforestation rate of 2.8 percent, representing an annual loss of 250,000 hectares of forest (GoM, Ministry of Natural Resources, 2016). Notably, despite Malawi's robust policy and legal framework for forest protection and conservation, its forest cover has declined even following the enactment of these policies, from 32.69 percent in the year 2000 to 30.46 percent in 2005 (when the UNCCD NAP was adopted), to 25.11 percent in 2017 (adoption of the National Forest Policy, the Forestry Amendment Act, and the LDN TSP), and to 23.78 percent in 2020 (Index Mundi, n. d.).

The NFP and the Forestry (Amendment) Act (2016) regulate the management of forests and trees in protected areas and on customary and private lands. To ensure community involvement in forest protection and conservation measures, the policy provides for the formation of committees comprised of community members and government actors at different levels (district, traditional authority, and village levels). At the village level, the committee responsible for natural resource management also manages the VFAs. Figures 2 and 3 below show the roles and responsibilities of different stakeholders in forest management at local level, as well as the institutional framework of decentralized forest management in Malawi.

## Partnerships for people and forest

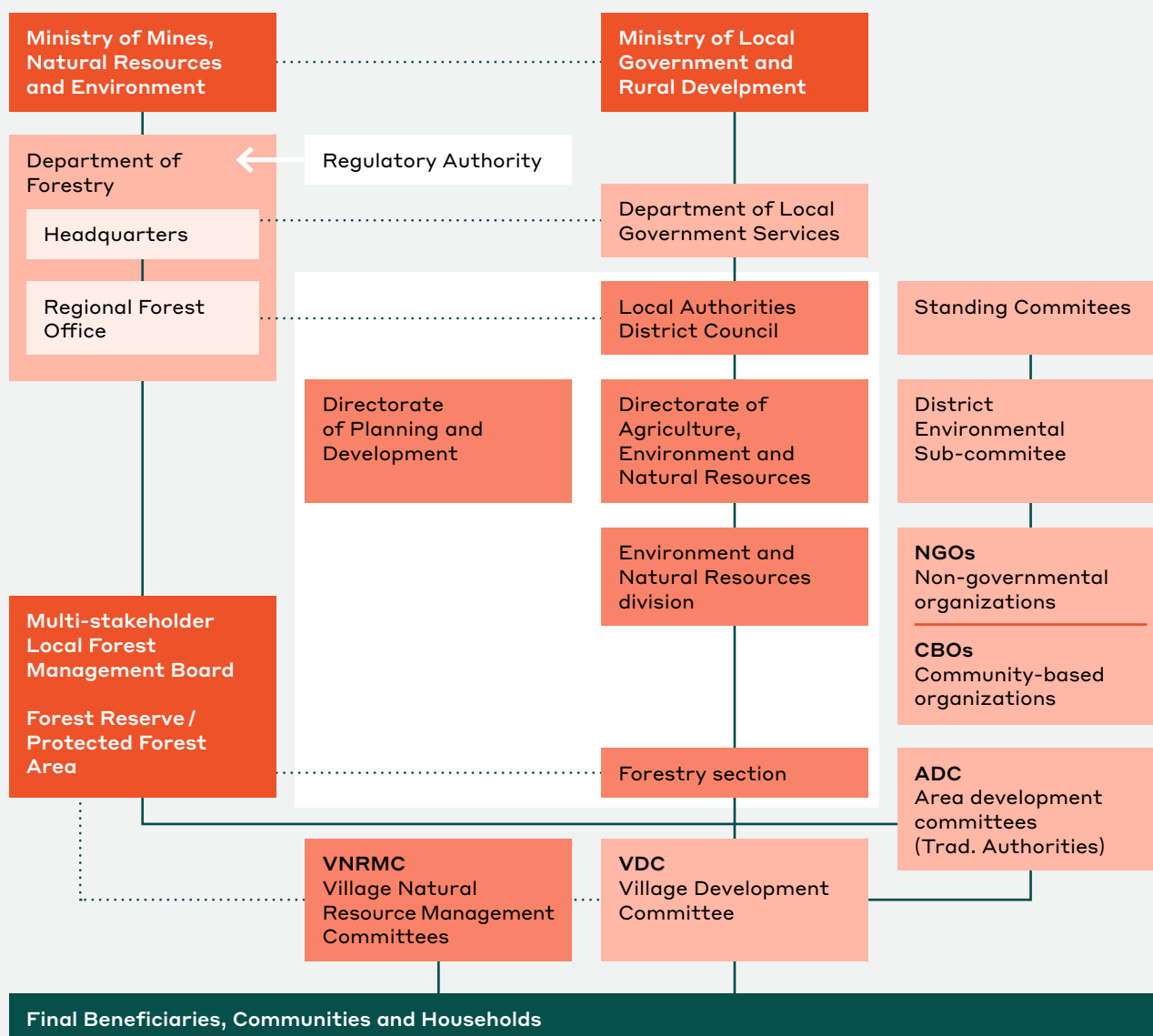
Roles and responsibilities of key local stakeholders



**Figure 2:** Roles and responsibilities of different stakeholders in forest management at local level (Source: *Decentralization in Forestry – Moving Forward Together*, DoF, 2006)

## Decentralization in forestry

A new institutional structure



**Figure 3:** Institutional framework of decentralized forest management in Malawi  
(Source: *Decentralization in Forestry – Moving Forward Together*, DoF, 2006)

The two protected areas within the Bua catchment that are relevant to this study are Mchinji Forest Reserve and Kasungu National Park. The Forest Reserve is governed by Malawi's Forestry Act, and the National Park is governed by the National Parks and Wildlife Act. Both laws include provisions on how communities may access and use forest resources, and on the roles and responsibilities of communities in managing resources within the protected areas, thereby recognizing communities' legitimate tenure rights.

With regard to tenure arrangements, Malawi's Land Act of 2016 classifies lands as either customary, private or public. Customary lands are those that are held and used by communities under customary law, while private lands are held or owned under freehold titles, or under lease agreements, as provided for in the Registered Land Act. Public land refers to government lands and includes national parks and forest reserves, conservation areas, and historical areas. Mchinji Forest Reserve and Kasungu National Park are the two protected areas that fall within the case study area (Bua Catchment).

## 2 Methodology

TMG Research partnered with TLC Malawi to undertake the project activities including the household survey, participatory mapping of tenure rights, and focus group discussions (FGDs) to inform the analysis of tenure rights issues in the case study area. Cadasta Foundation provided technical expertise and trained enumerators on data collection for the household survey and the mapping exercise. TLC coordinated the data collection for the household survey, which took place in April 2023, and the validation meetings for the household survey findings. TLC also conducted the FGDs with the Area Development Committees (ADCs) of six Traditional Authorities (TAs) – Chulu, Kapunula, Kazyozyo, Lukwa, Mkanda and Santhe – in February 2024. The FGDs gathered additional qualitative data to inform the discussion section of this report. The findings were presented to sector stakeholders at a national validation workshop and contributed to the final analysis and recommendations of the study.

### 2.1 Household survey

A total of 1,101 respondents (624 female & 477 male) from Mchinji and Kasungu districts participated in the household survey. These respondents provided feedback on various issues relating to access, use and management of forests and forest resources within protected areas, as well as on their awareness of Malawi’s legal framework for forest management and reliance on forest resources. This survey informed the first level of analysis of tenure rights issues in the context of national measures to achieve land degradation neutrality. The project team conducted community validation meetings in six TAs within the project area (Chulu, Kapunula, Kazyozyo, Lukwa, Mkanda and Santhe) to validate the findings of the household survey.

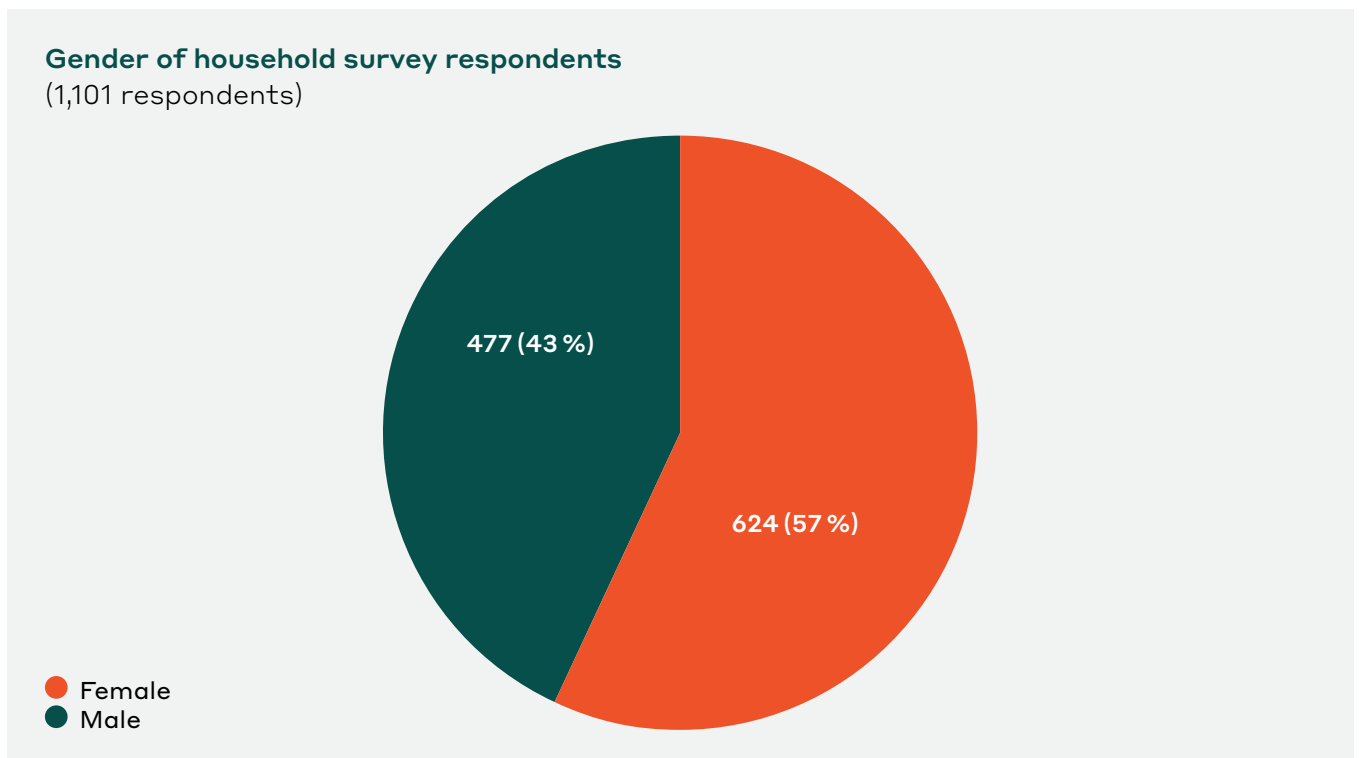


Figure 4: Gender of household survey respondents



Image 1: Community validation workshop at TA Chulu, Kasungu District (Source: TLC Malawi)

## 2.2 Participatory mapping of tenure rights

TLC Malawi coordinated a community-led participatory mapping exercise in February 2024. The exercise involved TLC officers working with community members from Kapunula and Kazyozyo to collect geospatial data (mapping data) on tenure rights and land use overlaps in Mchinji Forest Reserve, and with community members from Chulu and Lukwa to collect mapping data on cultivated farmland within the buffer zone of Kasungu National Park. TLC Malawi then developed maps using the data collected in this step and shapefiles of the two protected areas to determine the overlaps between customary lands and protected areas, and competing land uses.

