

Responsible land governance
in LDN programmes

MALAWI
Case Study

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Malawi Case Study

Global Soil Week 2022-2024

Monitoring the impact of Land Degradation Neutrality measures on legitimate tenure rights of forest-adjacent communities: a follow-up to the implementation of the UNCCD Decision 26/COP.14 on land tenure.

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Preface

In 2019, the United Nations Convention to Combat Desertification (UNCCD) passed its landmark land tenure decision (Decision 26/COP.14). This decision calls upon states to recognize responsible land governance in the implementation of land degradation neutrality (LDN) activities and to comply with the principles of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT). The decision also calls for recognition of legitimate tenure rights, including customary rights, consistent with national legal frameworks. While many countries have drafted national Land Degradation Neutrality Target Setting Programmes (LDN TSP), they have yet to introduce national-level actions that reconcile communities' tenure rights with sub-national LDN measures.

TMG Research's Global Soil Week (GSW) project seeks to identify how responsible land governance can be integrated into national LDN programmes, with a focus on tenure security for smallholder farmers and other marginalized natural resource users. The objective of this study was to identify the impacts of LDN measures on the forest tenure rights of local communities in Malawi. TMG Research partnered with the NGO Total LandCare (TLC) to collect and analyse data from a household survey of communities living adjacent to Ntchisi Forest Reserve and Nkhotakota Wildlife Reserve in Malawi, both key target areas of LDN measures. A community-led mapping exercise was conducted in selected forest blocks within Ntchisi Forest Reserve. The findings of this study show that communities are prohibited from cultivating crops within the protected areas. Instead, they rely on crops from farmland outside the forest to ensure household food security. However, the communities access the forest to harvest other forest products (mainly fuelwood) for household subsistence.

While Malawi's National Forest Policy (2016) and the Forest (Amendment) Act of 2017 allow for community co-management of forests, limited technical capacity of both the communities and government actors at community level make such participation challenging. There are also challenges related to the recognition of tenure rights in forest co-management areas. Communities implement sustainable land management (SLM) practices on their farmlands outside the protected areas but are not incentivized to apply similar practices within the protected areas, such as in areas where LDN activities are implemented. Secure tenure rights, including recognition of legitimate tenure rights, are among the factors that incentivize communities to implement SLM practices and thereby play a more effective role in land and natural resource management or co-management.

The findings of the GSW project in Malawi, as well as from the three other countries (Kenya, Benin, Madagascar) present an opportunity for TMG Research and its partners to develop a monitoring approach that can be replicated by other civil society or community-based organizations to support implementation of the land tenure decision of the UNCCD and recognize legitimate tenure rights in LDN target areas. The findings of the Malawi case study are also a starting point for policy discussions on how tenure issues can be introduced in tandem with LDN approaches at the national level and in line with the UNCCD decision. These findings informed TMG's reporting on the land tenure decision at UNCCD COP15 and will form the empirical basis for discussions with national ministries and government agencies implementing LDN measures beyond COP15.

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Acronyms

AFR100	The African Forest Landscape Restoration Initiative
ANRMC	Area Natural Resource Management Committee
ARLI	African Resilient Landscapes Initiative
ADC	Area Development Committee
AEC	Area Executive Committee
BMC	Block Management Committee
BMZ	German Federal Ministry for Economic Cooperation and Development
CA	Conservation Agriculture
COP	Conference of the Parties
CBO	Community-Based Organization
CBD	United Nations Convention on Biological Diversity
CSO	Civil Society Organisation
DC	District Commissioner
DoF	Department of Forestry
DEC	District Executive Committee
EPA	Extension Planning Area
FAO	Food and Agriculture Organization of the United Nations
FGD	Focus Group Discussion
FMNR	Farmer-Managed Natural Regeneration
FR	Forest Reserve
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (German national development cooperation agency)
GSW	Global Soil Week
GoM	Government of Malawi
GDP	Gross Domestic Product
GVH	Group Village Headman
Ha	Hectare
IFA	Individual Forest Area
IFAD	International Fund for Agricultural Development

IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
ITPS	Intergovernmental Technical Panel on Soils
SDGs	United Nations Sustainable Development Goals
LDN	Land Degradation Neutrality
MEA	Multilateral Environmental Agreement
MGDS	Malawi Growth and Development Strategy
NFLRA	National Forest Landscape Restoration Assessment
NAPA	National Adaptation Programme of Action
NAP	National Action Plan
NAWIRA	Nkhotakota Wildlife Reserve Association
NGOs	Non-Governmental Organizations
NFP	National Focal Points
NTFPs	Non-Timber Forestry Products
NRC	Natural Resource Committees
PERFORM	Protecting Ecosystems and Restoring Forests in Malawi
TA	Traditional Authority
THRIVE	Transforming Households Resilience in Vulnerable Environments
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change
VSL	Village Savings and Loan
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
VFA	Village Forest Area
VH	Village Head
VDC	Village Development Committee
VNRMCMC	Village Nature Resource Management Committee



Key Messages

1 Forest adjacent communities are highly dependent on secure access to forest resources for household subsistence.

The community living around Ntchisi Forest is dependent on secure access to the forest for fuelwood and non-timber forest products, including mushrooms, herbs, thatching grass, and honey for household subsistence. Grazing and crop cultivation is prohibited within protected areas. However, while most of these communities rely on the crops they grow on farmlands outside the protected area for household food security, more than 90% of the communities living adjacent to Ntchisi Forest and Nkhotakota Wildlife Reserve obtain other resources for household use from the protected area.

2 LDN forest protection measures affect forest-adjacent communities' tenure rights.

Malawi's LDN measures have an impact on the forest tenure rights of the communities living adjacent to areas where these measures are being implemented. The majority of the national targets listed in Malawi's LDN TSP focus on actions to be implemented on forests and forest land and these actions determine communities' access to forest resources. Completely restricting access to protected areas would have a negative impact on the communities' household subsistence.

However, while strong restrictions on accessing forest resources present a challenge to recognizing communities' forest tenure rights, weak institutional capacity of forest authorities also limits the extent to which these tenure rights can be recognized and safeguarded. Institutional constraints within the existing LDN implementation framework often result in limited involvement of forest authorities in forest co-management and consequently limits the extent to which provisions for fairness, inclusivity, and women's participation within the existing legal framework can be adhered to.

3 Communities can be incentivized to become effective co-managers of forests and lands where LDN measures are being implemented and apply SLM practices in these areas.

The majority of community members living adjacent to Ntchisi Forest Reserve are implementing SLM practices (including contour planting to improve soil moisture and reduce erosion, agroforestry or tree planting, and other measures to prevent soil erosion) on their farmlands outside the protected area. However, less than half of the same communities have implemented or participated in implementation of SLM practices within the protected area. Secure tenure rights, including formal recognition of tenure rights, and empowering existing community structures that support sustainable use and management of forest resources, are among the main factors that can

incentivize communities to implement SLM practices and thereby play a central role in land and natural resource management. Supporting community livelihoods by promoting diversification and improvement of agriculture to include production of high-value crops for commercial purposes was also identified as incentives that can reduce communities' reliance on forest resources. Participants at the validation workshop on the findings from the Ntchisi Forest case study proposed that increased incomes could improve communities' capacity to contribute to forest co-management. However, incentives must be sufficiently anchored in existing policies and laws to ensure success.

Recognition of tenure rights in the context of LDN approaches will also require the inclusion of tenure-related targets within national LDN programmes. Additionally, adoption of the land tenure decision will require national-level actors to periodically collect tenure-related data that can support analysis of impacts of LDN initiatives on legitimate tenure rights and inform decision-making.

4 The effectiveness of landscape restoration efforts at the national level will depend on the capacity of both government and community actors to fulfil their respective roles relating to land and natural resource management.

Forest and landscape restoration initiatives require contributions from both government actors (forest authorities and local administration officers) and community actors. The success of these initiatives is highly dependent on the capacity of each of these actors to fulfil their roles in land and natural resource management at the community level.

For government actors, this includes human resource capacity to oversee the implementation of national actions to achieve LDN at the local level, as well as the capacity to ensure that community-level actions adhere to legal provisions on equity, consultation and participation, fairness in dispute resolution, women's participation, transparency and accountability. Government actors also require the capacity to adopt regional and global standards, agreements, and decisions such as the UNCCD land tenure decision.

In addition, community-level actors require the capacity to participate in decision-making at the local level and in land and forest co-management. Investing in the institutional framework of LDN implementation not only presents an opportunity to enhance recognition of legitimate tenure rights but also ensures LDN is not achieved at the expense of communities' livelihoods

1 Introduction

Sustainable land use is a key factor in many of the most pressing socio-ecological challenges of our time. According to the UNCCD, healthy and productive land plays a crucial role as an engine of economic growth and a source of livelihood for billions worldwide, including the most vulnerable populations (Land Degradation Neutrality, UNCCD, n.d.). To ensure food security for a growing global population the world needs healthy land resources and flourishing ecosystems. However, current agricultural practices are causing soils worldwide to be eroded up to 100 times faster than natural processes replenish them (Land Degradation Neutrality, UNCCD, n.d.). Approximately 33% of the Earth's soils are currently degraded, and over 90% could become degraded by 2050 (FAO and ITPS, 2015; IPBES, 2018).

Land degradation neutrality (LDN) is a process that can mitigate the loss of productive land through the recovery of degraded areas (Land Degradation Neutrality, UNCCD, n.d.). LDN represents a promising approach to achieving various targets of the United Nations Sustainable Development Goals (SDGs), including Target 15.3 ("combat desertification, restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land degradation-neutral world") and ensure that the amount and quality of land resources needed to support ecosystem services and enhance food security remains stable or increases.

