



**'Operation of the Market' Study**  
**How the poor access, hold and trade land**

# **Findings from research in two settlements in Lilongwe, Malawi**

**February 2013**

**Research undertaken for Urban LandMark by:  
Progressus Research Development Consultancy**



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## ACRONYMS

ADL	Airport Development Limited
CC	City Council
CDC	City Development Committee
CPR	Contraceptive Prevalence Rate
CCODE	Centre for Community Organisation and Development
GDP	Gross Domestic Product
GVH	Group Village Headman
GoM	Government of Malawi
MDGS	Malawi Development and Growth Strategy
MHPH	Malawi Homeless Peoples Federation
MK	Malawi Kwacha
MHC	Malawi Housing Corporation
MLHUD	Ministry of Land, Housing and Urban Development
MPICO	Malawi Property Investment Company
NGO	Non Government Organisation
TA	Traditional Authority
THA	Traditional Housing Area
TFR	Total Fertility Rate
SGVH	Senior Group Village Headman



## 1. INTRODUCTION

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Since 1950 Africa has seen extremely high levels of urbanization. It is estimated that by 2025, more than half of the African population will be urban, and during the next quarter century the urban population will be growing almost twice as fast as the general population, increasing by more than half a billion from 1990 levels.<sup>1</sup> It is estimated that the African urban population will comprise about 780 million people by 2030, more than the total urban population in the western hemisphere.<sup>2</sup> This rapid urbanisation is primarily driven by massive rural-urban migration.<sup>3</sup>

Of the four regions making up Africa, Southern Africa over the 2000-2010 decade, retained its position as the most urbanised on the continent, with the rate increasing from 53.8 to 58.7 percent. The sub region is projected to reach a two-thirds urban majority sometime around 2025<sup>4</sup>. This urban growth is concentrated in larger and medium sized cities in the region, with cities of less than 500,000 people absorbing two thirds of the urban growth<sup>5</sup>.

The process of urbanization in Africa has been referred to as the 'urbanisation of poverty', as, coupled with high unemployment rates, it generally leads to extremely poor living conditions, mostly in slums (informal settlements). About 62% of people living in towns and cities in sub-Saharan Africa today live in such informal settlements<sup>6</sup>.

These informal settlements are generally located in peri-urban environments and are characterized by very poor infrastructure. They are social and economic entities in their own right with a social and economic capital base. Land transactions are informal resulting in such settlements being 'holes' in the land cadastre. Land tenure information for these areas is missing, which has negative implications for the ability of municipal authorities to exercise proper land management and to generate a tax base.<sup>7</sup>

The way in which informal land transactions occur and the extent to which they result in tenure security and asset creation in these informal settlements is not well understood. For this reason **this study comprises research into two informal settlements (namely Mtandire and Chinsapo) in Lilongwe, Malawi, so as to understand how the poor access, hold and trade land.** This research forms part of a larger research programme being undertaken by Urban LandMark which includes similar studies in Maputo (Mozambique), Luanda (Angolo) and Durban, Cape Town and

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1 World Bank Regional Reports - Africa Region, Spring 2001

<sup>2</sup> Second Anton Rupert Memorial Lecture, given by Maria Ramos, University of Pretoria, November 2010. The Western Hemisphere is a geographical term for the half of the Earth that lies west of the Prime Meridian

<sup>2</sup> Second Anton Rupert Memorial Lecture, given by Maria Ramos, University of Pretoria, November 2010. The Western Hemisphere is a geographical term for the half of the Earth that lies west of the Prime Meridian

<sup>3</sup> J Chome and M McCall, Neo-customary title registration in informal settlements, The case of Blantyre, Malawi, IDPR, 77(4), 2005

<sup>4</sup> UN Habitat (2008). The State of African Cities 2010 Report. Nairobi, UN Habitat

<sup>5</sup> UN Habitat (2008). The State of African Cities 2008 Report. Nairobi, UN Habitat

<sup>6</sup> United Nations Human Settlement Programme, For a better urban future, op. cit., p. 4.

<sup>7</sup> J Chome and M McCall, Neo-customary title registration in informal settlements, The case of Blantyre, Malawi, IDPR, 77(4), 2005

Johannesburg (South Africa). Reports on these other research projects can be seen on [www.urbanlandmark.co.za](http://www.urbanlandmark.co.za). The research is funded by Cities Alliance, with co-funding from UKaid,