## 2.3 Focus Group Discussions (FGDs)

To follow up, the project team conducted FGDs in six TAs within the project area (Chulu, Kapunula, Kazyozyo, Lukwa, Mkanda and Santhe) to collect qualitative data that would further enrich the analysis of tenure issues and forest protection and conservation measures applied within the case study area. A further aim of the FGDs was to assess the degree of involvement of government forestry officers in the day-to-day management of protected areas, the sources of fuelwood for communities living far from the buffer zones of protected areas (such as TA Mkanda and TA Santhe), and the viability of VFAs as an alternative fuelwood source for communities (including the limitations of managing VFAs). The FGDs were also useful in examining the implementation of provisions for the integration of tenure rights in forest protection and conservation policies.



### 3 Findings and discussion

#### 3.1 Legal framework for land restoration and opportunities for integrating tenure rights

Malawi's National Forest Policy of 2016 (NFP) lists ten policy priority areas, including *Community-Based Forest Management* (Policy Priority Area 1) and *Indigenous Forests, Forest Reserves and Ecosystem Management* (Policy Priority Area 2). According to the policy, low participation of communities in forest management, poor governance structures and lack of knowledge on land tenure are among the issues that have led to poor conservation of forest resources. To resolve this, the policy proposes measures to **ensure that local communities are given appropriate incentives to manage forest resources based on clear mechanisms of ownership and control, and that they can effectively lead and participate in forest conservation and management**. The policy also proposes measures to ensure appropriate incentives for sustainable forest management. In proposing incentives for forest management based on ownership and control, and in proposing that communities lead and effectively participate in forest management, the NFP recognizes communities' tenure rights in the context of efforts to restore degraded lands. This is consistent with the UNCCD's land tenure decision.

Malawi's Natural Forest Landscape Restoration Strategy (NFLRS) of 2017 details strategies that can support restoration efforts and includes data on the potential for landscape restoration. According to the NFLRS, there is an opportunity to restore at least 753,471 hectares of degraded community forests and woodlots and to conserve and manage 3.4 million hectares of forest land.

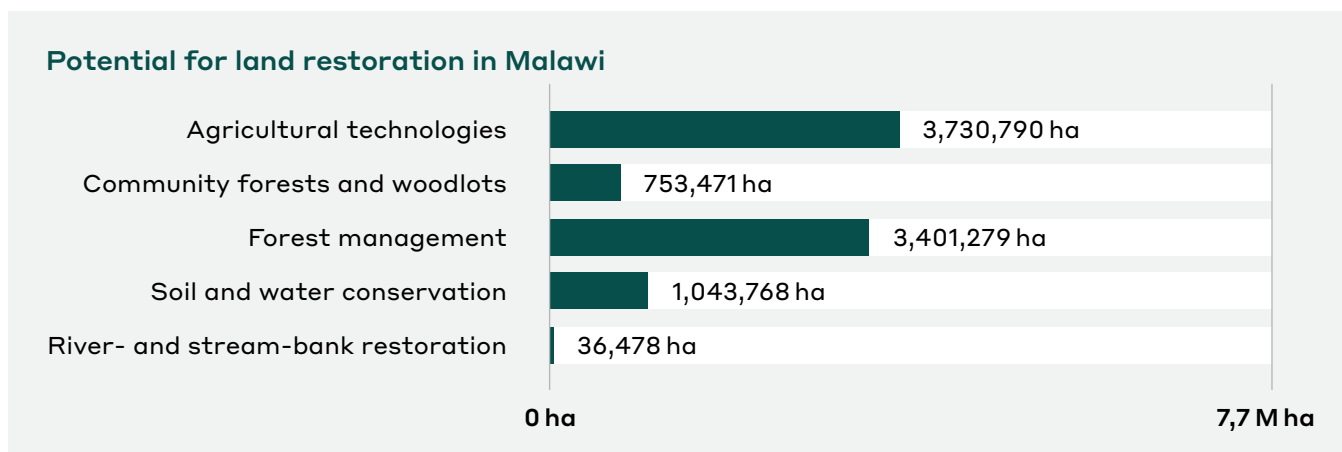


Figure 5: Estimated area of opportunity compared to total opportunity area for land restoration in Malawi (GoM, Ministry of Natural Resources, 2017)

The NFLRS identifies large-scale landscape restoration as an opportunity to deliver social, economic, and environmental benefits by increasing agricultural productivity, providing energy sources for rural communities, improving water quality and availability, reducing vulnerability to disasters, and increasing household incomes (GoM, Ministry of Natural Resources, 2017). The NFLRS aims to achieve this by increasing tree cover on degraded croplands and pasture lands, and by **restoring forest cover on degraded customary land** and non-arable land in agricultural landscapes, by **expanding and improving the management of village forest areas and woodlots through demarcation**, and by **strengthening community by-laws and agreements** against uncontrolled cutting, grazing, and fire (GoM, Ministry of Natural Resources, 2017). Eighty-one percent of Malawi's population, and 93 percent of its rural population, relies on fuelwood for cooking (Kanaan & Althoff, 2018). Community forests and woodlots within Village Forest Areas offer an opportunity to relieve the pressure on forest reserves by providing alternative sources of fuelwood. The emphasis on improving the management of VFAs by delineating official boundaries and strengthening community institutions is also consistent with the holistic and sustainable approach, consultation and participation, the rule of law, transparency and accountability proposed by the VGGT. The strategy's consistency with VGGT principles is also in keeping with the UNCCD's land tenure decision (*parties to follow VGGT principles in the implementation of activities to combat desertification / land degradation and drought and achieve land degradation neutrality*).

The **NFLRS also targets the restoration of forest cover and improved management in deforested and degraded forests, including forest reserves, natural forests outside reserves, and plantations**. Strategies for scaling up the adoption of forest management interventions listed in the NFLRS include improved transparency and accountability of participatory forest management and forest co-management structures, such as block management committees (BMCs<sup>2</sup>) and other bodies responsible for forest protection. The strategy also calls for improved collaboration between traditional authorities, Department of Forestry officers, and locally established forest management committees and user groups, as well as capacity-building and institutional support to **ensure that forest management plans consider local development needs and priorities**. These provisions recognize the tenure rights of communities by facilitating their participation in forest management.

Malawi's Forestry Act requires the Department of Forestry to promote participatory forestry, facilitate the formation of Village Natural Resources Management Committees (VNRMCs) and establish rules for the governance of Village Forest Areas (VFAs). The law also mandates the Department to promote the empowerment of local communities in the management of customary lands and forests, and to promote informed stakeholder consultation and participation in forest-related decision-making. The Department is also responsible for entering into agreements with communities and other local stakeholders to develop and implement forest management plans.

<sup>2</sup> Forest reserves in Malawi are divided into blocks for administrative purposes. Each village adjacent to a forest reserve is mandated to form a Block Management Committee (BMC), which manages a forest block in collaboration with the Department of Forestry. A co-management agreement between the Department and respective communities provides guidance for the control and management of forest resources.

While the NFP, the NFLRS and the Forestry Act provide entry points for the integration of tenure rights in national actions to address land degradation, the effective integration of tenure rights requires effective implementation at the community level. As the [first GSW case study in Malawi](#) (targeting communities living adjacent to Ntchisi Forest Reserve) showed, institutional constraints on forest authorities at the community level can impose limitations on the recognition of tenure rights and on the application of VGGT principles in the context of forest conservation (Kazungu, Baba, Klümper, & Weigelt, 2023).

## 3.2 Mapping outputs

The case studies conducted in Malawi differ from the GSW case studies in other countries due to the fact that the only resource communities are legally allowed to harvest from protected forest reserves is fuelwood. Mapping this tenure right is impracticable, mainly because fuelwood is collected from almost all sections of the forest that are accessible to adjacent communities (unlike tenure rights such as grazing and non-resident cultivation or water resource points, for which geospatial data in the form of points, lines and polygons can be defined). To resolve this issue, the project team mapped degraded sections of the forest reserve in the first case study. In this second case study, the project team mapped both degraded and cultivated sections within and adjacent to protected areas.

The project team worked with communities living adjacent to Mchinji Forest Reserve and Kasungu National Park to map various land uses adjacent to and within the two protected areas. For Mchinji Forest Reserve, the project team mapped the sections of the forest that have been degraded, as well as sections of the forest where adjacent communities cultivate crops. For Kasungu National Park, the project team mapped cultivation within the park's five-kilometre buffer zone.

The base maps used in the mapping process were produced using official data from the Government of Malawi's Department of Surveys (rivers, roads, international boundaries, and protected area boundaries). Field data was collected using GPS devices, and additional data was obtained from Google Earth. Google Earth was also used to assess the accuracy of the collected field data.