In Sub-Saharan Africa, smallholder farmers occupy about 40% of the region's farmlands (Lesiv, 2017). Therefore, sustainable land use is likely to become widespread only through the efforts of smallholder farmers (Baba et al, 2022). However, the insecure land and forest tenure rights of many smallholder farmers limit the effectiveness of LDN measures. Tenure rights are therefore a key factor in the implementation of LDN measures. The issue goes beyond legally recognized land rights and includes socially legitimized land tenure rights (legitimized through customary systems and social norms) (FAO, 2020). Especially in communities that live adjacent to forests, legitimate tenure rights are often not recognized. Most LDN policies at the national level call for restricting access to forests in order to achieve LDN goals, neglecting the importance of forest resources for adjacent communities.

In Malawi, forest management approaches vary – from complete restriction of forest access to introduction of forest co-management approaches under different forest conservation programmes and LDN initiatives. While most communities living adjacent to protected areas rely on farmlands outside these areas for household food security, they also rely heavily on other forest products (mainly fuelwood) for household subsistence. Until now, most forest management approaches do not prioritize the communities' forest tenure rights and may even put these communities at risk as they lack alternatives to the resources they currently harvest from the forest.

Promoting responsible land governance presents one opportunity to incentivize smallholder farmers to become drivers of sustainable land and forest management and to actively participate in the achievement of LDN targets at national level. It is against this background that the landmark **UNCCD Land Tenure Decision** (Decision 26/COP.14) was reached at the 14th

Conference of the Parties to the UNCCD (COP 14) in New Delhi in 2019. The decision calls upon states to recognize legitimate tenure rights in the context of LDN implementation and encourages states to follow the Voluntary Guidelines (VGGT) in implementing activities to combat desertification, land degradation and drought and to achieve land degradation neutrality.

This report presents the results of a pilot study implemented by TMG Research and Total LandCare in Malawi to support the implementation of the UNCCD land tenure decision. This pilot study investigated the impact of LDN measures on the tenure rights of communities. It was implemented as part of Global Soil Week, a research project by TMG Research with funding from the German Federal Ministry for Economic Cooperation and Development (BMZ).

2 Global Soil Week

2.1 Background and objective

Since its launch in 2012, Global Soil Week (GSW) has accumulated a large volume of knowledge and experience from both its practical and theoretical work, while its focus and design have evolved in response to ongoing policy debates and land management programming. It is organized by TMG Research in partnership with the German Federal Ministry for Economic Cooperation and Development (BMZ) and GIZ (the German development cooperation agency).

The transdisciplinary format of the GSW allows sustainable soil management and responsible land governance to be addressed in an integrated way that acknowledges their closely related characters and thus helps develop innovative approaches to sustainable land management.

Since 2019, the GSW has closely followed processes towards achieving LDN and contributed to a stronger focus on LDN through responsible land governance approaches, and prioritizing tenure security for smallholder farmers and other marginalized resource users. TMG's commitment to this approach provides the thematic focus of Global Soil Week: "Creating an enabling environment for green recovery".

The Global Soil Week (GSW) 2021–2024 aims to support the implementation of the UNCCD COP 14 Decision 26 on land tenure in four African countries: Benin, Kenya, Madagascar, and Malawi. The main objective of this research is to support mechanisms that lead to increased accountability in implementing LDN measures through more responsible governance of land tenure. One of the objectives of the GSW project is to help create an enabling environment in which the tenure rights of vulnerable communities are protected where LDN measures are being implemented.

2.2 Implementation approach

The project works with civil society organizations to develop and implement inclusive processes that monitor the land and land use rights of marginalized smallholder farmers in the context of policies that promote sustainable land use, and LDN measures in particular. These monitoring processes contribute to improved reporting on responsible governance of land and land use rights under the UN Rio Conventions, particularly the UNCCD.

The project thus contributes to securing the land tenure and land use rights of marginalized smallholders in the implementation of LDN measures and other sustainable land use programmes. Due to the relevance of secure land tenure and land use rights of smallholders for global food security, the project contributes directly to the achievement of SDG 2, and indirectly to SDGs 1, 13, and 15.

The GSW 2021–2024 builds on the findings of an initial phase that focused on participatory digital mapping of communities' rights to forest land and resources in two countries, **Benin** and **Kenya**.

In Malawi the GSW project has been implemented by Total LandCare with support from TMG Research. The first research phase (from October 2021 to March 2022) took place in Ntchisi district, specifically the Ntchisi Forest reserve (public land) and the surrounding area.

2.2.1 Partnership development process

The GSW project in Malawi was implemented in close cooperation with a national NGO and relevant authorities in Ntchisi Forest Reserve as well as a digital mapping service provider.

The following provides a brief introduction to these partners:

Total LandCare (TLC) is a non-profit, non-governmental organization with operations in Malawi, Mozambique, Zambia, and Tanzania. Its mission is to improve the livelihoods and standards of living of smallholder farming households across the region. TLC's programmes take an integrated community-based approach to addressing the basic needs and challenges of rural southern African communities.

Cadasta Foundation develops and promotes the use of simple digital tools and technology to support the efficient documentation, analysis, storage and sharing of land and resource rights information. Cadasta develops accessible digital records of land and resource rights to empower different stakeholders to make informed decisions on resource management. Cadasta was responsible for providing the mapping platform and for training community participants in data collection.

The **Ministry of Natural Resources and Climate Change** (until 2023 the *Ministry of Forestry and Natural Resources*) is the main government ministry responsible for development and implementation of environmental policies and laws in Malawi. The **Department of Forestry** is the lead agency responsible for implementing the National Forest Policy and the Forestry Act in Malawi.

2.2.2 Linking local knowledge to international policymaking

The GSW's approach combines the proactive generation of local knowledge with experience-based action research through participatory mapping, drawing on longstanding expertise in feeding lessons learned locally into international policy arenas.

The first component of the GSW, action research, helps civil society organizations monitor the effects of LDN measures on land tenure rights. Following the approach used in Kenya and Benin, the study began with a household survey to better understand tenure relationships and a participatory tenure mapping approach in one region of Malawi. The use of a customized digital tenure mapping tool empowered marginalized land users to monitor potential or existing conflicts between forest restoration goals and their rights to use forest resources.

An integral part of the project involves linking local knowledge to international policy-making, contributing directly to the implementation of the UNCCD/COP.14 Decision 26 on land tenure. The GSW pilot studies accordingly provided the basis for empirically sound reporting on land governance and tenure rights at UNCCD COP15¹. Beyond this, the approach described here can also highlight the relevance of land governance and tenure rights for the implementation of the other two Rio Conventions, the United Nations Convention on Biological Diversity (UNCBD) and the United Nations Framework Convention on Climate Change (UNFCCC).

International reporting processes require well-founded contextual information generated from local knowledge. Local knowledge, generated for example through participatory tenure mapping, can inform and shape policies at national and international level thereby increasing accountability at various levels.

¹ The fifteenth session of the Conference of the Parties to the UN Convention to Combat Desertification (UNCCD COP 15) was originally rescheduled to take place in the final quarter of 2021. Due to the COVID-19 pandemic, it was postponed until 2022.

3 Institutional setting and policy framework for LDN targets in Malawi

3.1 Policy and legal framework

Malawi is a signatory to various Multilateral Environmental Agreements (MEAs), including the three Rio Conventions; the UNCCD, the UNFCCC, and the UNCBD. Through the Ministry of Natural Resources and Climate Change, Malawi has developed national strategies to meet its obligations under those conventions and other agreements.

Malawi's obligations and commitments under the three Rio Conventions can be achieved through the implementation of LDN interventions. Other commitments by Malawi are contained in various strategies aimed at meeting its obligations under various MEAs as well as national commitments such as the National Strategy for Sustainable Development, the National Biodiversity Strategy, the National Adaptation Programme of Action (NAPA), and the National Action Plan (NAP). All these have targets on land management that are relevant to LDN.

The UNCCD NAP is coordinated by a national UNCCD Steering Committee with the National Focal Point (NFP) as its secretariat. The Director of the Department of Forestry in the Ministry of Natural Resources and Climate Change is the National Focal Point for UNCCD in Malawi.

The Malawi Growth and Development Strategy (MGDS) has been the guiding development framework for Malawi since 2006. The third MGDS, which ran from 2017 to 2022, responded directly to the SDGs. The two earlier strategies (i.e., MGDS I and II) aimed to reduce poverty and create wealth through sustainable economic growth and infrastructure development in order to raise Malawi to the status of a middle-income country by 2020. The MGDS III aims at building a more productive, competitive, and resilient nation by consolidating the achievements of the earlier strategies. Maximizing economic growth as envisaged in the MGDS III is only possible if the land, on which majority of the rural poor depend for their livelihoods, is wisely and rationally utilized.

Various natural resources management institutions and public, private, and civil society organizations have programmes related to LDN. Examples of past and present programmes include the Enhancing Community Resilience Programme (ECRP), Malawi Drought Recovery and Resilience Project, Shire River Basin Management Programme, Protecting Ecosystems and Restoring Forests in Malawi (PERFORM), and the Millennium Challenge Account – Malawi.

In addition to the above, the right to a clean environment is enshrined in the Malawi Constitution (1995) and forms a strong foundation for policy and legal reform in environmental governance. Section 13 declares: "The State shall actively promote the welfare and development of the people of Malawi by progressively adopting and implementing policies and legislation aimed at managing the environment responsibly". This section provides a solid foundation for developing, implementing, and enforcing policies and laws that will ensure sustainable environmental management.