**This report includes:**

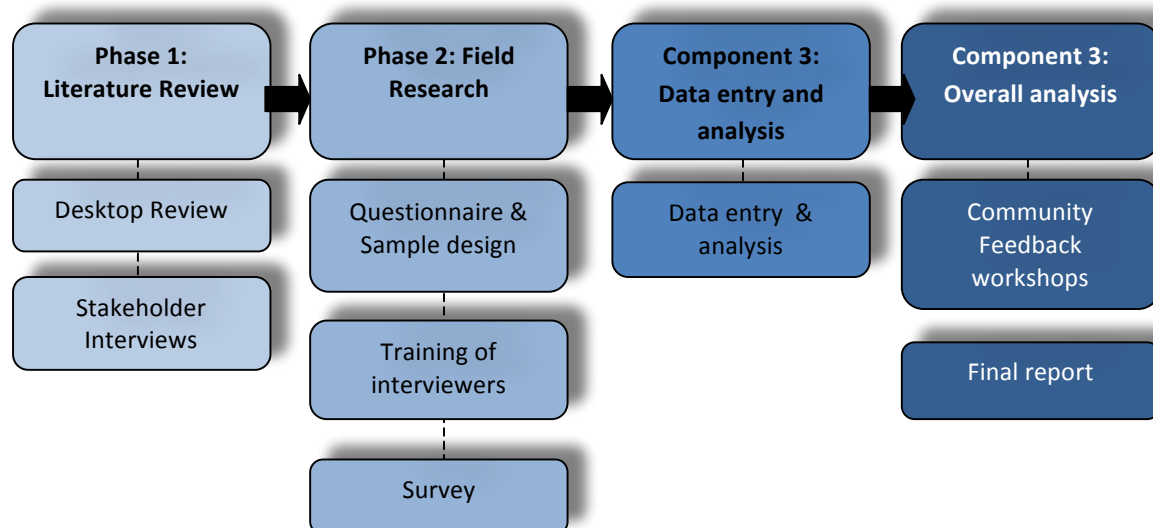
- Method
- Background
- Key findings
- Conclusions and recommendations

## 2. METHOD

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As indicated in Figure 1, the research consisted of four phases.

**Figure 1: Research process**



- **Phase one: Literature review:** This phase comprised a review of land legislation and policy in Malawi, as well as reports and research articles on various land-related aspects. A review was also undertaken of the study area namely Lilongwe and the two selected settlements (Mtandire and Chinsapo). Interviews were held with the following key stakeholders (8) on land issues and the study area including:
  - Programme Manager UN Habitat
  - Commissioner of Physical Planning
  - Deputy Commissioner Lands
  - Programme Manager Habitat for Humanity
  - Housing Manager Lilongwe City Council
  - Regional Manager Malawi Housing Corporation
  - Group Village Headman Chisenga , Chinsapo
  - Senior Group Village Headman Chigoneka. Mtandire

The role of each of these stakeholders in respect of land issues can be seen in Annexure A attached.

- **Phase 2: Field research:** This phase comprised the field research in the selected settlements.

**Key activities undertaken included:**

- Liaison was undertaken with the assistance of CCODE, with relevant authorities and community leaders to obtain cooperation and agreement for the survey.
- A survey instrument (questionnaire) used previously by Urban LandMark was used. The questionnaire was discussed and adapted to be relevant to Malawi and the study area based on the findings from Phase One.
- The questionnaire was tested in the field and amended accordingly.
- A random sample was drawn based on a census conducted by CCODE on the two settlement areas. Tenants and Owners were sampled and weighted to proportion.
- The total sample per settlement is 95% accurate within a range of 5.87% and 5.84% in Mtandire and Chinsapo respectively. The realized sample is shown in the table below.
- Twenty two local interviewers were trained and deployed to undertake the survey.
- Rigorous monitoring was undertaken during the field work to ensure accurate execution of the sampling strategy and that questionnaires were completed correctly.
- Training and data collection was undertaken over a 3 week period

**Table 1: Realised sample per settlement**

Area	Sample Realisation			Weighted Sample		
	Own	Rent	Total	Own	Rent	Total
Mtandire	141	127	268	1621	5100	6721
Chinsapo	124	151	275	2634	9572	12206
Total	265	278	543	4255	14672	18927

- **Phase three: Data entry and analysis:** Data was captured to electronic file by means of a system designed and written in Epi-Data. This data entry programme provides for internal data checks. The data set was verified and discrepancies investigated from the original questionnaires. A Power Point presentation was developed from the survey data, incorporating the secondary research and interviews with officials.
- **Phase four: Research report:** A feedback workshop was held in each of the studied settlements using a poster-printed Power Point Presentation, where relevant key people and community members were invited to review the results and comment on it. A final report (this report) was developed incorporating feedback from the workshops in each settlement.

### 3. BACKGROUND

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This section outlines the background to the research and includes:

- General overview of Malawi
- Land policy and legislation in Malawi
- Overview of the study area

It outlines the work undertaken during Phase 1.

#### 3.1 General overview of Malawi

##### 3.1.1 Context

Malawi is a Sub Saharan African country located of the equator. It is boarded to the north and northeast by the United Republic of Tanzania to the east, south and southwest by the People's Republic of Mozambique and to the west and northwest by the Republic of Zambia.

**Figure 2: Map of Malawi**



The country is 901 kilometres long and 80 to 161 kilometres wide. The total area is approximately 118,484 square kilometres of which 94,276 square kilometres is land. The remaining area is mostly composed of Lake Malawi, which is about 475 kilometres long and delineates Malawi's eastern boundary with Mozambique.

The country is divided into three regions: the Northern, Central, and Southern Regions. There are 28 districts in the country. Six districts are in the Northern Region, nine are in the Central Region, and 13 are in the Southern Region. Administratively, the districts are subdivided into Traditional Authorities (TAs), presided over by chiefs. Each TA is composed of villages, which are the smallest administrative units, and the villages are presided over by village headmen.

