

Malawi LGAF

Policy analysis matrix

20 July 2012

1. LEGAL AND INSTITUTIONAL FRAMEWORK				
<u>Policy issue</u>	<u>Proposed action</u>	<u>Time frame</u>	<u>Responsible party</u>	<u>Monitoring indicator</u>
Most land is under customary tenure with rights that are recognized in some form but no legal basis for enforcement, implying that vulnerable groups can easily lose their rights.	A new law (to support implementation of the 2002 National Land Policy) has to be passed.	Short term	Ministry of Lands, Housing and Urban Development, Ministry of Justice and Constitutional Affairs, Parliament	Draft Customary Land Bill discussed and passed
	Provide mechanisms for formal recognition of group and individual rights under customary tenure with clear definition of traditional leaders' roles and responsibilities.	Medium term	Ministry of Lands, Housing and Urban Development	Policy and land Laws disseminated and implemented
	The law should be complementary to existing laws relating to registration of land and in harmony with key legislation on inheritance law, the Chiefs Act and the dispute resolution system	Medium term		Land rights by females are recognized and protected
There is clear evidence of tenure insecurity for vulnerable groups such as women and children.	Systematic recordation (registration) of customary land ownership should be undertaken using a participatory approach supported by simplified low cost adjudication and surveying methodologies.	medium term	Ministry of Lands, Housing and Urban Development, District council	Cost per parcel
	A capacity building program should precede systematic registration to strengthen capabilities of local institutions down to village level to create and maintain records of customary ownership and to manage land matters	Short term		Capacity building plans in place

	The output from the process should be the issuing of certificates, licenses or permits as legally recognized evidence of ownership based on a country-wide low cost base map.	Long term		Number of parcels registered at various levels Number and % of parcels registered by women
	Responsibility for the registration of customary land should be decentralized with responsibility for both initial registration and the recording of subsequent transaction devolved to local institutions at both district and village level	Medium to long term	Ministry of Lands, Housing and Urban Development, District councils, City councils	
	Clarify responsibilities of the multiple state organizations with respect to public land management functions	Medium term		Draft regulation to clarify and streamline
Responsibilities for public land management are not clearly assigned.	Clarify responsibilities of the multiple state organizations with respect to public land management functions	Medium term	Ministry of Lands, Housing and Urban Development	Draft regulation to clarify and streamline
2. LAND USE PLANNING, MANAGEMENT AND TAXATION				
<u>Policy issue</u>	<u>Proposed action</u>	<u>Time frame</u>	<u>Responsible party</u>	<u>Monitoring indicator</u>
Regulations and restrictions on urban and rural land are not adequately enforced	Local authorities should be empowered to enforce restrictions and regulations. The land use planning processes should include mechanisms to assure public participation and transparency.	Medium term	Local authority	Regulations to strengthen local authorities in place. Number of planning instruments with public inputs included
Lack of instruments to guide and control land development give space to speculation and unsustainable use of land	Create a process and make available resources for the preparation of comprehensive National Land Use and Physical Development Management to guide rational land use decisions	Medium term	Ministry of Lands, Housing and Urban Development	National Land Use Planning instruments in place

	<p>Create a process and make available resources for Physical Planning Department and City Councils to regularly update Urban Structure Plans, as well as District and Town Councils to prepare Planning Schemes for trading centers and settlements</p> <p>Public Awareness</p>	medium term	Local authorities	<p>% of cities with updated Urban Structure Plans</p> <p>% of trading centers and settlements with prepared land use plans</p>
Local governments are underfunded as they do not collect property taxes	<p>Define criteria for designation (by Minister decision) of ratable areas.</p> <p>Strengthen local government capacities to manage property tax activities; increase transparency in: updating of valuation rolls; making tax information accessible; and devise mechanisms for public distribution of land surplus gains (e.g. betterment taxes and infrastructure levies)</p> <p>Review current laws on water boards and Local Authorities to merge</p>	<p>short term</p> <p>Long term</p>	Local authorities and Ministry of Lands, Housing and Urban Development	<p>Regulation on criteria for designation of ratable area drafted and approved</p> <p>Number of local governments with valuation rolls updated</p> <p>Law on distribution of land surplus gains drafted and approved</p> <p>Increased revenue base</p>
Procedures for obtaining building licenses are out of date, unknown for most users and create space for corruption	Create a process and make available resources for local authorities to update and widely publicize guidelines for building permits applications on a cost recovery basis.	Medium term	Ministry of Lands, Housing and Urban Development	<p>-Guidelines for building permits updated</p> <p>-Share of local governments where guidelines are effectively available by public</p>
There is a lack of access to affordable housing for the urban poor	<p>Design strategies and policy to supply affordable housing for the poor, through provision of serviced plots</p> <p>Support low cost housing initiatives</p> <p>Provide land to local authorities for low cost housing</p>	Medium term	Ministry of Lands, Housing and Urban Development	<p>-Policy for housing supply in place</p> <p>-Number of plots in site and service areas</p> <p>-Number of low cost houses constructed</p> <p>-Number of hectares provided to local authorities</p>