At the national level, Malawi has put in place various policies, laws, institutional arrangements, and programmes that directly support LDN or create an enabling environment for its achievement by 2030. Policies and laws that support LDN and land tenure rights include the following:

- ▶ **The Local Government Act (1998)** supports implementation of the Malawi Decentralization Policy by devolving planning and development powers – including natural resource management and sustainable land management – to local authorities.
- ▶ **The National Land Policy (2002)** encourages community and village development organizations to practice agroforestry on community lands. This policy presents the legal framework governing land rights and has significant bearing on the implementation of the National Forest Policy. The National Land Policy calls upon the Government of Malawi to support community participation in land management and offer communities a share of revenue derived from any public land managed by traditional authorities. This policy also states that communities have the authority to protect land areas reserved for communal use against encroachment and should manage community forests and woodlands.
- ▶ **The National Parks and Wildlife (Amendment) Act (2004)** defines protected public lands, national parks, wildlife reserves or nature sanctuaries, and creates necessary governance and funding frameworks for their management.
- ▶ **Malawi's National Adaptation Programme of Action (NAPA) (2006)** identifies the impacts of climate change and adaptation needs in relation to agriculture, water, energy, fisheries, land use change, forestry, wildlife, human health and gender equality. Loss of soil fertility, land degradation and forest fires are recognized as major environmental threats alongside rapid degradation due to agricultural expansion and poor knowledge of land and natural resource management. The NAPA outlines several interventions that target women in the agricultural sector, particularly in relation to access to water, energy, and microfinance.
- ▶ **The National Climate Change Investment Plan (2013)** focuses on four key priority areas to promote climate change management in Malawi: adaptation; mitigation; research, technology development and transfer; and capacity building (Ministry of Environment and Climate Change Management, 2013). Investment in adaptation is particularly relevant to Forest and Landscape Restoration (FLR) in terms of watershed management, disaster risk management, and agriculture production. Investment in mitigation focuses mainly on projects under the auspices of the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD+).
- ▶ **The National Climate Change Policy (2015)** includes a focus on adaptation and mitigation in the agriculture sector and can be a useful tool for large-scale implementation of agricultural technologies. The policy advocates for integration of climate change strategies into agriculture programmes and emphasizes agroforestry as an important approach to boosting climate change resilience, increasing carbon storage, and strengthening food security and household income.

- ▶ **The Land Act (2016)** provides for land administration and management for all matters related to land. It defines two categories of land – public and private – and vests ultimate title for all land in the Republic. In the Act, public land is further classified as either government land or unallocated customary land, whereas private land is further classified as freehold, leasehold or customary estate.
- ▶ **The Customary Land Act (2016)** governs the titling of customary land as advocated by the National Land Policy. The act formalizes the powers and duties of traditional leaders in land administration and management through the creation of committees and tribunals empowered to carry out the functions of land allocation, adjudication and management, and the settlement of customary land disputes. The Act promotes the governance principles of the VGGT which are also consistent with LDN technical guidelines.
- ▶ **The National Forest Policy (2016)** focuses on sustainable management of forest resources and promotes regeneration and agroforestry practices as a means of enhancing Malawians' quality of life and achieving the Sustainable Development Goals. The policy has provisions to conserve and develop forest resources through community-based forest management, and has the potential to significantly accelerate land restoration. The policy also contains provisions to promote reforestation, including through the establishment of woodlots as a source of firewood and charcoal.
- ▶ **The National Climate Change Management Policy (2016)** seeks to enhance community resilience to climate change through sustainable development. Several focal areas within the Policy are relevant to Forest and Landscape Restoration (FLR), including its focus on preventing degradation, reducing vulnerability to climate change impacts through improved social, economic, and ecological resilience, and conserving and enhancing biodiversity.
- ▶ **The Forestry (Amendment) Act (2016)** regulates the management of trees and forests on customary and private land as well as in protected areas.
- ▶ **The Environmental Management Act (2017)** guides the management of the environment and for the first time creates an independent body to coordinate environmental protection.

3.2 LDN Target-Setting Programme

The **Malawi Land Degradation Neutrality Target Setting Programme** (LDN TSP) report, developed by the Ministry of Natural Resources and Climate Change and the National LDN Working Group, summarizes the key outcomes of the national efforts carried out in 2016 and 2017 to formulate a roadmap for implementation of LDN in Malawi.

The Malawi LDN TSP identifies a wide range of activities required to develop an enabling environment for LDN and to upscale SLM and restoration activities. The LDN TSP supports these activities by identifying pathways to achieve the LDN targets and utilizing the response hierarchy (avoid/minimize/reverse land degradation), taking into account the direct and indirect drivers of land degradation.

Malawi has set a target of achieving LDN by 2030 based on the benchmark of 2015 (no net loss) with an additional improvement of 2% of the country's territory of 9.4 million hectares. This translates to a net gain of 188,000 hectares compared to 2015. In total, 5,433,010 hectares are committed in the LDN restoration targets, comprising approximately 57% of Malawi's land area (PBL 2021).

The Malawi LDN TSP lists the following targets to achieve land degradation neutrality by avoiding, minimizing, and reversing land degradation:

NATIONAL LEVEL

Achieve land degradation neutrality by 2030 (no net loss) and an additional 2% net gain compared to 2015

The following targets have been set for different regions of the country:

1. Achieve LDN in the highlands of Nyika, Viphya and Mulanje, Dedza and Zomba by 2030.
2. Achieve LDN in the land degradation hotspots along the Rift Valley escarpment by 2030.
3. Achieve LDN on the Plateaux ecological zone by 2030.
4. Achieve LDN in the Shire River basin catchment by 2030 and an additional 2% net gain compared to 2015.

Specific targets for avoiding, minimizing, and reversing land degradation

1. Improve the productivity of 754,320 hectares of cropland by 2030.
2. Improve Soil Organic Carbon (SOC) stocks on cropland up to 55 tonnes/ha by 2025, 10 tonnes/ha above the 2015 baseline.
3. Rehabilitate one million hectares of degraded land for crop production by 2030.
4. Halt the conversion of forests and wetlands to other land cover classes by 2020.
5. Increase forest cover (plantation & indigenous) by 33,750 hectares by 2030 compared to 2015.
6. Reduce the rate of topsoil loss (through erosion) to 20 tonnes/ha per year by 2030 from the 2015 baseline of 29 tonnes/ha/year.
7. Protect 2.4 million hectares of natural forest by 2035.
8. Increase forest cover by 2% above 2015 baseline by 2022.
9. Restore 820,000 hectares of degraded indigenous forest by 2030.
10. Sustainably manage 138,000 hectares of plantation forest by 2025.
11. Restore 36,000 hectares of degraded stream banks by 2030.

3.3 Governing institutions for LDN and land tenure

Several institutions at district and local level are crucial in championing national land and forest policies and laws. Section 6 of the Local Government Act of 1998 (Amendment 2010) and Section 6 of the Malawi Decentralization Policy (1998) provide for effective, efficient, and sustainable socio-economic services aimed at improving livelihoods through the creation of enabling environments enhanced by good governance and community participation. These laws established district councils, municipal councils and city councils (local authorities) that are mandated to develop policies and make decisions, pass by-laws and carry out other local governance functions.

DECENTRALIZATION IN FORESTRY KEY RESPONSIBILITIES	
Department of Forestry	Local Authorities – District Council
<ol style="list-style-type: none"> 1. Regulation, formulation and revision of policy and legislation. 2. Policy guidance. 3. Sector planning, establishment of forestry standards and guidelines. 4. Coordination of sector research, training and curriculum development. 5. Extension and advisory services. 6. Management of state forest reserves and industrial plantations. 7. Promotion of sector partnership. 	<ol style="list-style-type: none"> 1. Legal capacity: district by-laws and licensing. 2. District forest management and conservation. 3. Provision of forest extension services. 4. Facilitate technology and information transfer and provide local training services. 5. District forest biodiversity conservation 6. Urban forestry. 7. District forest information management and reporting.

Image 1: Responsibilities of the Department of Forestry and Local Authorities for forest management. (Source: *Decentralization in Forestry – Moving Forward Together*, DoF, 2006)

In terms of environmental management services, the focus of the councils as specified by the Local Government Act is to reduce environmental degradation through catchment protection by: a) promoting natural regeneration and afforestation/re-afforestation through community nurseries; b) implementing co-management of forests with local communities; and c) developing management plans and passing by-laws.

The district council for the selected study area consists of a District Forest Officer and a Land Resources Officer who act as the main focal points for forest and land issues respectively. Membership of the council comprises Councillors, Members of Parliament (MPs), Paramount Chiefs, Senior Chiefs, and Traditional Authorities (TAs), as well as five representatives of special interest groups. The council is supported by the District Executive Committee (DEC) which is a technical and advisory committee to the council and to all the district and local committees. The committee bears overall responsibility for the day-to-day implementation of the local development plans.

At local level, the TAs act as custodians of the cultural and traditional values of the community. The TAs have control over customary land and ensure that authority over land passes in succession from one generation to another. The TAs also perform a semi-judicial function of settling customary disputes over land. TAs provide an overall framework of good governance over customary land and its resources, rather than direct involvement in the technical details of forest management. However, TAs are well placed to influence the development of the forest sector, not only through the control of community members under their leadership but also through their standing at higher political levels.

TAs inform the selection and allocation of Village Forest Areas (VFAs) by Village or Group Village Heads, or other kinds of forest areas managed by individuals, groups, or institutions. They also facilitate the work of extension services within their communities by convening village meetings and by providing ongoing encouragement to community-based forest management efforts. When appropriate, TAs call for and supervise the election of Village Natural Resource Management Committees (VNRMCs) as sub-committees of the Village Development Committees, and assist in the formulation of local forest management rules. TAs also act as arbitrators in the event of disagreement within the VNRMC, or between the VNRMC and any community member. They use their authority to support community compliance with local forest management rules, and to adjudicate if a community member wishes to appeal against a decision of the VNRMC. While the Traditional Authorities are a hereditary cultural position, they are linked to the government, and they fall under the authority of the Ministry of Local Government and Community Development.