### **3.1.2 Economy**

Malawi is one of the poorest countries in the world with a GDP per capita at US\$290 in 2009. Poverty levels are high: in 2009 the proportion of the population living below the poverty line was estimated at 39%; a slight drop from 40% in 2008. About 43% of the rural population live below the poverty line while in urban areas the proportion is at 14%<sup>8</sup>. Malawi is predominantly an agricultural country and this sector accounts for about 35% of the GDP, 93% of export earnings (primarily tobacco), and provides more than 80% of employment. The sources of revenue from which public services are funded are mainly taxes on personal income and company profits, trade taxes and grants from donors. In the event of insufficient revenue to cover the budgeted expenditure, the financing of the resultant deficit is met either from the domestic bank and non-bank sources, or from foreign financing in the form of donor and overseas banks loans. In such a scenario, the financing of public services in Malawi is inextricably linked to the aggregate of each of these revenue sources.

### **3.1.3 Land**

Malawi's land distribution is highly skewed. An estimated 82% of Malawi's land is suitable for cultivation: 13% of total land (16% of cultivable land or 1.2 million hectares) is held by estates, and 69% of total land (84% of cultivable land or 6.5 million hectares) is either farmed by smallholders or considered by the government to be available for smallholder farming. The balance of Malawi's land is protected areas, steep hillsides, and urban areas unsuitable for agriculture. Fifty-eight percent of smallholders cultivate less than one hectare; 11% of these are near landless. The country's 30,000 estates have between 10 and 500 hectares. In 2004, approximately 11% of the population was landless.

### **3.1.4 Population**

In 2008 Malawi's population was estimated at 13.1 million and growing at the rate of 2.8% per annum. The proportion of Malawi's population residing in urban areas is estimated at 15.3%. Malawi is one of the most densely populated countries in Africa: the population density was estimated at 105 persons per km<sup>2</sup> in 1998 and increased to 139 persons per km<sup>2</sup> in 2008 with the southern region having the highest population density at 184 persons per km<sup>2</sup>. Between 1998 and 2008 Malawi's population grew by 4.2 million people. This high population growth is predominantly due to the high total fertility rate (TFR) now estimated at 5.2 and the low contraceptive prevalence rates (CPR) of 41%<sup>9</sup>. Almost half of the population is under 15 years of age, and the dependence ratio has risen from 0.92 in 1966 to 1.04 in 2008. The 2008 population and housing census also found that about 7% of the population in Malawi is comprised of infants aged less than 1 year, 22% were under-fives, and about 46% were aged 18 years and above. Malawi is predominantly a Christian country (80%). The literacy rate for women is lower at 59% compared to males at 69%<sup>10</sup>.

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<sup>8</sup> NSO. (2009). *Welfare monitoring survey 2009*. Zomba: NSO.

<sup>9</sup> NSO. (2005). *Demographic and health survey 2004*. Zomba: NSO.

<sup>10</sup> NSO. (2009). *Malawi housing and population census 2008*. Zomba: NSO.

### **3.1.5 Political system**

Politics in Malawi takes place in a framework of a presidential representative democratic republic, whereby the President of Malawi is both head of state and head of government, and of a multi-party system. Executive power is exercised by the government. Legislative power is vested in both the government and the National Assembly. There is a cabinet of Malawi that is appointed by the President of Malawi. The judiciary is independent of the executive and the legislature. The structure of each of these entities is as follows:

- **Executive branch:** Under the 1995 constitution, the president, is chosen through election every 5 years. Malawi has a vice president who is elected with the president. The president has the option of appointing a second vice president, who must be from a different party. It also includes a presidentially appointed cabinet. The members of the cabinet of Malawi can be drawn from either within or outside of the legislature.
- **Legislative branch:** The National Assembly has 193 members, elected for a five-year term in single-seat constituencies. The constitution also provides for a second house, a Senate of 80 seats, but to date no action has been taken to create the Senate. The Senate is intended to provide representation for traditional leaders and the different geographical districts, as well as various special interest groups, such as women, youth, and the disabled.
- **Judicial branch:** The constitution provides for an independent judiciary. Malawi's judicial system, based on the English model, is made up of magisterial lower courts, a High Court, and a Supreme Court of Appeal.

In 1998 the Government of Malawi developed a National Decentralisation Policy and a new Local Government Act. Under the Decentralisation Policy, a new structure for local government made of District Assemblies was set up. Cities and Municipalities were districts in their own rights. The District Assemblies are administered by Councils and have powers to create committees at Area, Ward, or Village level for the purposes of facilitating participation of the people in the Assembly's decision making. Key functions of the District Assemblies are;

- To make policy and decisions on local governance and development for the district
- To consolidate and promote local democratic institutions and democratic participation
- To promote infrastructural and economic development through , district development plans
- To mobilise resources within and outside the district
- To maintain peace and security in the district in conjunction with National Police Force

District councils are predominantly rural and are required to appoint committees for finance, development, education, works, health and environment, and human resources. There is full discretion to establish other committees and sub-committees, with powers to co-opt non-voting members. The councils elect from the councillors a full-time chairperson as head of the council for a term of one year, with possible re-election for only one additional term.