### 3.2.1 Mchinji Forest Reserve

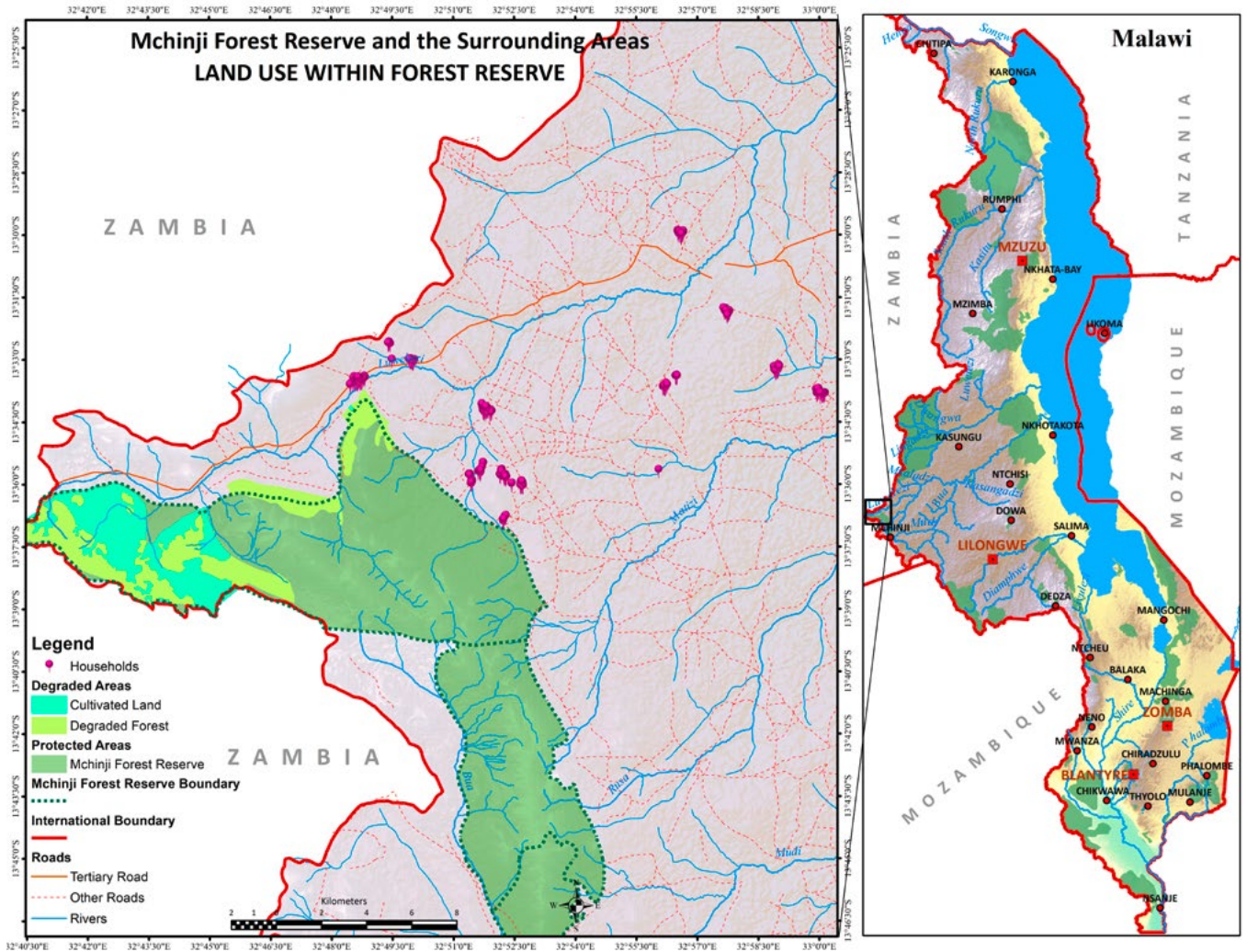


Figure 6: Map of Mchinji Forest Reserve showing degraded and cultivated sections (Source: GSW project mapping data)

The maps of Mchinji Forest Reserve generated by TMG and TLC for this case study show that a significant section of the protected area is currently under cultivation. Because forest officers are limited in their capacity to ensure compliance with forest protection laws, many communities have cleared sections that were degraded due to over-harvesting of forest resources in order to cultivate crops. Over time, as pressure on land grows, many more forest areas are likely to be cleared for cultivation. Lax controls on forest land uses will, in the long run, result in reduced availability of forest products, thus putting forest-adjacent communities at risk. Additionally, the lax controls on forestlands undermine government authorities' and communities' ability to apply responsible land governance and sustainable land management practices in the protected area. The main entry points for applying principles of responsible land governance in land restoration programmes are proposed in the laws and policies that have been enacted to address land degradation. However, if these laws are not effectively implemented, the application of SLM practices (such as the recognition of tenure rights) in protected areas will also be hindered.

### 3.2.2 Kasungu National Park

Access to and use of forest resources is more strictly controlled in Kasungu National Park than in Mchinji Forest Reserve. Communities practice crop cultivation within the five-kilometre official buffer zone of the national park where cultivation is permitted. Communities may collect mushrooms and other non-timber forest products from the protected area, but not fuelwood. The view of the Parks and Wildlife Department is that if they permit communities to obtain fuelwood from the park, there is a risk that communities may encroach into the park. The Department also fears that allowing communities to collect fuelwood within the park would put them at risk of attacks from wild animals. Communities living adjacent to Kasungu National Park obtain their fuelwood from VFAs and individual woodlots within customary lands.

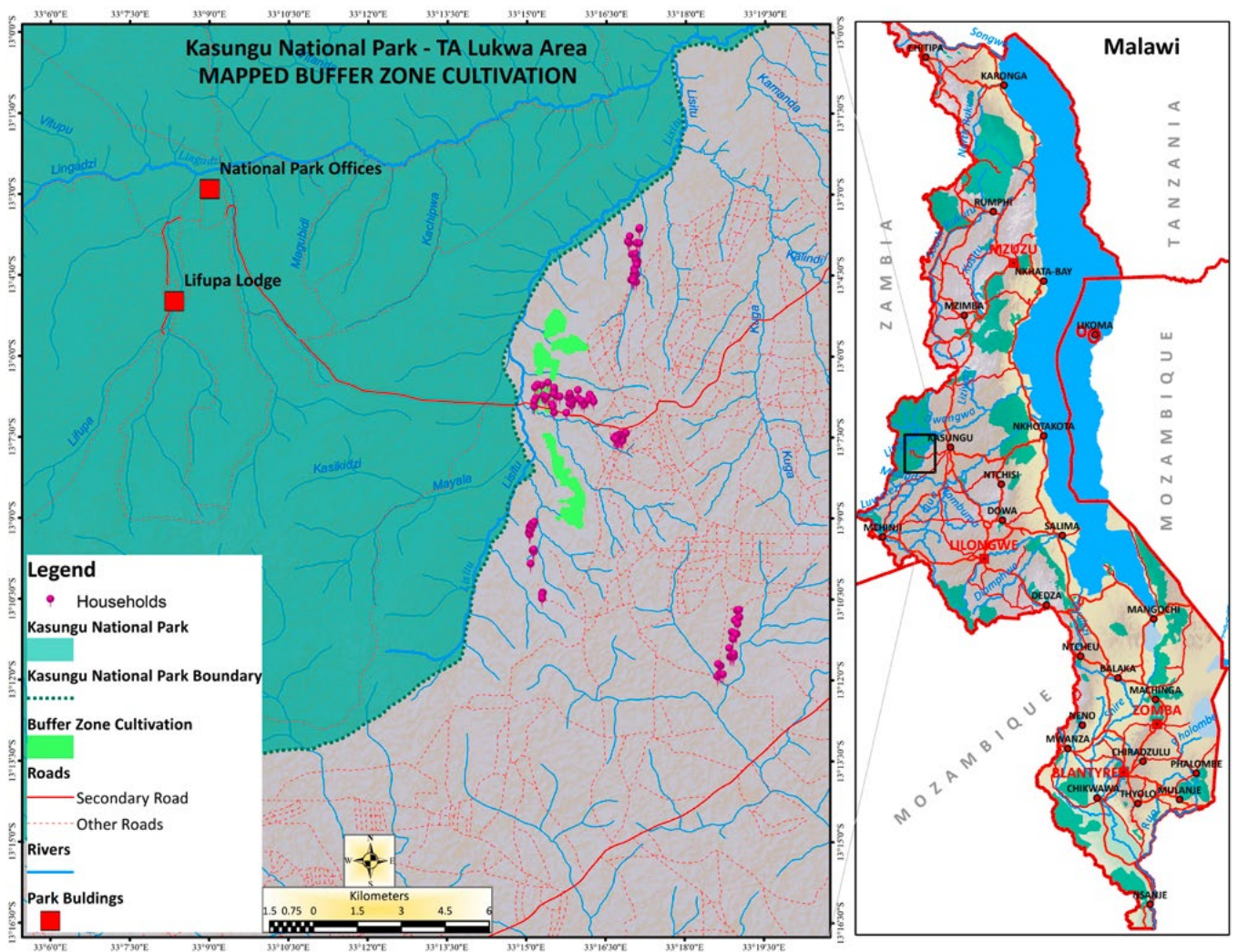


Figure 7: Map showing buffer zone cultivation on land adjacent to Kasungu National Park (within TA Lukwa) (Source: GSW project mapping data)