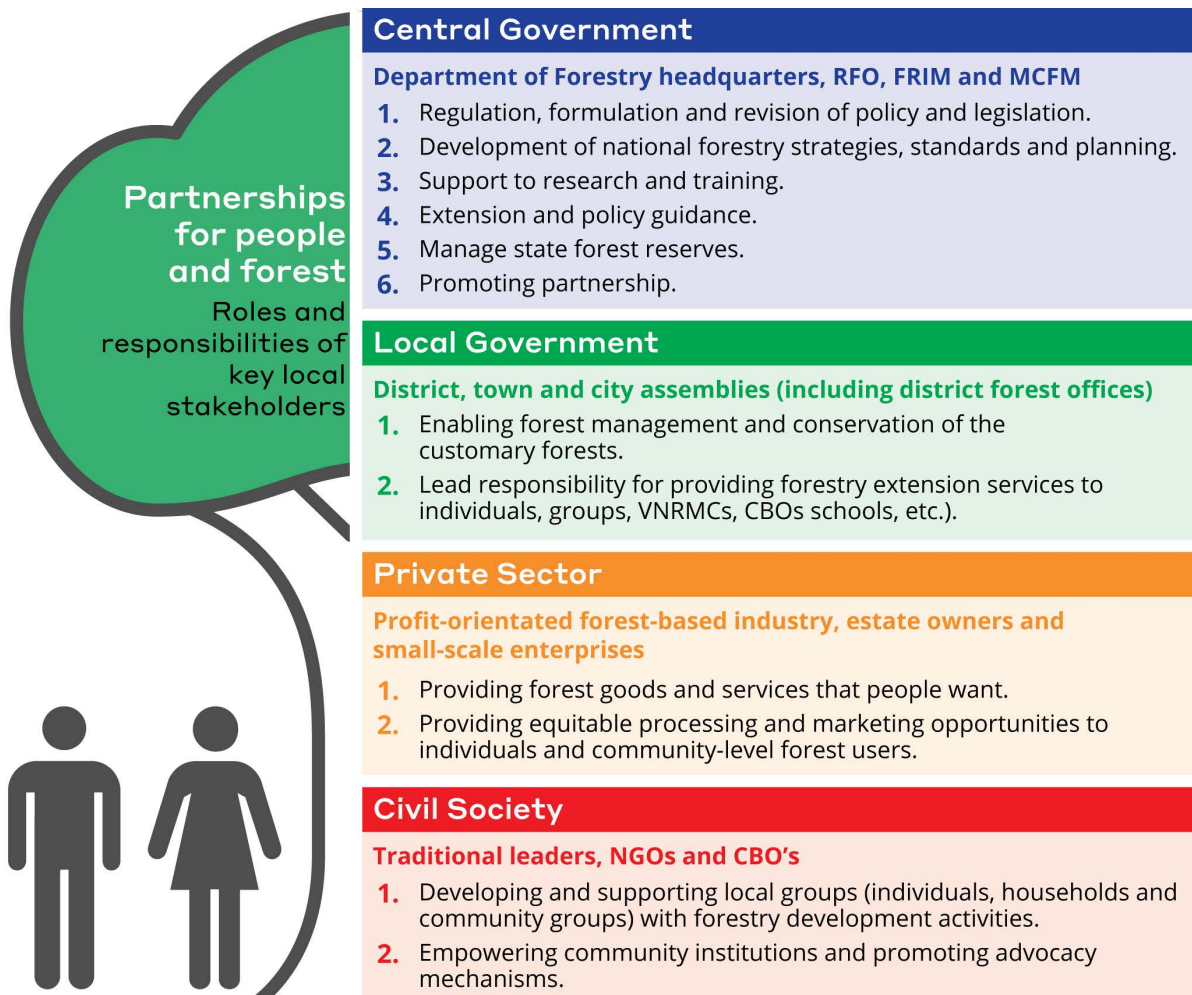


Image 2: Roles and responsibilities of different stakeholders in forest management at the local level.
(Source: *Decentralization in Forestry – Moving Forward Together*, DoF, 2006)

In addition to the Traditional Authorities there are also Village Development Committees (VDC), Area Development Committees (ADCs), Area Executive Committees (AECs), Village Natural Resource Management Committees (VNRMC), Area Natural Resource Management Committees (ANRMC), and Block Management Committees at local level.

DECENTRALIZATION IN FORESTRY A NEW INSTITUTIONAL STRUCTURE

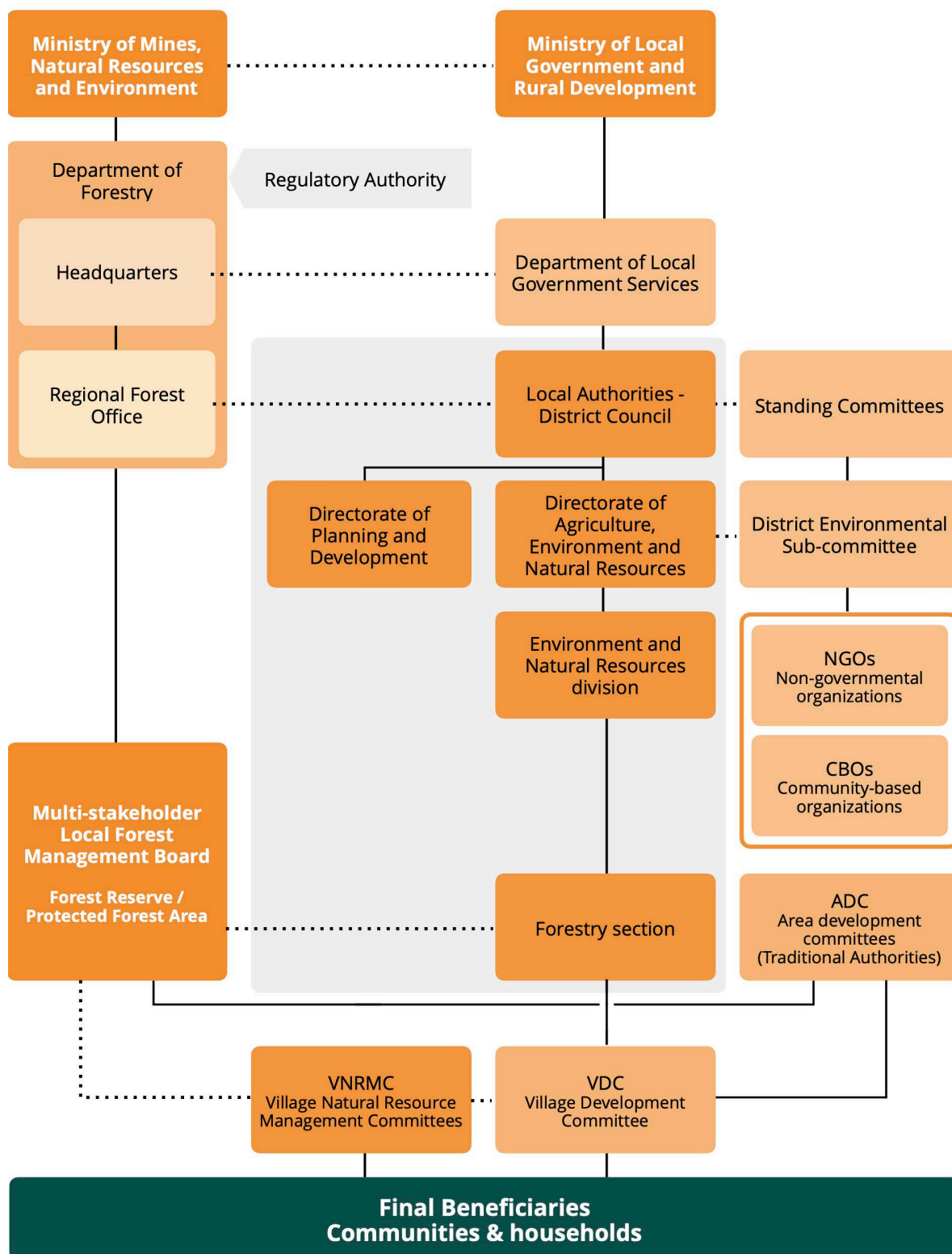


Image 3: Institutional framework of decentralized forest management in Malawi (Source: Decentralization in Forestry – Moving Forward Together, DoF, 2006)

4 Case study: Ntchisi Forest

The target location for the first phase of the research in Malawi was the Ntchisi Forest Reserve (public land) and the surrounding area in Ntchisi district. This first phase also targeted communities living north of Ntchisi Forest Reserve and southeast of the Nkhotakota Wildlife Reserve (public land).

The Ntchisi Forest Reserve (comprising approx. 75 km²) is a protected area that covers Ntchisi Mountain and overlooks an escarpment of the Great African Rift Valley. It is an area of approximately 220 hectares situated at an altitude of 1,500–1,700 metres (**Malawi Plus**). The Nkhotakota Wildlife Reserve, north of Ntchisi, is the largest and oldest wildlife reserve in Malawi. The park's hilly terrain features dambo and miombo trees as the dominant vegetation, which support a variety of mammal and bird species (**African Parks**). Nkhotakota is an 1,800-square-kilometre wildlife reserve located near Lake Malawi, in the Great Rift Valley (**The National News**). It borders Kasungu District, Mzimba District, Nkhotakota, and Ntchisi District. The reserve extends from the edge of the escarpment above the Great Rift Valley at 1,638 metres, down to the narrow plain beside Lake Malawi at 500 to 600 metres (Dowsett-Lemaire et al 2001).

Ntchisi Forest Reserve is divided into 18 blocks (USAID 2017), which are demarcated based on information provided by the community members in the villages adjacent to the forest. Each village is mandated to manage a block in collaboration with the Department of Forestry. A co-management agreement between the Department and responsible communities provides the guiding principles for the control and management of forest resources. Part of the forest reserve is an evergreen zone that is not part of the ordinary blocks and is mostly used for tourism. The blocks from which forest-adjacent communities harvest resources are generally not used for tourism purposes.

4.1 Population data

The research targeted communities living around Ntchisi Forest Reserve and southeast of the Nkhotakota Wildlife Reserve in Ntchisi and Nkhotakota districts. Communities in the target area fall under various Traditional Authorities in both Ntchisi and Nkhotakota districts as tabulated below:

Table 1: Number of Group Village Heads, Village Heads, and population by TA. (Source: TLC Malawi)

District	Traditional Authority	No. of Group Village Headmen	No. of Village Headmen	Population
Nkhotakota	Mphonde	10	61	25,434
	Mwansambo	21	125	30,874
Ntchisi	Kasakula	13	224	19,938
	Nthondo	19	144	35,253
	Vuso Jere	5	111	16,873

4.2 Status of natural resources and agricultural land use

Malawi's natural resources are under pressure largely due to high population growth. In some areas, communities cultivate on degraded soils and use poor agricultural practices, which contribute to low crop yields.