Villages are administered within a traditional leadership structure where each village has a Group Village Headman (GVH), selected by the village headmen, and responsible for five or more villages. The traditional authority (TA) positions are hereditary, the chieftancy clan nominates the traditional leader. At the most senior level a sub-chief has responsibility for a number of TAs, with the senior

chief having authority over all sub-chiefs in the district. TAs and sub-TAs within each local government area serve, ex-officio, as non-voting members of the District Councils.

## **3.2 Land policy and legislation in Malawi**

### **3.2.1 Urbanisation in Malawi**

According to UN Habitat, only 20% of Malawi population is classified as urban, making the country one of the least urbanised countries in Africa. However, Malawi is experiencing one of the highest rates of urbanisation in Africa at 6.3% per annum, three times the global rate and nearly twice the Africa rate of 3.5%. Malawi towns and cities are growing at unprecedented rate and so are secondary towns and market centres. Absolute urban population is expected to almost double by 2020 and will overtake rural growth. Sustainable urbanisation is now one of the most pressing challenges facing Malawi. According to Kayuni et al (2005), 75% of Malawi's urban residents are in the cities of Blantyre, Lilongwe, Mzuzu, and Zomba.

As is the case in the rest of Africa, UN Habitat indicated that rapid urbanisation in Malawi is not associated with the commensurate economic growth and effective redistribution measures required to alleviate poverty<sup>11</sup>. The result is increasing urban poverty whose most visible manifestation is the informal settlements, which continue to develop in and around the cities and towns in Malawi<sup>12</sup>. These settlements are characterised by poor access to physical infrastructure (roads, electricity), social services (health, education, water and sanitation), insecure tenure and poor housing conditions. In Malawi, housing conditions and poverty are closely related and mutually reinforced. According to Kayuni et al (2005) migration from rural to urban areas is a major contributing factor of urbanisation in Malawi. People leave rural areas because of low rates of growth in agricultural production, and poverty. Most rural Malawians on average farm less than one hectare of land, insufficient to meet household needs, and routinely suffer from seasonal hunger. Therefore they move to towns mostly in search of work and education. The poor regard the towns and cities as opportunities for economic and social development. According to IPS (2004), urbanisation is the main contributing factor to land and housing shortages, congestion, squatter settlements, HIV and AIDS infection and unemployment.

According to UN HABITAT's state of the World's Cities 2006/2007 Report, the annual slum growth rate in Malawi is 3.9%. In 2005, 1.86 million people or close to 90% of Malawians in urban areas lived under slum conditions.

The Government of Malawi's overarching development priority is the sustained reduction of poverty as defined in the Malawi Growth and Development Strategy (MGDS). The attainment of sustainable urbanisation in a manner that provides decent affordable housing and access to basic urban services is seen as critical to the attainment of the Malawi Growth and Development Strategy and Millennium Development Goals targets. To this end the Government of Malawi has partnered with UN-HABITAT and the Cities Alliance since 2008, so as to receive support to manage its urbanization sustainability particularly in the critical area of housing and basic services. A central component of

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<sup>11</sup> [www.unmalawi.org/agences](http://www.unmalawi.org/agences)

<sup>12</sup> UN Habitat 2010

this support is seen as establishing the framework for and undertaking slum upgrading programmes. Currently the Malawi City Development Strategy and National Slum Upgrading Programmes are being developed.

### **3.2.2 Land related laws and policies in Malawi**

The 1994 Constitution of the Republic of Malawi provides that all of Malawi's land is vested in the state. Under the Constitution, all citizens have the right to obtain property and to engage in economic activity<sup>13</sup>.

Malawi's land legislation dates primarily from the post-Independence era and includes:

- (1) The 1965 Land Act, which sets out the classifications of land and recognizes types of land tenure as follows: public land, private land, customary land (see section 3.2.3);
- (2) The 1967 Customary Land (Development) Act, which provides for the conversion of customary land for agricultural development and establishes the means for adjudicating disputes over customary land;
- (3) The 1987 Deeds Registration Act, which supports a system of deed registration;
- (4) The 1967 Registered Land Act which provides the legislative foundation for the transfer from a deed registration system of land administration to a title registration system;
- (5) The 2003 Land (Amendment) Act, which prospectively prohibits non-citizens from purchasing land in Malawi;
- (6) The 1989 Control of Land (Agricultural Leases) Order (amended in 1996), which introduced a prohibition on conversion of customary land to leaseholds. Implementation of the Customary Land (Development) Act and the Registered Land Act has been limited to Lilongwe West;
- (7) The Local Government Act and Decentralisation policy which places responsibility on City Councils to provide basic services land and housing, water and sanitation and roads networks in their areas of jurisdiction; and
- (8) The 1988 Town and Country Planning Act which guides the Department of Physical Planning on planning areas.