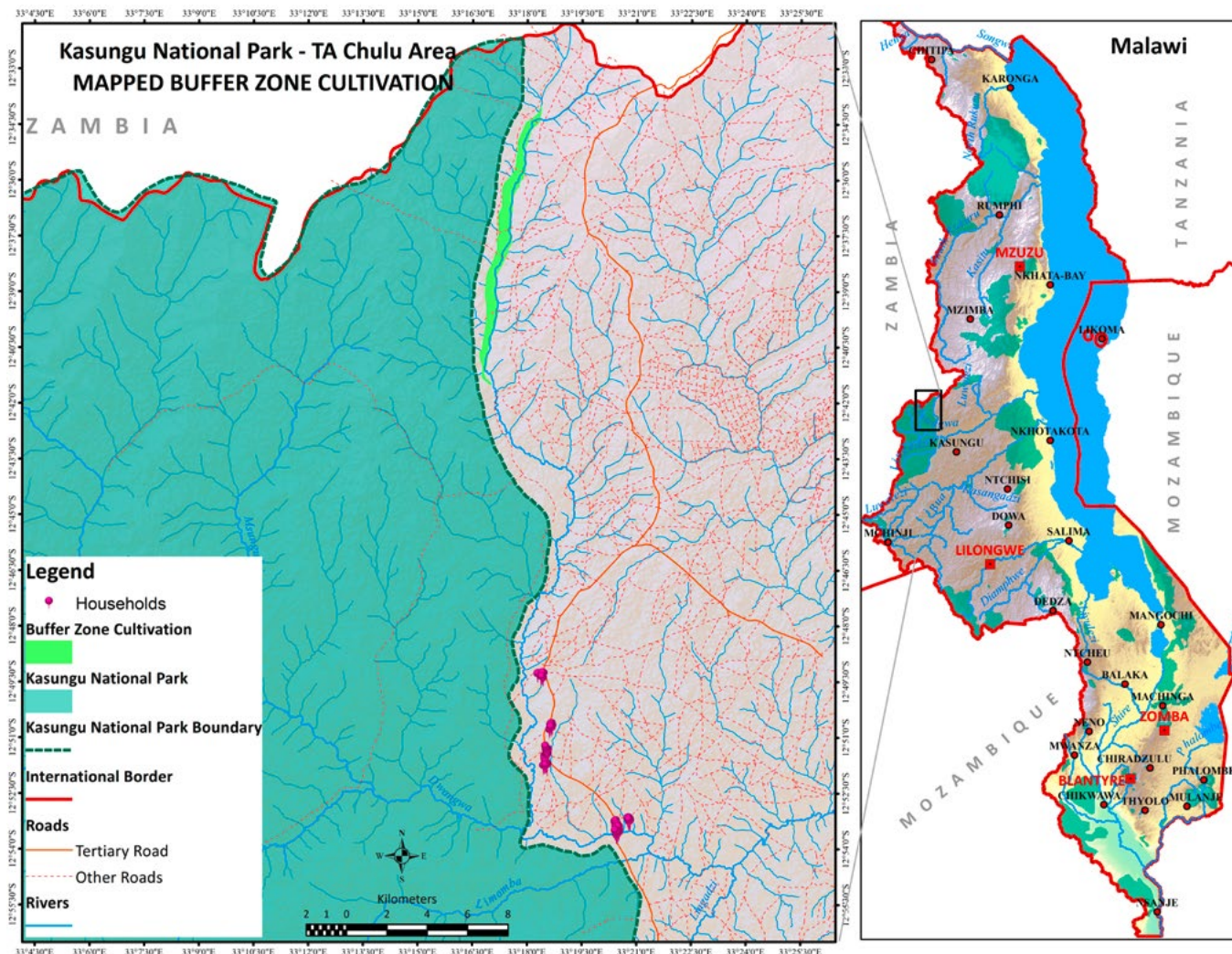


Figure 8: Map showing buffer zone cultivation on land adjacent to Kasungu National Park (within TA Chulu) (Source: GSW project mapping data)

### 3.3 Key findings

#### 1. Implementation of policy and legal provisions consistent with VGGT principles.

Malawi's forest conservation laws allow communities to harvest non-timber forest products (NTFPs) up to five kilometres from the boundaries of protected areas (forest reserves, wildlife reserves, and national parks). In forest reserves, communities are permitted to gather fuelwood within the five-kilometre zone, but in wildlife reserves and national parks, the gathering of NTFPs is limited to mushrooms and herbs and requires a special permit. Forest officers issue tickets which serve as permits for fuelwood collection. The law also allows for community involvement through agreements between local communities and the Department of Forestry to co-manage forest reserves. The definition of tenure categories and of the rights and responsibilities of adjacent communities in accessing, using, and contributing to the management of protected areas, as well as the clearly defined protected area boundaries qualify as a recognition of the communities' legitimate tenure rights in accordance with the UNCCD Land Tenure Decision. Management agreements between Kasungu National Park and local communities (ADCs and VDCs) also constitute a further recognition of communities' tenure rights. Additionally, forest officers train communities in tree management and forest protection strategies.

However, limitations on the local institutional capacity of government forest protection authorities and pressure on forest resources due to population growth have resulted in fewer controls on the use and management of forest resources (Mauambeta, Chitedze, Mumba, & Gama, 2010). This has compromised efforts to achieve LDN and the opportunity to apply responsible land governance principles as recommended by the UNCCD's Land Tenure Decision.

The limited institutional capacity of forest authorities at the community level is reflected in community perceptions of forest tenure. Malawi's Forestry Act stipulates that forest produce<sup>3</sup> should only be obtained from protected areas on the basis of permits issued by forest authorities. However, 200 of the 284 respondents (70 percent) who access forest resources reported that they do not possess any documentation of rights to access and use forest resources. Furthermore, 185 of the 284 respondents (about two-thirds) who access forest resources define their tenure as customary, even though the protected areas are public lands which have a different legal status from customary lands. It should be noted that this percentage could represent the respondents obtaining forest resources from individual woodlots and VFAs that are on customary lands. An additional 23 respondents (8 percent) perceive their tenure as informal, and 33 respondents (12 percent) do not know which tenure regime permits them to access and use forest resources. This means that only about 15 percent of the respondents perceive their access and use of forest resources to be part of a tenure arrangement based on the national forest governance framework.

Communities cultivate crops on significant sections of land within Mchinji Forest Reserve. Due to limitations in the institutional capacity of government forest protection authorities at the community level, crop cultivation within the forest reserve is uncontrolled.



Image 2: A maize plantation within Mchinji Forest Reserve (Source: TLC Malawi)

<sup>3</sup> Malawi's Forestry Act defines "forest produce" as "trees, timber, firewood, branch wood, poles, bamboos, chips, sawdust, plants, grass, reeds, peat, thatch, bedding, creepers, leaves, moss, fruits, seed, galls, slabs, bark, rubber, gum, resin, sap, flowers, fungi, honey, wax, earth, water, soil, stones, vertebrates, invertebrates, wild animals, hides, horns, bones, ivory, meat and such other produce as the Minister may, by notice published in the Gazette, declare to be forest produce."



**Image 3:** A cassava plantation within Mchinji Forest Reserve (Source: TLC Malawi)

Notably, the block management system<sup>4</sup> that is applied in Ntchisi Forest Reserve (the first GSW case study in Malawi) is not applied in Mchinji Forest Reserve. In addition, the legal framework assigns dispute resolution responsibilities to national park and forest reserve officers, and as such, limited capacity of these institutions at the community level means limited access to justice systems for the communities.

While communities' tenure rights are recognized in law and policy, the application of VGGT principles is limited by gaps in the capacity of community-level institutions to implement policy and legal provisions. A summary of this study's findings in relation to the UNCCD Land Tenure Decision and the VGGT is included in the annex.

## **2. Community livelihoods and reliance on forest resources**

Crop farming is the main source of livelihood for the communities living in Mchinji and Kasungu districts. 876 out of 1,101 respondents (about 80 percent) who participated in the household survey reported that they rely on crop farming for income and household food security. Only 84 respondents (8 percent) listed crop farming as a secondary source of income. However, unlike the first GSW case study in Malawi, where 99 percent of respondents stated that they obtained resources from Ntchisi Forest Reserve, just 25 percent of respondents in this case study access resources from either Mchinji Forest Reserve or Kasungu National Park. While none of the respondents in the first case study practised crop cultivation within Ntchisi Forest Reserve, the community living adjacent to Mchinji Forest Reserve cultivate crops within the forest boundaries.

<sup>4</sup> Under the block management system, a forest reserve is divided into forest blocks which forest authorities co-manage with the villages adjacent to the blocks. A co-management agreement between the Department of Forestry and responsible communities provides the guiding principles for the control and management of forest resources. Communities are allowed to collect fuelwood from the forest blocks they co-manage.