In terms of water resources, there are plenty of rivers within and outside the Ntchisi Forest Reserve. Rivers serve as boundaries between the Reserve and the communities and provide a source of water for small-scale irrigation. The communities also practice fishing in these rivers. However, riverbank cultivation has led to soil erosion, which in turn has caused siltation, resulting in reduced water volumes.

Illegal harvesting of timber has led to significant deforestation in the protected areas. In Malawi, communities are allowed to harvest non-timber forest products (NTFPs) up to 5 km from the boundary of the protected area. Most of the 5 km buffer zones have been cleared to make way for agricultural expansion as smallholder farmers reach the limits of their customary arable land. The protected areas are also losing a lot of forest cover due to charcoal production, fuelwood collection and bush fires. The situation is more pronounced in the villages outside the protected areas.

The depletion of resources in Ntchisi Forest Reserve has been accelerated by the shortcomings in forest governance and law enforcement, ineffective coordination among institutions, lack of alternative energy sources, political interference, lack of accountability by stakeholders, insufficient devolution of land and resource rights to communities and land managers, and insufficient incentives and technical support for participatory forest management and upscaling of restoration interventions.

Climate change also exacerbates land degradation during periods of irregular rainfall, drought, and floods. Additionally, climate change is an indirect driver of degradation in that it intensifies unsustainable coping strategies.

The area targeted for this study is predominantly comprised of village communities around the forest reserve. Eighty percent of the residents of these villages rely on subsistence farming under customary tenure. The communities living adjacent to the protected areas mainly grow maize, soybean, pigeon peas, rice, cassava, groundnuts, coffee, and macadamia. They also harvest significant amounts of timber and non-timber products from the two protected areas (Ntchisi Forest Reserve and Nkhotakota Wildlife Reserve).

4.3 Forest management/governance in Ntchisi Forest

To empower communities and ensure participation in forest management, the National Forest Policy provides for the formation of village- and area-level committees responsible for natural resource management. These committees are also established to manage Village Forest Areas (VFAs). Village Natural Resource Management Committees (VNRMCs) are constituted at village level whereas Area Natural Resource Management Committees (ANRMCs) are formed at TA level to coordinate the activities of several VNRMCs. VNRMCs also act as a point of liaison for dealing with forestry extension workers and other government officials.

The VNRMC's constitution may also include procedural rules, or by-laws, which are quite distinct from the management rules developed from a forest management plan for the regulation of forestry activities within the Village Forest Area. The constitution includes detailed provisions for the transparent management and disposal of any income arising from commercial forestry activities, including the maintenance of accounts and other records, and defines sanctions or penalties for infringements of the by-laws and management rules. The constitution is developed in consultation with, and ratified by, the community, a process that may be facilitated (but not unduly guided) by the forestry extension service.

Block Management Committees (BMCs) are community-based committees elected by the stakeholders in a co-management block within a Forest Reserve. The BMCs represent the interests of, and are accountable to, the community and take the lead in forest planning, management, and administration. BMCs function as a sub-committee to the VDC and develop a constitution which lays out the BMC's objectives and responsibilities. In the Ntchisi Forest reserves, there are several BMCs which assist in enforcing co-management agreements between the communities, the government and other key stakeholders such as the non-profit conservation organisation **African Parks**. The plantation section of Ntchisi Forest Reserve is divided into blocks and each block has a BMC that takes the lead in forest planning, management, and administration.

4.4 Land and forest tenure arrangements in Ntchisi Forest

The 2016 Land Act broadly classifies three types of lands: customary land (land held/used by the community under customary law), private land (land held/owned by freehold title, lease, or under the Registered Land Act), and public (government) land, which include national parks, conservation, and historical areas. The Act recognizes three types of land tenure: freehold (private land), leasehold (private, public, and customary), and customary tenure (customary land).

Some people own estates under leasehold and freehold tenure systems and use these lands for agriculture. The Ntchisi Forest Reserve (public land) comprises a significant proportion of the total land area in Ntchisi District.

4.5 Land use and conflicts in the case study area

4.5.1 Conservation efforts

Significant conservation efforts are taking place in Ntchisi Forest Reserve. These are currently being implemented on individual parcels of land and protected areas. Their main goal is to restore degraded forests and other lands. The conservation actions also allow for the creation of new forests and the revitalization of farmland. These efforts reduce pressure on protected areas by allowing communities to harvest forest resources and maximize agricultural productivity on their own land.

The principal conservation activities are tree planting, conservation agriculture, agroforestry, natural regeneration, usage of fuel-efficient cooking stoves, briquette-making, the establishment of individual forest areas (IFAs), VFAs and bamboo groves. Communities also protect graveyard forests, expand and improve the management of village forests and woodlots through demarcation, cultural institutions and norms, by-laws and agreements for protection, fire control, sustainable use, and regeneration. In addition to conservation efforts, development projects also introduce interventions aimed at improving community livelihoods such as Village Savings and Loans (VSL) groups and livestock pass-on schemes.

Activities on individually managed and communal land are largely driven by Government efforts and development projects such as PERFORM (Protecting Ecosystems and Restoring Forests in Malawi) and THRIVE (Transforming Households Resilience in Vulnerable Environments), implemented by Tetra Tech and World Vision International respectively.

Other organizations promoting forest conservation and/or land restoration measures are listed in Table 2 below:

Table 2: Key actors involved in conservation efforts in Malawi.

Actor	Focus / Intervention / Measure
Agriculture Sector Wide Approach (ASWAP)	Beekeeping
United States Agency for International Development (USAID)	Management agreements
Total LandCare (TLC)	Natural resource management – soil and water conservation, natural regeneration, fuel-efficient stoves.
World Vision International (WVI)	Natural resource management – soil and water conservation, natural regeneration, fuel-efficient stoves
Farmers Union of Malawi (FUM)	Reforestation, livestock pass-on, orchard cultivation
Wildlife Society of Malawi (WESM)	Natural resource management
Nkhotakota Wildlife Association (NAWIRA)	Bua River ecosystem restoration

Conservation efforts in the protected areas are led by Ntchisi Forest Lodge for Ntchisi Forest Reserve and by African Parks for Nkhotakota Wildlife Reserve. Current activities include strengthening participatory forest management with a focus on improved protection, enrichment, regeneration, sustained yield harvesting and equitable benefit distribution through community-based management and co-management of the forest reserves. African Parks and Ntchisi Forest Lodge support local communities in approaches such as assisted natural regeneration along stream banks and farmlands, expanded extension and community mobilization for tree planting (afforestation and reforestation), and implementation of soil and water conservation technologies (check dams, gully protection, terracing, contour bunds, infiltration trenches, and/or ridges).

Both African Parks and Ntchisi Forest Lodge also support and promote diversified farming, arts and crafts, and honey production in Nkhotakota Wildlife Reserve and Ntchisi Forest Reserve to support community livelihoods. Both African Parks and Ntchisi Forest Lodge harvest forest honey.

Until recently, the Ntchisi Forest Reserve was under total government protection. With the assistance of USAID, the management regime changed to co-management which has increased exploitation of its resources by the local communities. The Nkhotakota Wildlife Reserve is also under co-management with African Parks.

In both reserves, communities have formal co-management agreements with the Department of Forestry. Under these agreements, communities through their respective committees collaboratively manage the reserves. They are also allowed to collect non-timber forest products up to 5km inside the reserves.

The co-management agreements for Ntchisi Forest Reserve will expire in 2023. Ntchisi Forest Lodge formulated additional by-laws to enhance protection of the reserve. In Nkhotakota Wildlife Reserve there are co-management agreements in place between African Parks, NAWIRA and Natural Resource Committees (NRCs).

Despite current conservation efforts, which are having a positive impact by reducing pressures on protected areas, it is evident that forest reserves are deteriorating. The net effect of forest resource dependence has increased due to increased population and socio-economic challenges. In addition, communities do not expect to lose their land to forest conservation and restoration measures.

5 Mapping community user rights: methodology

5.1 Mapping process

The participatory mapping approach included three steps: a) household survey and digital mapping, b) focus groups discussions (FGDs), c) validation workshop.

The Ntchisi Forestry Office provided guidance in the selection process. The selection of blocks was based on perceived forest degradation by the communities. The four blocks that were selected for FGDs and mapping contain a range of degradation levels, from minimal to extensive. With the guidance of the communities, a visit was made to each block and the most degraded parts were mapped. The table below presents the sampled blocks and the perceived levels of degradation.

Table 3: Forest blocks and perceived levels of degradation

Traditional authority	Block	Relative level of degradation (based on ground observation and FGDs)	Ease of access	Control
Vuso Jere	Nyanga	Low	Easy access for community	Yes
Nthondo	Mnguluwe	High	Easy access for community	No
	Nyanja	High	Easy access for community	No
Mwansambo	Mkomba	High	Easy access for community	No

Table 4: Forest blocks and FGD participants / number of survey respondents

Name of block	FGD female	FGD male	Total participants
Nyanja	6	12	18
Mnguluwe	10	6	16
Nyanga	11	25	36
Mkombo	27	10	37
TOTAL	54	43	97

After the focus group discussion, one TLC officer accompanied by at least one block member visited the respective forest block and the most degraded areas were mapped in a community-led exercise. This exercise also sought to collect map data on block boundaries and determine whether the communities' perceptions of block boundaries are consistent with the data obtained from the Forestry Department.