In 2002, a National Land Policy was published as an initial step in revising the legal framework governing land rights. The Land Policy expressed the goals of ensuring tenure security and equitable access to land, and facilitating the attainment of social harmony and broad-based social and economic development through optimum and ecologically balanced use of land and land-based resources. The Land Policy's objectives are to:

- promote tenure reforms that guarantee security and instil confidence and fairness in all land transactions;
- guarantee secure tenure and equitable access to land to all citizens of Malawi without any gender bias or discrimination;
- instil order and discipline into land allocation and land market transactions to curb land encroachment, unapproved development, land speculation and racketeering;
- promote decentralized and transparent land administration;

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<sup>13</sup> GOM 1994



- extend land-use planning strategies to all urban and rural areas;
- establish a modern land registration system for delivering land services to all;
- enhance conservation and community management of local resources; and
- promote research and capacity-building in land surveying and land management<sup>14</sup>.

Customary law governs land allocation, land use, land transfers, inheritance, and land-dispute resolution related to Malawi's customary land. The 2002 Land Policy recognizes the authority of customary law and traditional authorities and calls for incorporation of the traditional authorities into the land-administration structure.

Currently revision of the national housing policy is almost complete. This includes the development of a national land use management and planning policy, as well as other land related bills.

From the discussions with Commissioner of Lands, some of the revised proposals are as follows:

- The roles of the physical planning commissioner in land management with more powers such establishing Physical Planning Boards to regulate physical planners as a profession, set code of ethic for physical planners;
- the whole country to become a planning area and not just urban areas;
- decentralise land administration and management functions to councils;
- establish land tribunals;
- changes in the management of customary land through setting up village land committees, which will administer and manage land related issues instead of just entrusting the powers to the chief. Women will constitute over 50% of these Committees, and
- formalise traditional leaders roles in land administration and management

### **3.2.3 Types of Land**

Malawi's 1965 Land Act and the 2002 Land Policy recognise three categories of land: public land, private land, and customary land:

- **Public land:** Public land (including government land) is land occupied, used, acquired, or held by the government in the public interest. Public land includes national parks, conservation, and historical areas. Government land is owned and used by the government for public purposes, including schools and government offices. Public land vests in perpetuity in the President, as trustee for the government. Between 15% and 20% of land in Malawi is classified as public land.
- **Private land:** Private land is owned, held or occupied under freehold title, lease, Certificate of Claim, or land registered as private land under the Registered Land Act of 1967. According to the Land Policy, land registered as private land under the Registered Land Act includes privately owned freehold land and customary land registered by communities or individuals (upon registration, the land loses its character as customary land). Between 10% and 15% of land in Malawi is classified as private land.
- **Customary land:** Customary land is all land held, occupied, or used by community members under customary law. Customary land is vested in the President in trust for the people of Malawi

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<sup>14</sup> GOM 2002

and is under the jurisdiction of customary traditional authorities. Customary land may be held communally or individualized in the names of a lineage, family, or individual. Customary land does not include public land. Between 65% and 75% of land in Malawi is customary land.

### **3.2.4 Types of land tenure**

Tenure types in Malawi include freehold, leasehold, and customary tenure:

- **Freehold:** Private land can be held in freehold tenure, which carries rights of exclusivity, use, and alienation. The 1965 Land Act and the 1967 Registered Land Act regulate the use and management of freehold land. Most freehold rural land consists of large-scale commercial plantations or estates. Some of the land was customary land that the government converted to freehold land at Independence in an effort to encourage agricultural development. “Ndunda” is a type of freehold in Lilongwe West where chiefs play a very big role acting as public notaries.
- **Leasehold:** Private, public, and customary land can be leased. An estimated 8% of Malawi’s land is under leaseholds governed by the Land Act. Lease terms vary by use, including 21-year leases on agricultural land and 22- to 99-year leases for property and infrastructure development. Under the Land Act, the state has the authority to lease customary land and public land. Formal leases of customary land result in the conversion of the customary land to public land because, at the conclusion of the lease, the land reverts back to the government. Under customary law, landholders may lease their land without causing the land to lose its character as customary land. An estimated 28% of the rural population is engaged in the land rental markets as landlords or tenants; the majority lease land under customary law.
- **Customary:** Land held under customary tenure is held by a group as a whole, usually administered by a traditional leader on behalf of the community. Customary land may be individualized in the names of families and individuals. Land that has been individualized carries a presumption of exclusive use in perpetuity, and the family or individual can lease the land or bequeath it. The National Land Policy provides that the community retains a residual interest in the land, suggesting that the land cannot be sold outside the community. Traditional leaders may reclaim and reallocate land if it is abandoned.  
Land that is not individualized (e.g., grazing land, markets, burial grounds) is considered communal land with customary law dictating rights of access.

### **3.2.5 Securing land rights**

Malawians primarily access land through inheritance (52%) and marriage (18%)<sup>15</sup>. Rights to land through marriage and inheritance are governed by one of two customary systems. Under the matrilineal system prevalent in the central and southern regions of the country, land is handed down through the female line. If the husband moved to the wife’s village at marriage, he generally loses rights to use the household land in the event of divorce or his wife’s death. Under the patrilineal system prevalent in the northern region, land is transferred from fathers to sons. If a woman moves to her husband’s village at the time of marriage, she often loses rights to use the household land in the event of divorce or the death of her husband<sup>16</sup>.