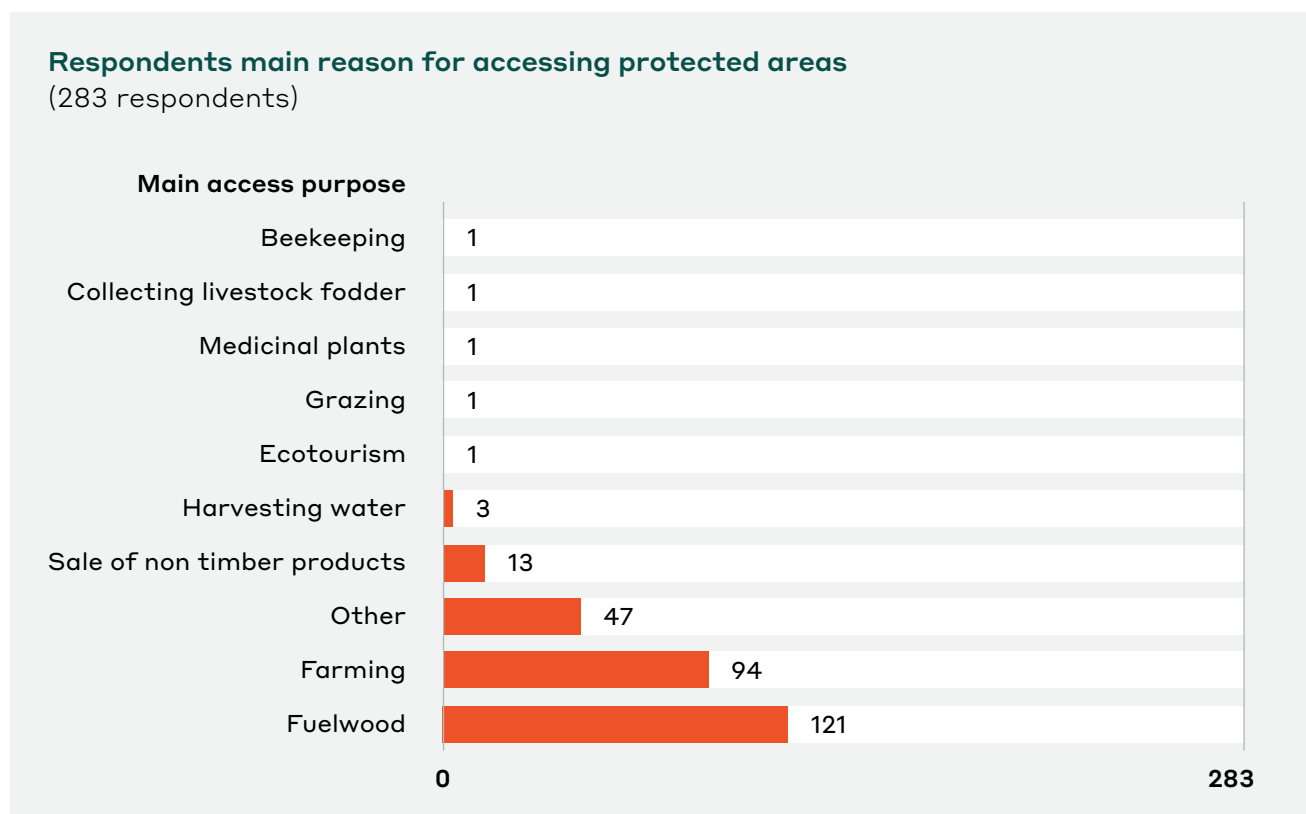


In the Bua catchment case study, the research followed an integrated landscape approach and explored other contextual issues, such as alternative sources of fuelwood for rural communities that do not live adjacent to protected areas. This approach was recommended by the stakeholders who participated in the validation workshop for the first case study in Malawi (**Ntchisi Forest Reserve**), and was informed by the contextual background of 93 percent of Malawi's rural population who rely on fuelwood to meet their household energy needs (Kanaan & Althoff, 2018). Moreover, Malawi's National Parks and Wildlife Act of 1994 restricts communities from entering or residing in protected areas that are classified as national parks or wildlife reserves. Officers from the Department of Parks and Wildlife who participated in the national validation workshop confirmed that communities living adjacent to Kasungu National Park are prohibited from collecting fuelwood from the protected area, citing a need to limit communities' activities in these areas. However, the park officers reported that communities are allowed to collect other resources within protected areas (such as mushrooms), and in some unique cases, they may collect fuelwood in Kasungu National Park.

According to the feedback received from the FGDs that were conducted following the household survey, those communities that do not collect fuelwood from protected areas obtain fuelwood from VFAs or individual woodlots, or through purchase. There is thus a need for greater investment in VFAs and individual woodlots to reduce reliance on protected areas. For this approach to be successful, the Forestry Department would have to clearly define and document tenure rights and responsibilities for VFAs to increase the sense of ownership and incentivize communities to invest in the conservation and sustainable management of VFAs.

The contrasts between Mchinji Forest Reserve (where communities are allowed to collect fuelwood from the protected area) and Kasungu National Park (where communities are prohibited from doing so) are reflected in the forest cover and tree cover loss statistics from other sources. According to Global Forest Watch, Mchinji district lost 427 hectares of tree cover between 2013 and 2023, with 94 percent of that tree cover loss occurring within natural forests (Global Forest Watch, n. d.). By contrast, the TAs adjacent to Kasungu National Park have experienced the least tree cover loss. TA Chulu (adjacent to Kasungu National Park) lost less than one hectare of tree cover between 2013 and 2023, compared to TA Mchinji (adjacent to Mchinji Forest Reserve) which lost 229 hectares of tree cover in the same period, mainly natural forest (Global Forest Watch, n. d.).

## Use of forest resources and duration of access to protected areas



**Figure 9:** Respondents main reason for accessing protected areas

Fuelwood collection is the main reason communities access forest areas. Forty-three percent of respondents listed fuelwood collection as their reason for accessing forests. In addition, 94 of the 284 respondents who access forest resources (33 percent) reported that they farm within the protected areas. However, of the 284 respondents who access forest resources, 169 respondents (about 60 percent) farm on lands outside the forest areas, while 114 respondents (about 40 percent) do not possess any lands outside the protected area on which they can cultivate crops. Notably, communities living adjacent to Kasungu National Park (TA Chulu and TA Lukwa) only farm within the buffer zone to the protected areas. However, for Mchinji Forest Reserve, communities practise crop cultivation within the forest boundaries despite this being prohibited by law. In the feedback provided during community validation meetings, the community living adjacent to Mchinji Forest Reserve reported that communities from Zambia also cultivate crops within the forest reserve. This highlights a need to strengthen the institutional framework of the Malawi-Zambia Transfrontier Conservation Area (TFCA), which spans 32,278 km<sup>2</sup> and encompasses national parks, wildlife reserves, forest reserves, game management areas, and communal lands (SADC, n.d.). The TFCA treaty was signed in July 2015 and prioritizes the holistic management of protected areas within the TFCA and the resolution of transboundary challenges such as unauthorized cattle grazing, human-wildlife conflict, human encroachment, and poaching.

Most of the respondents who access forest resources have been doing so for over ten years, with 71 of the 284 respondents (25 percent) born and raised in the localities where they access these resources. Those who had been accessing forest resources from protected areas for more than 20 years accounted for nine percent, while those who have been accessing the resources for periods ranging from 10 to 20 years accounted for 12 percent of all respondents. Additionally, 17 percent of the respondents have been accessing resources from protected areas for five to ten years. The access to forest resources based on Malawi's forest laws and policies forms the basis of legitimate tenure rights as recommended by the UNCCD land tenure decision.

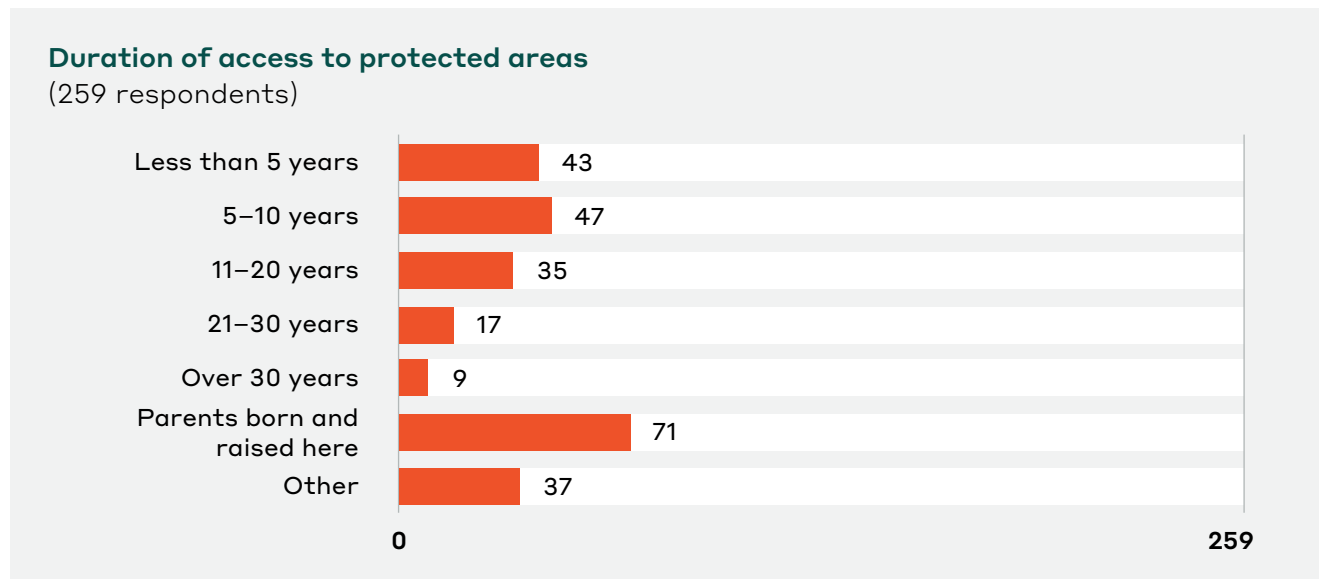


Figure 10: Duration of access to protected areas

With regards to payment for access to protected areas, most respondents (242 out of 284, 85 percent) reported that they do not pay to access land within the protected area. Respondents who pay to access forest areas reported paying forest officers. According to the feedback gained from the FGDs, some community members pay to collect fuelwood in Mchinji Forest Reserve, a protected area in which the capacity (and presence) of forest authorities is limited.

### 3. Impact of forest protection measures on community tenure rights

With respect to the impact of national forest protection and conservation measures on communities' access to forest resources, over half of the respondents (53 percent) reported that the forest sections they access within the protected areas have remained stable over the last five years, with 17 percent reporting a decrease in these sections over the same period. Based on feedback from the validation workshops and FGDs, the loss of forested areas is a result of population growth and the resultant pressure for cultivable land. Those who report that forest areas have remained stable are mainly communities living adjacent to and accessing resources from Kasungu National Park, in which there are more restrictions on community access to forest resources.

167 out of 284 respondents (59 percent) reported that forest protection and conservation measures had no impact on how they access land- and forest-based resources within the protected areas. In the case of Mchinji Forest, the community may hold this view because they practise crop cultivation within the forest in violation of policy and the legal framework.

#### 4. Sustainable Land Management (SLM) practices

The UNCCD advocates for the protection and conservation of land and forests through the application of sustainable land management (SLM) practices such as agroforestry, conservation agriculture, grazing management, grassland improvement, forest plantations, assisted natural regeneration and cross-slope barriers (UNCCD, n.d.). These practices are key to maintaining healthy and productive lands that can support communities' food security and livelihoods.

Of the 284 respondents who access forest resources, 169 respondents (about 60 percent) have farmlands outside the forest areas, and 115 (68 percent) of those apply some form of SLM on their farms. These SLM practices include agroforestry, contour ploughing, cross-slope barriers, and planting leguminous crops for nitrogen fixing.