NTCHISI FOREST BLOCKS

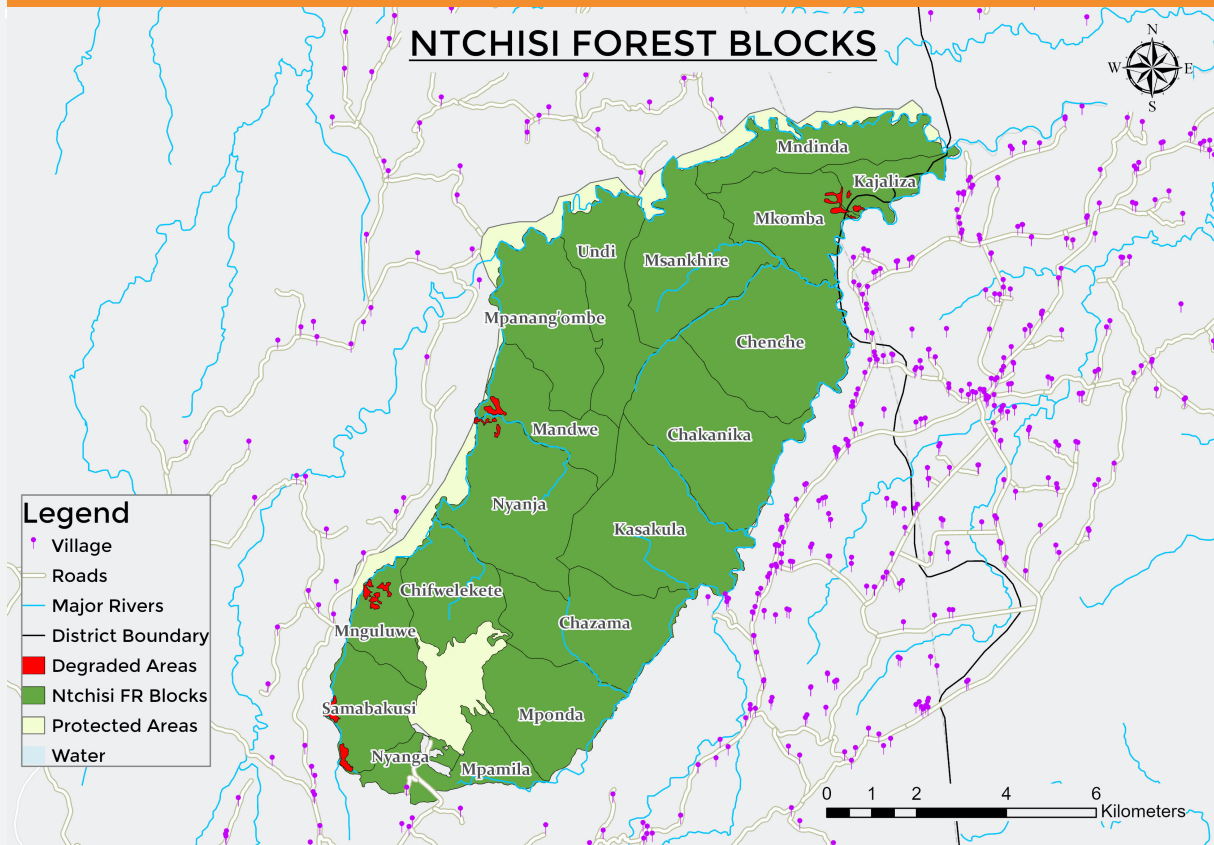


Image 4: Map showing Ntchisi Forest blocks, location of respondents (villages) of the household survey and degraded zones within sampled forest blocks (Nyanga, Mnguluwe, Nyanga and Mkomba)

In the FGDs, the communities in the sampled blocks said they were aware of the block boundaries. However, the mapping of degraded zones showed some inconsistencies as some mapped zones fall outside the four sampled blocks (Nyanja, Mnguluwe, Nyanga and Mkomba). This could be the result of communities' perception of the forest being one block based on the PERFORM programme. Communities still apply some aspects of the forest blocks that were created under previous forest co-management programmes.

5.1.1 Household survey

TMG Research, in partnership with Total LandCare set out to study the impact LDN initiatives have on the legitimate tenure rights of communities living adjacent to areas where these initiatives are being implemented. The first step in this process was carrying out a household survey to collect quantitative and qualitative data on issues around access, use and management of forest and land-based resources within Ntchisi Forest Reserve and Nkhotakota Wildlife Reserve. A total 1,051 respondents (584 female and 467 male) answered the questionnaire based on their experiences relating to access, use and management of forest resources.

Cadasta Foundation provided the online data collection platform that was used for quantitative data collection. Cadasta also trained TLC enumerators on how to conduct the survey and TLC coordinated the enumerators for the duration of the exercise.

5.1.2 Focus group discussions

For the focus group discussions, a total of four forest blocks were selected (see selection criteria below). These blocks were classified as some of the most degraded based on their forest resource status. The blocks were Nyanja and Mnguluwe, on the north-western side of the forest reserve, Nyanga in the south-west and Mkomba in the south-east.

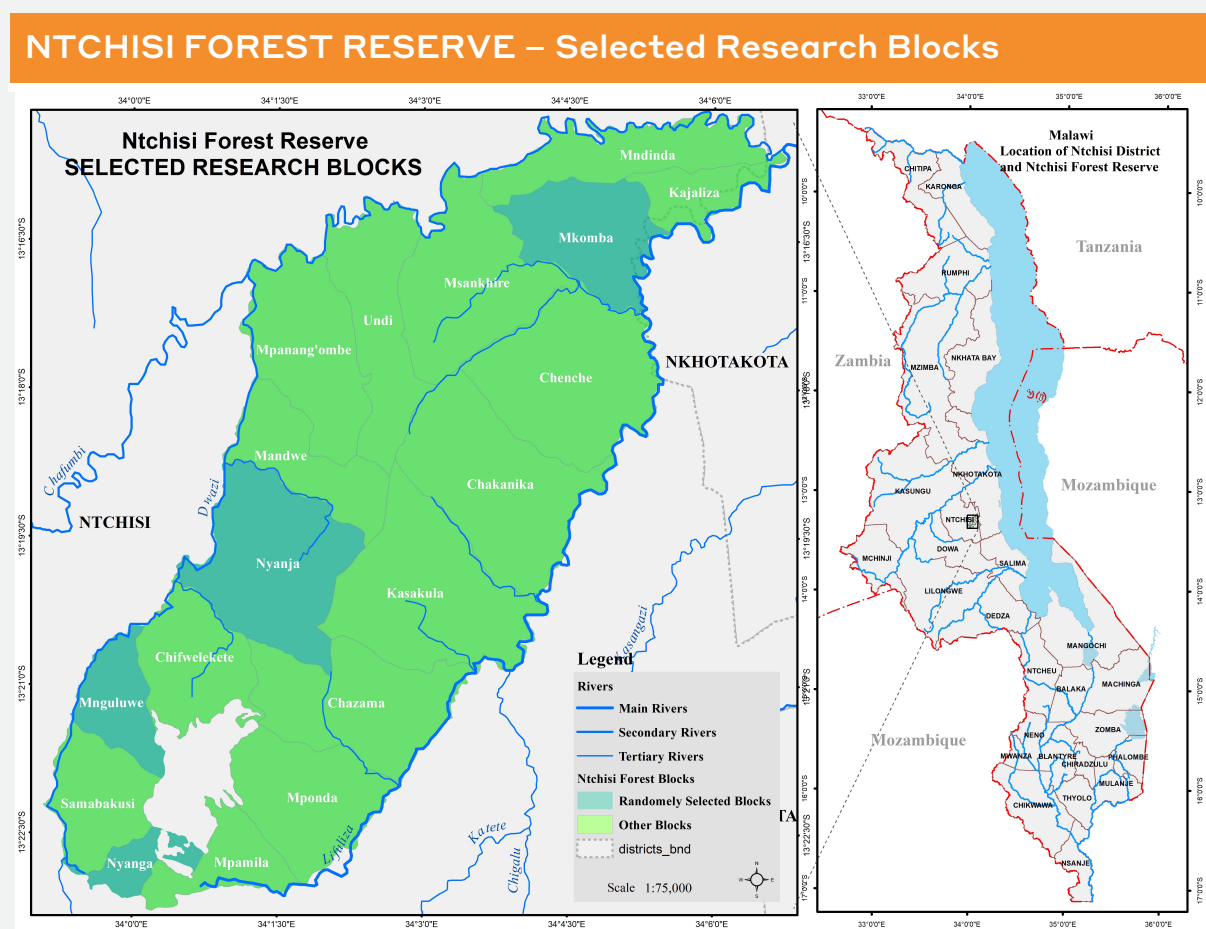


Image 5: Map of Ntchisi Forest showing the four forest blocks identified for focus group discussions.

The focus group discussions were carried out in two phases with an average of 22 participants from each block. The first FGD phase was conducted with men and women and questions were centred on forest co-management, boundary issues, challenges for resource availability, challenges in accessing forest resources, and recommendations. The aim of these questions was to determine how communities viewed forest management and its impact on their access and user rights. In addition, the FGD participants proposed solutions to address the challenges of resource availability and access.

The second phase of FGDs, led by a female enumerator, consisted only of female participants. This sought to identify issues that women face when in relation to the use of forest resources, as well as any gender-specific tenure rights issues they experience even on lands they farm outside the protected areas. This FGD phase was also aimed at understanding the role of women and how they participate in the management of the forest and bring to the fore any disparities between men and women with regards to resource access, resource conservation, land tenure and leadership roles in natural resource management.

5.1.3 Validation workshop

TLC Malawi held a validation workshop in September 2022 to present the findings of the study to various stakeholders in Malawi's environmental management and governance sector. The participants at the workshop included Malawi's Ministry of Natural Resources and Climate Change (UNCCD Focal Point), the Centre for Environmental Policy and Advocacy, African Parks, Civil Society Network on Climate Change, independent environmental management consultants, and other non-state actors. This workshop was an opportunity to gather feedback on how to improve the reporting of findings from the Ntchisi Forest case study, and for the stakeholders (both state and non-state) to inform the methodology to be applied in the second phase of the project.



Image 6: Group photo of participants at the National Validation Workshop for the Responsible Land Governance in LDN Programmes (28th September 2023, Crossroads Hotel – Lilongwe).