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<sup>15</sup> Matchaya 2009

<sup>16</sup> Matchaya 2009

Land allocations from traditional leaders, land leasing, government resettlement programs, and land purchase are additional routes to access land. An estimated 20% of landholders obtain land from traditional authorities; roughly 1% of landholders obtain land through purchase. Leases, government land programs, and other means account for the remaining percentage (9%). In urban areas, Local Assemblies and agencies such as the Malawi Housing Corporation allocate plots in the areas within their jurisdiction<sup>17</sup>.

While most holders of customary land believe their rights are reasonably secure, tenure insecurity is evident among a few social groups. Both women of patrilineal and virilocal (wife moves to husband's village) marriages and men of matrilineal and matrilocal (husband moves to wife's village) marriages express insecurity when considering the potential death of their spouse or the possibility of divorce, because they and their children may be forced to leave the land. The high prevalence of HIV/AIDS among the adult population exacerbates the degree of insecurity that a spouse may experience. Orphans also have insecure property rights; relatives often take the deceased parents' land, dispossessing the children<sup>18</sup>.

Tenure security is lowest for women in patrilineal societies, men in matrilineal groups, and orphans. Other groups expressing tenure insecurity are non-citizens and some recipients of land programs and irrigation schemes where the beneficiaries do not receive land title. The 2002 National Land Policy recognizes the importance of tenure security. In order to protect against arbitrary conversion to public or private land and permanent loss of customary land rights, the 2002 National Land Policy recommends surveying and recording customary land. The Land Policy also notes that local governments should be required to identify existing customary land rights as part of developing land-use plans<sup>19</sup>.

### **3.2.6 Tenure registration**

During colonial times, Malawi adopted a deeds registration system. The system provided for the registration and public availability of documents relating to land rights but no assurance of the validity of the registered documents. The Deeds Registration Act governs the deeds registration system. The procedure for registering the transfer of land is as follows:

- Search for encumbrances on the land at the land/deeds registry;
- Search for unpaid city taxes at the municipality;
- Apply to the Ministry of Lands for consent to transfer property;
- Obtain a Tax Clearance Certificate from the Malawi Revenue Authority;
- Obtain a stamp of the conveyance deed and relevant documents at the Registrar General's Office; and
- Apply for registration at the Deeds Registry. Land registration requires an average of 88 days and payment of 3.2 % of the value of the land. A small number of deeds are registered<sup>20</sup>.

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<sup>17</sup> Matchaya 2009

<sup>18</sup> Matchaya 2009

<sup>19</sup> GOM 2002

<sup>20</sup> GOM 2002; USAID 2008

In an attempt to convert to a system of title registration (because the deed registration system did not protect against registration of inaccurate and fraudulent documents, and thus did not provide for certainty in land transactions), the government enacted the Registered Land Act in 1967. The Registered Land Act confers substantive land rights: under Section 24 of the Act, registration of land confers private ownership rights on the registered proprietor. The Act allows for registration of customary land as “family land” with a designated registrant. Registration of customary land converts the land to private land. Leasehold interests can also be registered. The land certificates and certificates of lease issued by the Land Registry Office are proof of those interests in land and are guaranteed by the state<sup>21</sup>.

The Registered Land Act was implemented in only one region (Lilongwe West) under the Lilongwe Land Development Programme (1968–1981). Lack of institutional support and funding for the titling and registration system limited its implementation. The 2002 Land Policy reasserts the government’s interest in a title registration system, calling for the transfer of registered deeds to the title registry system, and demarcation and formalization of individualized rights to customary land (referred to as “customary estates”)<sup>22</sup>.

Historically there was no restriction on foreigners purchasing freehold land in Malawi. The 2003 Land (Amendment) Act caps the amount of freehold land held by foreigners as of January 2002 and prospectively prohibits foreign individuals and companies from acquiring title to any freehold estate. Foreigners are permitted to lease land<sup>23</sup>.

Presently, Malawi does not have urban policy, but the process of developing the urban policy is at an advanced stage. Different stakeholders are being consulted in the framework of the urban policy.

### **3.2.7 Key role players in relation to land<sup>24</sup>**

The key role players in relation to **urban land** in Malawi include the following:

- **Ministry of Lands, Housing and Urban development** : The mandate of the Ministry is to provide land and housing management services to the general public and all interested stakeholders/parties seeking these services. The Ministry draws its mandate from various statutes and policy instruments such as the Land Act, Town and Country Planning Act and the Land Survey Act (see section 3.2.2). The Ministry is composed of six technical departments namely: Lands and Valuation, Physical Planning, Surveys, Housing, Urban Development and Buildings. These technical departments are grouped into three subsectors: Land, housing, and urban development.