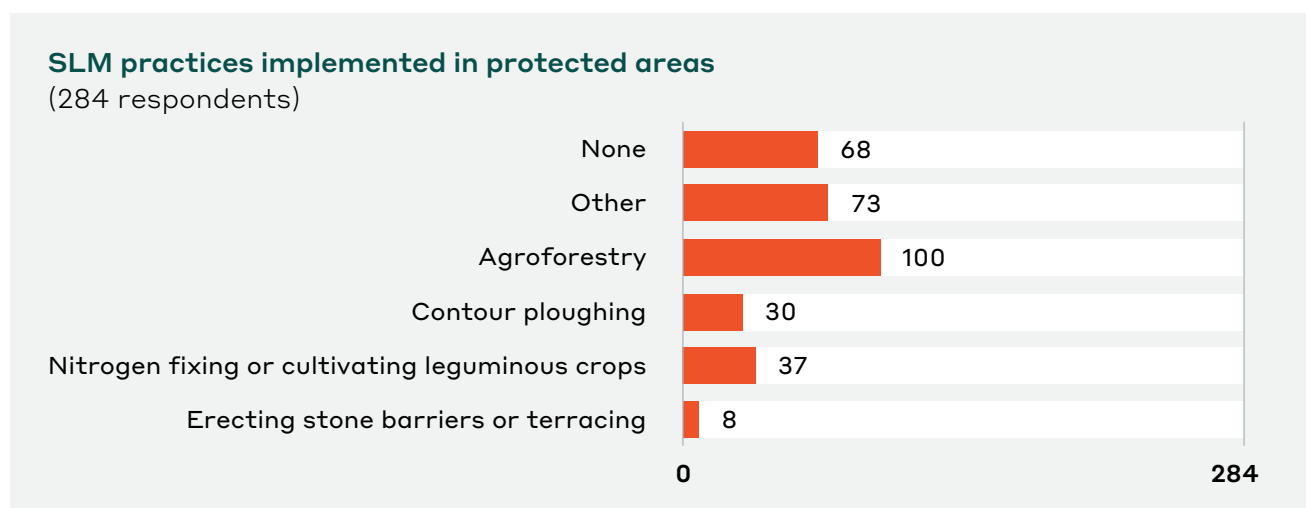


Figure 11: SLM practices implemented in protected areas

Most of the 284 respondents who access the forest areas also apply some form of SLM within the forest. Agroforestry was the most common SLM practice implemented on farmlands within protected areas, with 100 respondents (35 percent) reporting that they apply this practice. Only 68 respondents (24 percent) reported not applying any SLM practice within the forest. Despite this, the respondents did not perceive themselves as co-owners or co-managers of the protected areas where they farm, but instead view these areas as fully owned and managed by the government. They apply SLM practices within these protected areas mainly because they cultivate crops there and have been doing so without restriction.

Out of the 1,101 respondents who participated in the survey, 860 respondents reported that they are ‘somewhat likely’ (45) or ‘very likely’ (715) to invest more on soil restoration activities if they were more secure with the land or forest sections they access and use within the protected area.

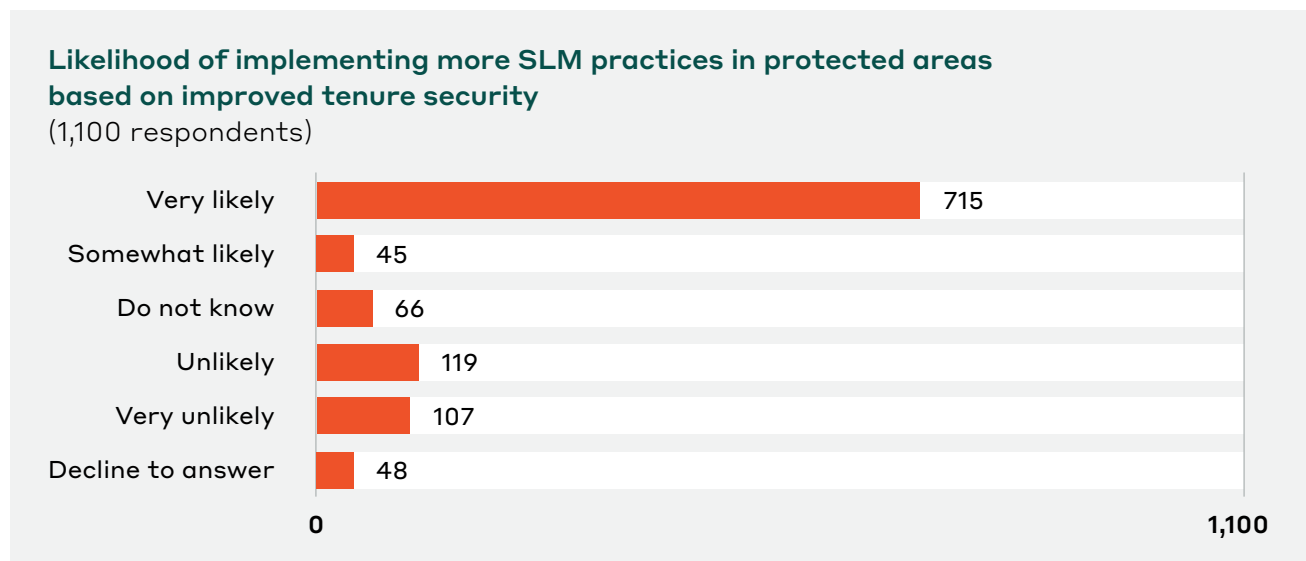


Figure 12: Likelihood of implementing more SLM practices in protected areas based on improved tenure security

## 5. Integration of land tenure issues into biodiversity protection and climate change mitigation and adaptation measures

Malawi’s national efforts to achieve the objectives of the three Rio Conventions include forest protection and conservation. National interventions to achieve the objectives of the UNCCD, UNCBD and UNFCCC often target the same territories and protected areas, such as Mchinji Forest Reserve and Kasungu National Park. Malawi’s Second National Biodiversity Strategy and Action Plan (2015–2025) identifies the country’s 87 forest reserves, five national parks and four wildlife reserves (covering 1.8 million hectares) as the areas of greatest biodiversity. The Plan identifies forests as habitats supporting a myriad of species and recommends the reduction of direct pressures on biodiversity by **protecting and restoring degraded forest ecosystems, increasing forest cover and sustainably managing the country’s forests** (GoM, Ministry of Natural Resources, 2015). In tandem, Malawi’s National Climate Change Management Policy aims to (i) promote the reduction of greenhouse gas emissions and (ii) enhance carbon sinks through **re-forestation and sustainable utilization of forest resources** (GoM, Ministry of Natural Resources, 2016). Recently, there has been an increasing focus on carbon offsetting as a national priority to mitigate and adapt to the impacts of climate change.

National plans and strategies are also aligned with regional and global frameworks and agreements such as the African Forest Landscape Restoration Initiative (**AFR100**), the United Nations Convention on Biological Diversity’s Kunming-Montreal Global Biodiversity Framework (UNCBD **GBF**), and **bilateral carbon-offsetting deals**. AFR100<sup>5</sup>, the UNCBD GBF<sup>6</sup> and

<sup>5</sup> AFR100 (the African Forest Landscape Restoration Initiative) is a country-led effort to bring 100 million hectares of land in Africa into restoration by 2030.

<sup>6</sup> The United Nations Convention to Combat Desertification (UNCBD) Kunming-Montreal Global Biodiversity Framework (GBF) was adopted in December 2022 at the fifteenth Conference of Parties (COP15). The GBF is an agreement to guide global action on nature and biodiversity through to 2030.

various carbon-offsetting projects are among the regional and global efforts to conserve or restore the environment that will have significant implications on the tenure rights of rural communities (indigenous people and local communities) who depend on land for their livelihood and food security.

Some reports foresee a risk that increasing protected areas may alienate local communities given that an estimated 90 percent of rural lands in Africa are undocumented and informally administered. In Malawi, **fewer than 10 percent** of communities living on customary lands have some form of documented land tenure or title, and the findings of the Bua catchment case study point to a similar situation for forest tenure rights. **This reality of undocumented and informal tenure rights calls for a stronger position on tenure rights in the context of all environmental action.** This position should include a requirement for all projects and programmes aimed at land restoration, biodiversity protection, and climate change mitigation and adaptation to address tenure issues and include safeguards to ensure that the tenure rights of rural communities are not compromised.

For this reason, this study highlights the importance of integrating tenure issues in forest protection and conservation measures, as well as land restoration measures, as they form part of national plans to combat desertification and land degradation, protect and conserve biodiversity, and respond to climate change. The discussion below briefly presents recent developments with respect to climate action and biodiversity protection in Malawi, the risks that may emerge if tenure issues are not resolved, and the opportunity to ensure better outcomes by integrating tenure issues.

### **Carbon-offsetting projects**

In 2023, Malawi was among the African countries that championed carbon-offsetting projects as part of its actions to address climate change (Rumble & Gilder, 2023). In this period, the Malawian government reported the establishment of an agency to oversee the trade and marketing of carbon emission offsets (Jomo & Sguazzin, 2023). With most carbon-offsetting projects based on forest-protection schemes that aim to reduce emissions by preventing deforestation and planting and growing trees, it is important to consider what implications these projects will have on the rights, roles and responsibilities of local communities. The conversion of forest areas to cultivation areas by adjacent communities presents a challenge to carbon-offsetting projects based on forest protection and conservation.

To effectively participate in carbon markets, the country must first improve its forest conservation and management framework by supporting community-level actors to play their respective roles competently. National land restoration plans should empower communities to be stewards and champions of forest protection. This can only be achieved by securing the tenure rights of local communities, safeguarding these rights from infringement, and including benefit-sharing provisions in the forest management framework. In addition, governments must assist local communities in establishing and maintaining VFAs and individual woodlots to reduce dependence on resources from protected areas. Diversification of household energy sources and household incomes also plays a crucial role in providing incentives for local communities to sustainably use forest resources and in limiting land use change (from forestry to crop cultivation) for the duration of the carbon-offsetting projects.

### **Biodiversity protection**

The Kunming-Montreal Global Biodiversity Framework (GBF), adopted in December 2022 by parties to the UN Convention on Biological Diversity (UNCBD), calls for the effective conservation and management of at least 30 percent of the world's lands, inland waters, coastal areas and oceans, with emphasis on areas of particular importance for biodiversity and ecosystem functioning and services (UNCBD, 2022). Incidents of human-wildlife conflict reported by communities living adjacent to Kasungu National Park point to a need to integrate tenure issues in biodiversity protection plans. The increasing demand for land, evident from farming outside the boundary of Kasungu National Park and within Mchinji Forest Reserve, presents a challenge to Malawi's national goals for biodiversity protection. A holistic approach that will diversify community livelihood sources and ensure communities have alternative sources of fuelwood (VFAs, individual woodlots) is crucial to Malawi's success in reaching its national biodiversity protection goals.