6 Findings

Most communities living adjacent to Ntchisi Forest have farmlands outside the forest boundaries and depend on these for household food security. In addition, these communities rely on access to forest resources for their household subsistence as the forest remains the main source of fuelwood for these communities. Therefore, LDN initiatives that fully restrict access to protected areas will have a direct impact on the livelihoods of these communities. Although land tenure of individual farming households cultivating crops outside the forest is not directly at risk, tenure insecurity for those in need of the forest resources still presents a challenge to household subsistence.

Ntchisi Forest is a public forest and is essentially government land. The communities living adjacent to the forest enjoy access and user rights to forest resources including fuelwood for household use and other non-timber forest products. According to the National Forest Policy (2016) and the Malawi Local Government Act, communities should have a role in co-managing protected forest areas. These provisions are the first step towards recognizing communities' legitimate tenure rights as part of efforts to achieve land degradation neutrality.

The recognition of legitimate tenure rights in the implementation of LDN initiatives depends on the capacity of the institutions implementing these initiatives to carry out their mandate. If the institutions implementing LDN measures do not have the capacity to adequately carry out their mandate, they are less likely to prioritise tenure rights of communities living in areas where LDN measures are being implemented. For communities living around the Ntchisi Forest, this means that while they implement SLM practices on their farmlands outside the protected area, they have less incentive to contribute to sustainable forest management within the protected areas.

1 Forest-adjacent communities are highly dependent on secure access to forest resources for household subsistence.

Communities living adjacent to Ntchisi Forest undertake subsistence farming on their plots outside the forest. However, these communities still rely heavily on access to forest resources for household subsistence. In the household survey, 86% of respondents reported owning farming plots outside protected areas. 99.05 % of respondents access the forest to obtain resources for household use or income generation. Of this, 74.31% of respondents use the resources from the forest for household use, while 22.36% use the resources for both household use and income generation.

What is the main purpose for which you use resources from the protected areas?

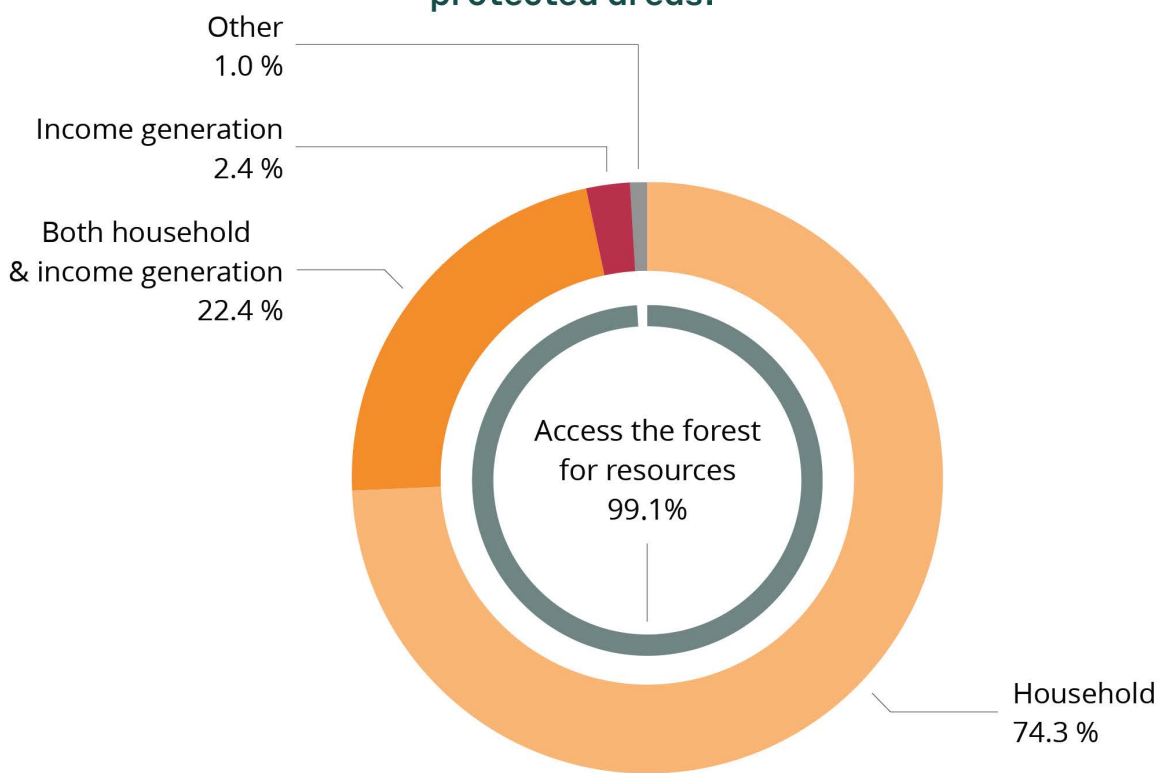


Image 7: Reasons for resource use within the protected area. *Source: Household survey data.*

Communities access the forest for both timber and non-timber forest products for household use. 922 out of the 1,051 respondents (87.72%) collect fuel wood from the protected areas and this is their main source of household energy for cooking. 734 respondents (69.84%) harvest non-timber forest products from the protected area for household use. Only 151 out of 1,051 respondents (14.37%) reported that they can fully meet their household needs without recourse to forest resources.

Timber and non-timber products sourced from the protected areas

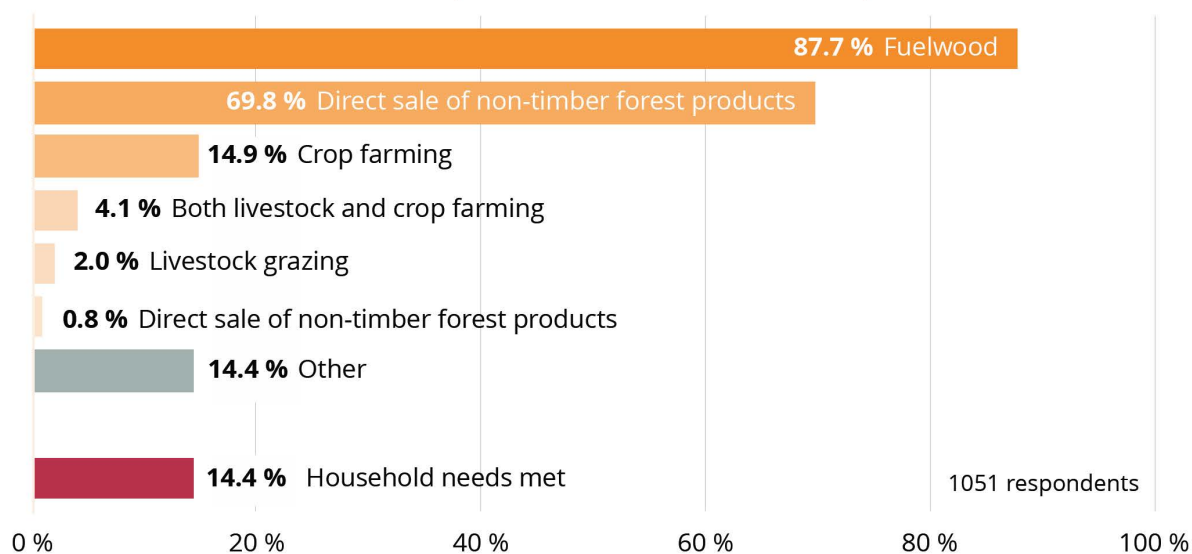


Image 8: Principal specific uses by communities of resources from the forest/protected area.
Source: Household survey data.

Some of the community members living around Ntchisi Forest were also of the opinion that forest protection measures aimed at achieving LDN have a direct impact on household subsistence. 618 out of the 1,051 respondents (58.8%) believed restoration measures have restricted their access to forest resources. In contrast, 368 respondents (35.01%) are of the opinion that restoration measures have had no impact on how they access and use forest resources.

These figures show how important forest tenure rights that secure access to and use of forest resources are to the subsistence of forest-adjacent communities in the study area. Consequently, LDN measures that restrict or reduce access to forest resources have a significant impact on tenure rights.

2 Tenure insecurity as a factor influencing SLM practices in the forest.

Lack of documentation is often thought to negatively affect tenure security. 86.88% of respondents in the household survey lacked documentation that they could use to access land or resources within the forest/protected area. Along with a lack of documentation, limited information about who is allowed to use the resources and for how long often reduces the incentive to invest in land restoration measures. Additionally, poor implementation of the provisions on access, use and co-management of forest resources, due to limited human resource capacity, has limited people's ability to enjoy access and user rights. 64.53% of respondents said they were 'very likely' to invest more in soil restoration activities if their tenure were more secure.

Communities living around Ntchisi Forest implement various SLM practices on their farm plots outside the forest/protected area. 87.85% of respondents reported that they have implemented some form of SLM on their farm plots outside the forest. These SLM practices included contour planting to improve soil moisture and reduce erosion, agroforestry or tree planting, and other measures to prevent soil erosion. However, these communities do not invest or participate in SLM practices within the forest blocks they co-manage. While 90.97% of the respondents were aware of land restoration measures being implemented in protected areas, only 41.97% reported having participated in or implemented SLM practices in the protected areas.



Image 9: Community participation in implementing SLM practices in the forest blocks they co-manage with the Department of Forestry. *Source: Household survey data.*



Image 10: Community implementation of SLM practices in farmlands outside the forest/protected area.
Source: Household survey data.

Notably, land degradation within Ntchisi forest is occurring at the periphery of forest blocks as shown in Image 4.

3 Institutional constraints limiting the implementation of the LDN framework at local level.

In the focus group discussions, communities reported very limited oversight of forest co-management at the community level. For example, since the previous forest guard supporting the co-management of the Nyanja forest block retired in March 2021, no replacement has been appointed. In addition, some of the foreseen co-management institutions such as forest block committees have not been in place since 2020. The community reported that degradation had since increased.

Limited institutional presence of forest officers also resulted in very limited interaction between the communities and the forest authorities, which may be one reason why conflicts between the village community and the forest management are few. According to the survey, 94.5% of respondents reported that they had not come into conflict with a forest officer over how they access or use forest resources.