Within the Ministry the two areas relevant to land management are:

- The Commissioner for Physical Planning who is responsible for:
  - the sub-division of land,

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<sup>21</sup> GOM 2002

<sup>22</sup> GOM 2002

<sup>23</sup> GOM 2002

<sup>24</sup> This section based on the interviews with stakeholders

- apportioning of plots (use and development),
- providing general policy on land use and plans,
- providing development control on land use policy, plans and detailed layout plans,
- guiding change of land uses and activities, and
- providing a legal framework for land (rules and regulations)
- The Commission for Lands who is responsible for overseeing land administration and management.
- **City Council:** The City Council is responsible for land development controls and planning controls within its area of jurisdiction. The City Council will manage Traditional Housing Areas where are targeted for low income people and comprises building houses using flexible housing standards.
- **Malawian Housing Corporation (MHC):** The MHC is an agent of government with the mandate to manage land for residential purposes, in cities and district centres. The MHC acquires land from government on a freehold tenure. It then develops the land and sells it to low income people. The new owners then build their own homes.
- **Nongovernmental organisations:** Malawi is richly supported by international donor organisations and NGOs specifically in Lilongwe. Non Governmental organisations such as UN Habitat and Habitat for Humanity undertake research around land and also provide support in formulating policy and implementing projects.

### ***3.2.8 Key issues pertaining to land<sup>25</sup>***

According to the stakeholders interviewed there are a number of challenges related to land management and administration. The key challenges are shown below:

- **Land Tenure Security :** The following challenges occur regarding land tenure security:
  - The national land policy was enacted in 2002 but implementation was piece meal because of delays in putting the legal framework in place.
  - There is a shortage of land experts in the Ministry who deal with tenure in urban areas.
  - Local councils have problems in managing land as the Ministry has not yet fully decentralised functions because they do not have experts to send to districts.
  - City councils have problems to recruit surveyors planner etc; there are not enough.
- **Councillors not being appointed:** Elections of councilors for the City Councils has not happened in the last 10 years. This has affected the Council's functionality and has dire impact on areas such as Chinsapo and Mtandire
- **Slow supply of land for Settlement development:** The waiting period for formal land can be more than 10 years. As a result of this delay, informal land transactions have increased. This has led to the growth of informal settlements in cities such as Lilongwe.
- **Non-affordability of programs aimed at the poor:** Land allocation by authorities largely targets the high and middle-income earners and low-income earners are side lined. Even in the areas designated for THAs, it is mostly middle-income earners who are developing the areas and benefiting from the development. As a result a lot of informal settlements have developed in the

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<sup>25</sup> This section is based on the interviews with stakeholders

City in areas such Mtandire, Gona, and Chinsapo because these are the areas where the poor can afford land.

- **Urban Poverty not official priority:** In general urban poverty is not a key priority in the national agenda. For instance, the national poverty strategy does not recognise urban poverty as an issue. This makes it difficult for City Councils to develop specific programs targeting the urban poor.
- **Uncoordinated development:** The City Council has been slow in providing guidance in terms of developing infrastructure in THAs, which has lead to uncoordinated developments.
- **Lawlessness in Land Transactions:** People do not adhere to laws and regulations on land management and many people in the city do not know the laws governing land and land rights.
- **Governance Jurisdiction:** The City Council, only provides services to areas within the boundaries of the City which are gazetted by the Government. Informal settlements such as Mtandire and Chinsapo which occur outside the city boundaries are therefore not considered to be in the City Councils jurisdiction and this has created challenges in the provision of services.
- **Infrastructure at Ministry of Land:** A lot of transactions in the Ministry of Lands are manually processed, which makes it very difficult to follow issues properly. In addition the Ministry of Lands and Physical Planning is understaffed with a high vacancy rate of personnel. This exacerbates any follow up actions or enquiries.
- **Land Management Challenges in informal Settlements:** In Informal Settlements such as Chinsapo and Mtandire, plot demarcations is the biggest challenge in land management. According to GVHs in Chinsapo and Mtandire the main challenges for people selling land in Mtandire and Chinsapo is demarcating the plots. Artificial beacons are often used, which creates a lot of disputes.
- **Chiefs in urban areas :** The Local Government Act does not recognise the role of chiefs in urban areas.

The stakeholders interviewed suggested the following as possible areas that need improvement in land management especially in urban areas:

- Restoring confidence in government departments dealing with land management and administration and addressing shortages of staff.
- Increasing knowledge by the urban poor on land management.
- Reviewing the concept of THA so that it responds more to the needs of the urban poor.
- Government should be speeding up the process of opening up more land for residential purposes targeting all levels of income.
- Government should have a computerised Land Information Management System, as opposed to the manual system currently being used.
- Government should provide services and normalise the Informal Settlements.
- Assistance should be given to make more loans available to the poor to improve their houses.
- A systematic and fair method of demarcating plots.

### 3.3 Overview of the study area

#### 3.3.1 Lilongwe

Lilongwe is the largest city in Malawi and is the capital and administrative centre since 1975. Lilongwe has witnessed a high urbanisation rate since that date, accelerated by the relocation of all government head offices from Blantyre in 2005. The growth rate of the city averages 4% per annum and it is the fastest growing city in the country.

The city is divided into four sectors (Old town, Capital Hill, Kanengo, and Lumbadzi). Approximately 76% of the city population (669,021) in 2008 lived in informal settlement. Poverty stands at about 5% with unemployment at 16%. The civil service employs about 27% of the city's work force. The private sector employs about 40% and 24% are self-employed.