There has been an increase in the development of apartments without the reciprocal creation of a legal framework to provide security of tenure and ensure appropriate management of common property	Prepare and pass a condominium law that is based upon international best practice while being appropriate to Malawi Facilitate information sharing between countries – through exchange visits/study tours	Medium term	Ministry of Lands, Housing and Urban Development	Draft 'condominium law' and supporting regulations produced and adopted
3. PUBLIC LAND MANAGEMENT				
<u>Policy issue</u>	<u>Proposed action</u>	<u>Time frame</u>	<u>Responsible party</u>	<u>Monitoring indicator</u>
Public land is not inventoried or demarcated, making effective management difficult and opening the door to abuse and corruption.	Establish an inventory of public land, including it being surveyed and demarcated on the ground.	Medium term	Ministry of Lands, Housing and Urban Development	Share of public land surveyed and demarcated
No information on devolution of public land.	Make available information about public land, including allocations of public land and mining concessions. Make use of decentralized bodies to publicize	Medium term	Ministry of Lands, Housing and Urban Development	-System for public land accessibility in place -Number of queries on public land status
Processes to determine and award compensation in case of expropriation are lacking or not enforced.	Compensation for people with customary tenure in designated planning areas and other expropriated area should be provided fairly and timely.	Short term	Ministry of Lands, Housing and Urban Development	-Number of households included in newly designated planning areas, -number of households receiving compensation within a year
4. PUBLIC PROVISION OF LAND INFORMATION				
<u>Policy issue</u>	<u>Proposed action</u>	<u>Time frame</u>	<u>Responsible party</u>	<u>Monitoring indicator</u>
-Land information is incomplete and neither its nature nor how it can be accessed is well understood by the general public. -Information is available only at three centrally located offices (Lilongwe, Blantyre)	Publish public information, what services are available, where they are available, how quickly information can be obtained (service standards) and the cost of information.	Medium term	Ministry of Lands, Housing and Urban Development	Level of public awareness (e.g. monitoring indicators through short questionnaire aimed at visitors to lands offices)

and Mzuzu). -All land information is in paper form - records are degraded and missing and retrieval processes antiquated and inefficient	Improve accessibility of information by providing local (district) level access via internet	Short term	Ministry of Lands, Housing and Urban Development	Number of accessibility channels (e.g. local offices, online, via cellular network etc.)
	Digitize records (in progress under BESTAP); Introduce computerized processing to improve delivery of information and reduce scope for fraud and conflict (through more secure records and more secure and auditable access to information)	Medium term	Commissioner for Lands Minister	Number of records digitized
	Establish District registry offices	Medium term	Commissioner of lands with District assemblies	Number of requests for information at District level
	Establish communications department in the Ministry of Lands linked to Ministry of Information to champion publications and awareness and land issues	Medium term	Ministry of Lands, Housing and Urban Development through Principal Secretary	
	Start to record number of information requests in the three lands offices (nature of request / location to which information relates etc.)	Short term	Ministry of Lands (Commissioner for Lands)	Number of information requests Number of fraud cases / land conflicts
5. CONFLICT RESOLUTION AND DISPUTE MANAGEMENT				
Policy issue	Proposed action	Timeframe	Lead Stakeholder	Monitoring indicator
Decisions made by customary conflict resolution mechanisms are often ignored by formal courts	Create provisions and mechanisms for customary conflict resolution decisions and evidences to be taken into account by formal courts, harmonizing the different levels of dispute resolution to prevent forum shopping and create awareness among judges and court operators	Short term	Ministry of Lands, Housing and Urban Development	law on harmonization of customary mechanisms with formal legal system for dispute resolution developed and passed

Land proceedings and disputes are increasing steadily and processes take too long to be completed	Strengthen the local dispute resolution structures	Long term	Ministry of Lands, Housing and Urban Development and Universities	-Number of land disputes adjudicated by Specialized tribunals -Number of land disputes processed by Local courts -Reduction of % land disputes
	Create specialized Land Tribunals with the mandate to promote mediation and arbitration methods. Alternatively, give more jurisdiction of certain land disputes to local courts.	Long term		Number of land disputes processed by Local courts
		ongoing		Reduction of % land disputes
		Medium term		Reduction in time for settling disputes