Making LDN implementation as well as tenure rights a priority at the local administrative level, such as in the forest management unit, requires technical and financial means and capacities by forest officers. However, this is often problematic since budget constraints limit the extent to which LDN measures and frameworks that safeguard communities' tenure rights can be implemented in accordance with legal provisions. Therefore, the area mainly relies on community self-management. In the FGDs, the community identified the nullification of the

forest ticketing system and limited presence of forestry and agricultural extension officers as among the factors that have contributed to poor implementation of sustainable forest management, resulting in land degradation.

Additionally, communities are of the opinion that using volunteers to monitor forest activities is not sufficient to ensure protection from over-exploitation. According to the stakeholders who participated in the national validation workshop, the most effective way to ensure that communities become stewards of forest protection and restoration efforts is by rewarding their contributions to these measures (e.g., monetary compensation). Because forest block management committees (BMCs) have limited capacity to undertake their mandate, it is harder for communities to effectively inform decision-making on forest conservation and restoration activities.

In contrast, the majority of the community members living adjacent to Ntchisi Forest feel that community-based grievance redress mechanisms are effective in resolving tenure disputes. The UNCCD Land Tenure Decision encourages the parties to recognize and promote fair and inclusive community-based conflict resolution mechanisms. Both the household survey and the community FGDs revealed that most grievance mechanisms related to tenure rights in the context of LDN are community-based. 92.19% of respondents feel that the existing grievance redress mechanisms adequately resolve conflicts.



Image 11: Effectiveness of existing grievance redress mechanisms in resolving disputes.
Source: Household survey data.

The limited involvement of forest authorities due to human resource capacity limitations and other institutional constraints also increases the risk of challenges associated with limited access to fair and inclusive grievance mechanisms. The majority of community members recognize chiefs and traditional authorities as the main grievance mechanism for all community matters at the community level (735 out of 1,051 respondents, or 69.93%). 507 respondents (48.24%) also recognize forest block committees as grievance redress alternatives.

4 The policy and legal framework of LDN does not mention the impact on tenure rights of forest-adjacent communities

The policy and legal framework of LDN in Malawi does not consider the impact on tenure rights of forest-adjacent communities. Nor does LDN implementation at local level take into account its potential impact on communities' tenure rights. The Malawi LDN TSP does not include targets that guarantee that tenure rights, including customary rights, are recognized in the context of LDN initiatives.

With no targets centred on recognition and protection of tenure rights included in the implementation of LDN measures, all stakeholders involved in co-managing forests lack clarity on how they can improve in this regard. Additionally, with no tenure-related LDN targets, the main stakeholders cannot effectively assess the impact of LDN measures on legitimate tenure rights.

7 Implementing the land tenure decision and resolving land conflicts – key takeaways

Currently there is a lot of pressure on land and forest resources in Malawi due to high population growth, migration, land degradation, poor soil health and growing poverty. As a result of these factors, communities are looking for land and thereby encroaching into protected areas.

1 Compliance with rules and regulations

From the focus group discussions and key informant interviews held with community members and other stakeholders, it emerged that limited capacity of forest authorities to monitor adherence to forest regulations results in communities often not complying with the existing forest management agreements when harvesting resources in the protected areas. The existing forest management agreements allow communities to harvest specific resources in the protected areas on specific days every week. The communities do not pay any fees to access forest resources. The communities have permits which specify the resource and the day of the week they are allowed to harvest the resources. Harvesting of resources is supervised by BMCs. Communities are allowed to harvest mushroom, insects, herbs, thatching grass, firewood, and honey from bee keeping. However, some community members disregard the restrictions for harvesting forest resources and harvest wildlife, fish, timber, birds, bamboo, and poles. Some community members also engage in charcoal production, which is prohibited.

2 Encroachment

Encroachment and illegal harvesting of resources has been a recent cause of land conflicts between the rural communities, BMCs, and Department of Forestry officials. Landlessness has also led to conflict among community members due to land grabbing, double selling/allocation of land by traditional leaders, and questions over ownership origins and lease boundaries.

There are rules and regulations that prohibit encroachment into protected areas such as Ntchisi Forest Reserve. However, the awareness of these rules and regulations among community members varies. Several forestry officers under the Department of Forestry have raised concerns over the information gap that exists among community members. The department also notes that communities do not recognize trees as a long-term valuable resource and only consider the direct and immediate benefits.

Abrupt changes in forest management approaches have also created tensions between the communities and the forestry officials. For instance, Ntchisi Forest Reserve moved from total protection to co-management. These changes have resulted in communities perceiving forestry officials as threats to their livelihood as they (forest officials) have the authority to revert to total protection of the forest reserve.

3 Formal and informal grievance mechanisms

There exists both formal and informal grievance redress mechanisms in Ntchisi District. Conflicts arising from illegal access or encroachment into protected areas are handled by the Block Management Committees. The committee manages the conflicts but can also refer matters to the TA or the District redress committee depending on the nature and gravity of the issue. The district redress committee is comprised of forestry officers, land resources officers and other district council members. Conflicts between community members that don't involve access into protected areas are referred to and resolved by the TA.

4 Challenges hindering conflict resolution

Due to political interference, weak regulatory mechanisms and frameworks, lack of accountability, and incidences of corruption, communities remain skeptical about the fairness of the resolutions passed by the redress committees.

Government institutions also face challenges in resolving conflicts fairly, including lack of resources, political interference, and corruption. The communities' limited knowledge of current forest rules and regulations, lack of coordination among stakeholders, and conflicts of interests between the various stakeholders involved in forest management also present challenges to the government.

During the focus group discussions held after the household survey, both the communities and the Department of Forestry agreed that implementation of additional measures can prevent conflicts. Such measures include community sensitization on the current forestry laws and regulation (forest fire management and protection of buffer zones), participatory review of the current forestry forest laws and regulations with the communities, building capacity of Natural Resource Committees (NRCs) in terms of governance and grievance redress mechanism, and increasing livelihood interventions for communities.

5 Lack of tenure related LDN targets

The UNCCD Land Tenure Decision (Decision 26/ COP.14) recognizes responsible land governance as a fundamental component of sustainable land management in the context of activities to combat desertification / land degradation and drought. The decision further recommends application of VGGT principles in implementing activities aimed at achieving land degradation neutrality and encourages the legal recognition of equal use and ownership rights of land for women and the enhancement of women's equal access to land and land tenure security. However, the decision does not provide specific targets for countries to work towards. As such, while the decision was adopted by parties to the convention, states have yet to set targets or indicators that can help in assessing progress in adopting this decision in the context of implementing activities to achieve LDN.

For Malawi, changes in forest management approaches from those that provide for co-management of forests to approaches that fully restricted communities' access to forest resources also limit the extent to which tenure issues can be introduced in LDN initiatives. Additionally, adoption and implementation of the land tenure decision will also rely on the institutional capacity of forest and land management authorities to implement the legal provisions for recognition of communities' tenure rights, as well as the provisions on consultation and participation, fairness in dispute resolution, women's participation, and transparency and accountability.

8 Conclusions

8.1 Summary and lessons learned

The Global Soil Week project aims to link LDN approaches to responsible land governance, with a focus on tenure security for communities living adjacent to areas where LDN measures are being implemented.

The project seeks to monitor the implementation of the UNCCD Land Tenure Decision by assessing the impacts of Land Degradation Neutrality measures on the legitimate tenure rights of communities.

The participatory tenure mapping approach and the community interactions based on the findings of the household survey drew on the active participation of the local community to help identify and monitor legitimate tenure rights and potential conflicts in the context of restoration measures. The validation workshop held in October 2022 served to further verify the findings based on the experience of other stakeholders in Malawi's environmental management and governance sectors.

Overall, Malawi is a case where LDN implementation capacity can and needs to be built from the bottom up. Strengthening the institutional framework (human resource and technical capacity) of government actors and addressing capacity challenges that different stakeholders involved in forest co-management face at the community level are key steps towards ensuring that legitimate tenure rights are recognized and safeguarded in the context of implementing LDN measures in Malawi.



8.2 Recommendations

1 Enhancing the recognition of legitimate tenure rights at the local level.

Recognition of communities' tenure rights at the local level should go beyond participatory forest management plans and include documented recognition that will ensure secure tenure for the communities responsible for co-managing forest resources. Only through formal recognition and documentation of tenure rights will the communities living in areas where LDN measures are being implemented be incentivized to become stewards of forest conservation and landscape restoration and ensure the sustainable use and management of forest resources.

2 Investing in the institutional framework of LDN, including building the capacity of different government and community actors, is key to enhancing their contributions to forest conservation and restoration.

Investing in the institutional framework of LDN implementation will enhance the capacities of forest authorities as well as forest-adjacent communities to implement SLM practices within the protected areas they co-manage. Enhancing the institutional framework of LDN implementation will also ensure better adherence to policy and legal provisions on fairness, inclusivity, consultation and participation, recognition of women's tenure rights, establishment and maintenance of inventories of tenure information, equitable distribution of benefits from state-owned lands, as well as other VGGT provisions.

3 Including reference to tenure issues in national LDN targets and other conservation and restoration initiatives.

Data on the number of community beneficiaries per forest block or any other unit under the existing institutional framework should inform decision-making on forest conservation and restoration measures. These data will provide a basis for monitoring the impact of LDN on tenure rights. In addition, this would help realize the VGGT provision on public forests that calls upon states to compile up-to-date tenure information on land, fisheries, and forests by creating and maintaining accessible inventories. The UNCCD Land Tenure Decision calls upon 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. The gathering and analysis of gender-disaggregated data on the beneficiaries of forest co-management would be a starting point in identifying women's tenure rights issues in the context of LDN implementation.

4 Comparison with land degradation in forest areas that are not co-managed by communities.

Participants at the validation workshop on the findings of the Ntchisi Forest Reserve case study also recommended that the second study should include a comparison between the land degradation status of forest sections co-managed by local communities and those that are fully managed by the forest authorities.

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