## 4 Conclusion and recommendations

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Malawi's LDN TSP prioritizes forest protection and conservation among measures to halt and reverse land degradation. Adoption of the UNCCD's Land Tenure Decision at the national level will entail recognizing the tenure rights of communities living adjacent to forest reserves and national parks where the government is implementing LDN measures and applying the principles of responsible land governance in managing these forests. While the policy and legal framework already include provisions that recognize communities' tenure rights, more investment is needed in the institutional framework at the community level to ensure that these provisions are applied. Additionally, the government should take a holistic approach to tenure issues that also considers the benefits of community-level interventions contributing to Malawi's national biodiversity and climate protection plans.

### 1. Revision of Malawi's LDN TSP

Malawi is among the countries selected for the UNCCD's initiative to support member states in revising national LDN TSP reports (UNCCD, 2023). The revision of the country's LDN targets and plans provides an opportunity to include tenure issues in land restoration plans by considering community-level challenges that limit the application of VGGT principles in forest protection and conservation in the analysis of the LDN TSP, and by developing tenure-related LDN targets that can be included in the report. The LDN TSP process should involve land-sector stakeholders (Ministry of Lands, civil society organizations, CSO networks) to enrich the land tenure aspect of the report.

### 2. Investment in the institutional framework of forest conservation and land restoration

In theory, Malawi's policy and legal framework on forest protection and conservation and land restoration offers multiple opportunities to recognize communities' tenure rights and to apply the VGGT principles. However, in practice, the implementation of these policies and laws is hindered by the limited institutional capacity of forest authorities and, in some cases, local development committees. Research has shown that forest landscape restoration (FLR) projects and programmes face challenges when priority areas for restoration overlap with insecure tenure and weak governance (Rakotonarivo, et al., 2023). Committing lands to restoration projects without considering tenure and governance issues (and local realities) can significantly hinder the success of FLR projects (Rakotonarivo, et al., 2023). The successful integration of tenure issues in Malawi's LDN programme will require investment in the institutional framework of forest protection and land restoration to ensure that communities' tenure rights are recognized and that communities are sensitized to the need for forest protection and conservation. Beyond encouraging communities to be stewards and champions of SLM practices to restore degraded lands by recognizing their tenure rights, communities should also be sensitized to the immediate, medium- and long-term benefits of forest protection and conservation. Investment in the institutional framework of forestry should include the promotion of VFAs and individual woodlots as sources of fuelwood to reduce reliance on fuelwood from protected areas. Documenting the VFAs and the villages responsible for them will further incentivize communities to manage them sustainably.



### 3. Holistic approach to forest conservation and land restoration

The Bua catchment case study has revealed the need to develop a holistic national plan for forest conservation and land restoration that takes into consideration various contextual issues in rural Malawi. Ninety percent of Malawians rely on fuelwood or charcoal to meet their household energy needs (Kanaan & Althoff, 2018), and 85 percent of the population depend on agriculture (Botha, 2023). As such, land restoration programmes should consider solutions that balance the goals of forest conservation and land restoration with the needs of rural communities. While the recognition of tenure rights can improve access to resources within protected areas, the sustainable use of these resources will require programmes and measures that reduce reliance on those resources. The promotion of individual woodlots and VFAs is one such measure. In addition, programmes should also consider livelihood diversification options to reduce pressure on existing cultivable land.

### 4. Multistakeholder platforms to champion tenure rights issues in LDN programmes

TMG's project work on the implementation of the UNCCD's Land Tenure Decision (Benin, Kenya, Madagascar and Malawi) has culminated in the development of [solution pathways for mainstreaming legitimate tenure rights in LDN programmes](#). The pathways developed by TMG emphasize the value of engaging sector stakeholders to **create spaces for dialogue and learning, to strengthen civil society organizations as catalysts for change,** and to [create national, regional, and global alliances](#) to champion tenure issues in environmental action. Participants (sector stakeholders) at the national validation workshop held in Lilongwe in February 2024 recommended that Malawi's Environment Ministry, and specifically the Forestry Department, should work with other stakeholders, including local authorities, civil society organizations and academia, to integrate tenure issues in national forest conservation and land restoration plans. The participants also advised that the Ministry should engage existing multistakeholder platforms such as the Civil Society Network on Climate Change (Cisonecc) and Landnet Malawi<sup>7</sup>, which already have convening structures in place. Engaging existing multistakeholder platforms also provides an opportunity to ensure that approaches to forest conservation and land restoration are aligned with national plans for land governance reforms, biodiversity protection, and climate change mitigation and adaptation.

<sup>7</sup> Landnet is a network of civil society organizations advocating for pro-poor land and natural resources policy reforms in Malawi and the region.

## Plantation Management Cycle

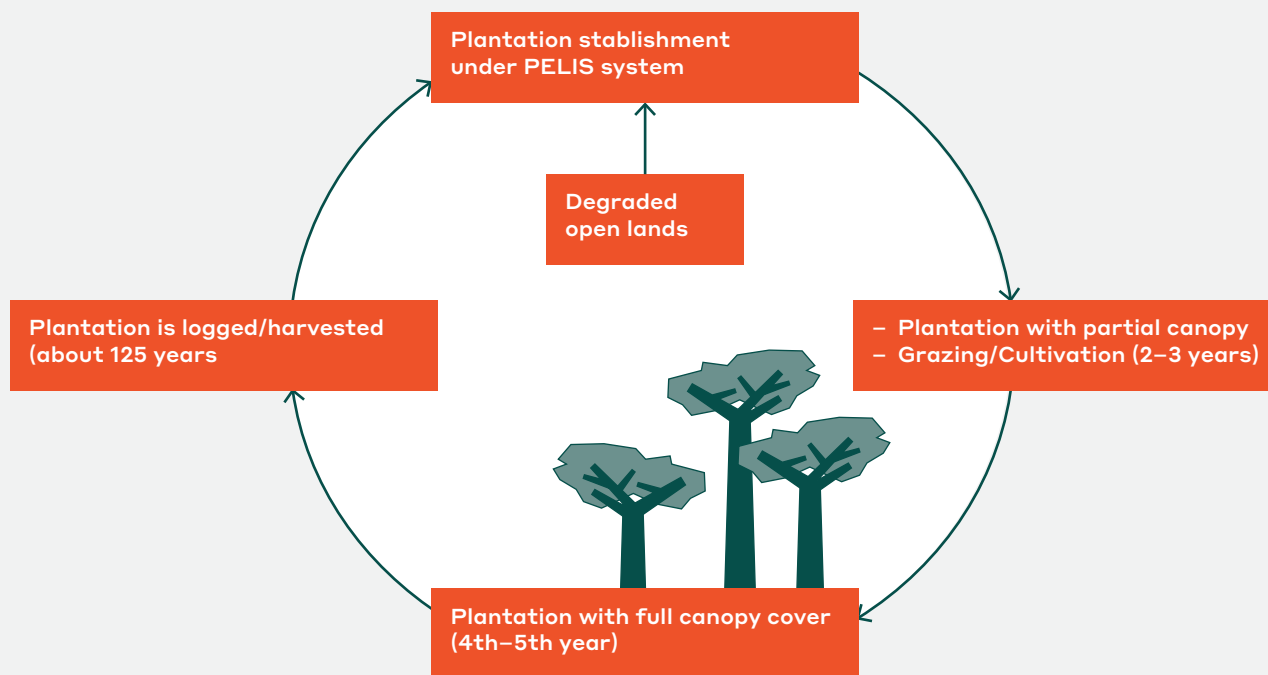


Figure 13: The Plantation Establishment and Livelihood Improvement Scheme (PELIS) forest co-management system which applies to plantation forests in Kenya

### 5. Adoption of forest management systems that require communities to plant trees in forest areas as they cultivate crops

One proposal to reduce pressure on cultivable land in rural Malawi is to adopt forest co-management systems that require communities to plant trees to restore plantation sections in forest reserves as they cultivate food crops. One such example is the Plantation Establishment and Livelihood Improvement Scheme (PELIS) system in Kenya. Under PELIS, forest-adjacent communities are allowed to plant food crops for subsistence and small-scale commerce, provided they plant trees in sections of the plantation forest where timber has been harvested. The communities contribute to forest restoration by planting and tending to tree seedlings while cultivating crops on the land (non-resident cultivation). As sections of the plantation forest are harvested, the freed-up spaces are allocated to community user groups to undertake non-resident crop cultivation as they restore the forest. However, this system can only be successfully and sustainably implemented if the community-level institutions are empowered to carry out their roles and responsibilities effectively.

### 6. Harmonizing support and strengthening the institutional framework for the Malawi-Zambia Trans-frontier Conservation Area (TFCA)

To ensure consistent forest protection and conservation in Mchinji Forest Reserve, there is a need to harmonize support for the Malawi-Zambia TFCA. The TFCA should consider including Mchinji Forest Reserve in the conservation area to resolve the transboundary issues that adjacent communities have reported (currently, only Kasungu National Park falls under the TFCA). In addition, support for the TFCA should be strengthened to ensure both Malawian and Zambian forest authorities can apply one holistic strategy for protecting and conserving protected areas that fall under the conservation area, including Mchinji Forest Reserve.

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## Annex:

# Bua Catchment case study analysis against the UNCCD Land Tenure Decision and the VGGT

UNCCD Land Tenure Decision	VGGT (Voluntary Guidelines on the Responsible Governance of Tenure of Lands, Fisheries and Forests in the Context of National Food Security)	Bua catchment case study findings
<p>(Decision 26/COP.14) Recognizes that responsible land governance is a fundamental component of sustainable land management and is important in addressing desertification / land degradation and drought.</p>	<p>(8.1) Where States own or control land, fisheries and forests, they should determine the use and control of these resources in light of broader social, economic and environmental objectives.</p>	<p>Rules for governing tenure for land and forests, as well as decision-making frameworks for lands and forests are clearly defined in the laws and policies. However, there is a need to prioritize the implementation of these legal provisions to ensure sustainable use and management of forest resources and a sustainable approach to meeting the food security and livelihood needs of rural communities.</p>
<p>(Decision 26/COP.14) (1) Encourages the parties to follow the VGGT principles, taking into account the principles of implementation, in the implementation of activities to combat desertification / land degradation and drought and achieve land degradation neutrality.</p>	<p>(8.2) The legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be <b>recognized, respected and protected</b>.</p> <p>Categories of legitimate tenure rights should be clearly defined and publicized, through a transparent process, and in accordance with national law.</p>	<p>Tenure rights of communities are recognized, and laws and policies provide a framework through which communities can access and use forest resources (fuelwood and more).</p> <p>Categories of tenure rights are defined in laws and communities are aware of protected area boundaries and the rights they have to access resources therein.</p>
<p>(Decision 26/COP.14) (2) Invites parties to review and adopt national land governance legislation and procedures in order to support sustainable land use and land restoration.</p>	<p>(3B Principles of implementation) (10) <b>Continuous improvement:</b> states should improve mechanisms for monitoring and analysis of tenure governance in order to develop evidence-based programmes and secure on-going improvements.</p>	<p>National land governance policies and laws have been reviewed in the last ten years to support sustainable land use and land restoration. These include the National Forest Policy (adopted in 2016), the Forestry (Amendment) Act (passed in 2016), the National Forest and Landscape Restoration Strategy (adopted in 2017), and the Malawi Land Degradation Neutrality Target Setting Programme report (2017).</p> <p>The NFLRS recommends community forests and woodlots as the more sustainable source of fuelwood.</p>

	<p>(8.10) States should ensure that competent bodies responsible for land, fisheries and forests have the <b>human</b>, physical, <b>financial</b> and other forms of capacity. Where responsibilities for tenure governance are delegated, the recipients should receive <b>training and other support</b> so they can perform those responsibilities.</p>	<p>Communities in Bua catchment also receive support in terms of training in forest management for VFAs and individual woodlots, but more institutional support is required to ensure compliance with the rules of accessing resources in protected areas.</p> <p>Forestry officers are more accessible for communities living adjacent to protected areas, but not for the communities located far from protected areas. The Mkanda ADC and Santhe ADC (far from protected areas) reported that they need training on how to regenerate trees, and on reforestation strategies.</p>
<p>(Decision 26/COP.14) (3) Encourages parties to recognize legitimate tenure rights, including customary rights, consistent with the national legal framework.</p>	<p>(8.8) Where necessary, those who are allocated tenure rights should be provided with support so they can enjoy their rights. States should determine whether they retain any form of control over land, fisheries and forests that have been allocated.</p>	<p>Tenure rights of communities are recognized through laws and policies that provide a framework through which communities can access and use forest resources (fuelwood and more). Communities are issued with tickets to allow them to collect fuelwood and other resources from protected areas. The legal framework also defines Village Forest Areas (VFAs), which are part of customary lands.</p>
<p>(Decision 26/COP.14) (4) Invites parties to legally recognize equal use and ownership rights of land for women and the enhancement of women's equal access to land and land tenure security, as well as the promotion of gender-sensitive measures to combat desertification/land degradation.</p>	<p>(3B Principles of implementation) (4) <b>Gender equality:</b> Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.</p>	<p>Malawi's National Forest Policy aims to take a holistic approach to sustainable forest management. The policy addresses issues of forests and water; climate change; food security; HIV and AIDS; <b>gender and equity</b>; wealth creation; biodiversity and Payments for Ecosystem Services (PES); Reduced Emissions from Deforestation and Forest Degradation (REDD+), and the Clean Development Mechanisms (CDM).</p> <p>The National Forest Policy also lists <b>gender imbalance</b> in all sub-sectors of the forestry sectors among the issues which necessitate capacity development for the forestry sector.</p> <p>The National Forest and Landscape Restoration Strategy aims to contribute to Malawi's national goal of gender equity and equality by promoting women's access to, ownership and control of productive resources, including land, water, and farm inputs, as well as education and technical training for women.</p>

		<p>However, in practice, there are challenges that significantly hinder the implementation of policy and legal provisions. As such, there is more to be done to safeguard women's equal use and ownership rights to land and land-based resources.</p>
<p>(Decision 26/COP.14) (5) Encourages the parties to provide effective, timely and affordable access to justice and transparent dispute resolution mechanisms.</p> <p>(Decision 26/COP.14) (6) Also encourages the parties to recognize and promote fair and inclusive community-based conflict resolution mechanisms.</p>	<p>(21.1) States should provide access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving disputes over tenure rights, including alternative means of resolving such disputes, and should provide effective remedies and a right to appeal.</p> <p>Dispute resolution services should be accessible to all, women and men, in terms of location, language and procedures.</p> <p>States should strengthen and develop alternative forms of dispute resolution, especially at the local level.</p>	<p>Limited human resource capacity (forestry officers) at the community level means limited access to justice systems.</p>
	<p>(3B Principles of implementation) (5) <b>Holistic and sustainable approach:</b> recognizing that natural resources and their uses are interconnected, and adopting an integrated and sustainable approach to their administration.</p>	<p>Malawi's National Forest Policy aims to take a <b>holistic approach to sustainable forest management</b>. The policy addresses issues of forests and water; climate change; food security; HIV and AIDS; gender and equity; wealth creation; biodiversity and Payments for Ecosystem Services (PES); Reduced Emissions from Deforestation and Forest Degradation (REDD+) and Clean Development Mechanisms (CDM).</p> <p>However, there is a need for investment in the implementation of programmes and interventions proposed in the National Forest Policy and the National Forest and Landscape Restoration Strategy. Investing in these programmes and interventions is a way to ensure a holistic approach to forest conservation and landscape restoration.</p>

	<p>(22.1) States should cooperate, in the framework of appropriate mechanisms and with the participation of affected parties, in addressing tenure issues related to land, fisheries and forests which traverse national boundaries.</p> <p>In states where transboundary matters related to tenure rights arise, the parties should work together to protect tenure rights, livelihoods and food security of the migrating populations while on their respective territories.</p>	<p>Communities living adjacent to Mchinji Forest Reserve reported inconsistency in the application of forest protection policies both by Malawian and Zambian authorities.</p> <p>The Malawi-Zambia Trans-frontier Conservation Area (TFCA) presents an opportunity to resolve any transboundary issues.</p>
<p>(Decision 27/COP.15) (3) Invites Parties to <b>review their plans and activities to combat desertification / land degradation</b> and drought and to <b>proactively collect data on legitimate land tenure rights in priority areas</b> of voluntary land degradation neutrality plans (COP15).</p>	<p>(8.4) States should strive to establish up-to-date tenure information on land, fisheries and forests that they own or control by creating and maintaining accessible inventories.</p> <p>(17.1) States should provide systems (such as registration, cadastre and licensing systems) to record individual and collective tenure rights in order to improve security of tenure rights, including those held by the state and public sector, private sector, and indigenous peoples and other communities with customary tenure systems.</p>	<p>Currently there is no centralized database on land tenure rights in LDN priority areas.</p> <p>The LDN TSP 2.0 process presents an opportunity to define these tenure rights, to begin collecting data as prescribed by Decision 27/COP.15, and to ensure this data informs national LDN plans.</p> <p>Existing land administration projects can inform the process of developing an inventory of protected areas and the respective land tenure rights, as well as an inventory of VFAS and individual woodlots and respective tenure rights. The inventory of VFAs and individual woodlots should inform the development of forest protection and land restoration strategies to reduce reliance on resources within protected areas.</p>
<p>(Decision 27/COP.15) (8) Further invites the parties to explore ways to integrate land tenure information into their capacity development efforts and data analytic tools for evidence-based decision-making to support land degradation neutrality implementation through integrated land-use planning (COP15).</p>	<p>(20.1) States should conduct regulated spatial planning, and <b>monitor and ensure compliance with those plans</b>, including balanced and sustainable territorial development, in a way that promotes the objectives of the VGGT.</p> <p>In this regard, spatial planning should <b>reconcile and harmonize different objectives of the use of land, fisheries and forests</b>.</p>	<p>Currently there is no centralized database on land tenure rights in LDN priority areas.</p> <p>The LDN TSP 2.0 process presents an opportunity to define these tenure rights and to begin collecting data as prescribed by Decision 27/COP.15, and to ensure this data informs national LDN plans.</p> <p>Existing land administration projects can inform the process of developing an inventory of protected areas and the respective land tenure rights, as well as an inventory of VFAS and individual woodlots and the respective tenure rights.</p>



	<p>(20.3) States should strive towards <b>reconciling and prioritizing public, community and private interests</b> and accommodate the requirements for various uses, such as rural, agricultural, nomadic, urban and environmental uses.</p> <p>Spatial planning <b>should consider all tenure rights, including overlapping and periodic rights.</b></p>	<p>There is increasing pressure to convert forest areas to farmland, as is evident from the croplands within Mchinji Forest Reserve, despite the law prohibiting cultivation within forest reserves.</p>
	<p>(23.3) States should facilitate the participation, consistent with the <b>principles of consultation and participation of the VGGT</b>, of all individuals, communities or peoples, with an <b>emphasis on farmers, small-scale food producers, and vulnerable and marginalized people</b>, who hold legitimate tenure rights, <b>in the negotiations and implementation of mitigation and adaptation programmes.</b></p>	<p>Increased attention to climate change mitigation and adaptation programmes, including carbon offset projects, against the backdrop of 85 percent of Malawians relying on agriculture, points to a need for urgently integrating land tenure issues in all environmental action.</p>
	<p>(26.2) States are encouraged to set up <b>x</b> at local, national and regional levels or use such existing platforms and frameworks to collaborate on the implementation of the VGGT; to monitor and evaluate the implementation in their jurisdictions; and to evaluate the impact on improved governance of tenure of land, fisheries and forests.</p>	<p>Existing multistakeholder platforms such as the Civil Society Network on Climate Change (Cisonecc), and Landnet Malawi are entry points for integrating land tenure issues in LDN programmes, as well as for promoting the application of VGGT principles in forest protection and land restoration programmes.</p>



## TMG Research

TMG – Think Tank for Sustainability  
TMG Research gGmbH  
EUREF-Campus 6–9  
10829 Berlin, Germany  
Phone: +49 30 92 10 74 07 00  
Email: [info@tmg-thinktank.com](mailto:info@tmg-thinktank.com)  
Website: [www.tmg-thinktank.com](http://www.tmg-thinktank.com)



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