Lilongwe city operates within the Local Government Act of 1998, which entitles citizens to elect councillors directly. The elected councillors then elect a mayor amongst themselves. Since 2005, the cities have had no councillors as all councils were dissolved at the end of their term. The Local Government Act (as amended in 2009) empowers the State President to decide on the date of local government elections. It is envisaged that Councillors will be elected by June 2013.

Major land owners in Lilongwe city include: the Ministry of Land, Housing and Urban Development (MLHUD), Malawi Housing Corporation (MHC); Airports Development Limited (ADL); and Press Corporation Limited. Chiefs also take part in land administration within the city especially in the informal settlements. About 35% of the land in Lilongwe was designated for residential and agricultural use. About 60% of the land in Lilongwe is public, 30% is private land and 10% is customary land.

The growth of the Lilongwe City has emphasised demand for land, and this demand is higher than the supply of lands. This has resulted in informal settlements occurring such as Mtandire and Chinsapo.

The Lilongwe City Council is working with various stakeholders targeting the urban poor through slum upgrading initiatives. The City Council and stakeholders aim at service provision such as waste management, infrastructure development like schools, water supply management and improving road access. While the City Council is active in Mtandire and Chinsapo, legally it has no mandate to work in an area outside the city boundary.

All stakeholders working with the urban poor are members of the **City Development Committee (CDC)**. The CDC oversees the development taking place in the City as well as Chinsapo and Mtandire. The CDC is accountable to City Assemblies as well as to the Traditional Chiefs. All the stakeholders who implement activities in the city attend the CDC meetings at least once a month and share their plans and progress of their work. However, at the implementation level, stakeholders have their own committees that they work with. Each organisation/stakeholder chooses the members of the committees in consultation with chiefs in the location they are working.

Stakeholders that have programmes aimed at the poor in Chinsapo and Mtandire, are as follows:

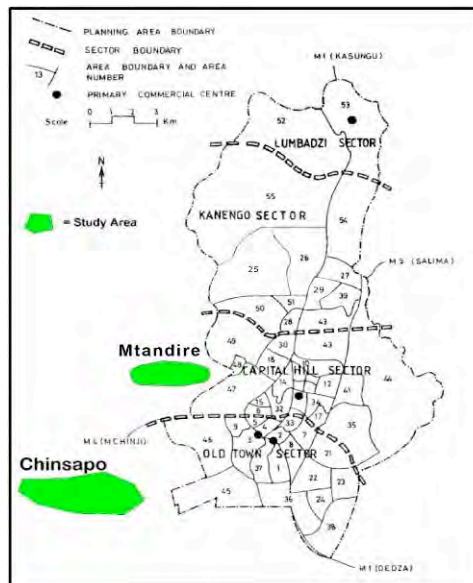
- **The Bill & Melinda Gate Foundation** focuses on the improvement of road network; water and sanitation, saving schemes and loans targeting the vulnerable groups and adult literacy programmes. The funds are managed by City Council. In Mtandire a total of 10 water tanks have been provided through the foundation to store water during the times when water pressure is very low.
- **Plan International** focuses on water and sanitation as well as education .
- **CCODE**: works through Malawi Homeless Peoples Federation (MHPF) in saving and loans as well as home improvements.
- The **District Health Office** focuses on outreach for children-under-5-years-of-age and provides clinic services to them, and is involved in protection of water using chlorine.
- **Bunda College of Agriculture** is focusing on technologies on solid waste management.
- **UN Habitat** advocate for service provision in the areas where the urban poor reside.
- **The City Council** focuses on waste management.
- The **Circle for Integrated Community Organisation** focuses on water and sanitation.
- **Water Aid** focuses on water and sanitation and hygiene.

### **3.3.2 Mtandire and Chinsapo**

The figure below shows the location of Mtandire and Chinsapo in relation to Lilongwe. The background information set out below on each settlement is mainly from the Mtandire and Chinsapo Settlement profiles developed by the Centre for Community Organisation and Development and Malawi Homeless People's Federation (September 2012). Each settlement is discussed separately although there are many similarities between the two settlements.



**Figure 3: Location of Mtandire and Chinsapo**



### **Mtandire**

Mtandire hosts about 37,000 residents according to the 2008 National Population and Housing Census. It is located on the North Western side of Lilongwe City. On the South it is neighbouring Mtsiliza informal settlement and on the eastern side, Area 47. The informal settlement is within Lilongwe City West Constituency, about six kilometers from the Capital's City Centre.

The settlement is under the leadership of Senior Group Village Head Chigoneka who is under Traditional Authority Njewa. Approximately two thirds of the residents in the settlement are tenants whose landlords are indigenous. These landlords often have several tenants, sometimes up to seven. No one in the settlement has land ownership, titles but the chief knows ownership of each piece of land and its boundaries.

Mtandire is on public land with a zone number (areas 56). There is currently a lack of certainty as to the status of the settlement and whether it is a village that is administered through customary processes or whether it is part of the city and thereby to be administered through local government processes. A key issue is the extent to which the Lilongwe City Council has the responsibility to provide services to the settlement. The uncertainty of the status of the land does undermine the extent to which the Lilongwe municipality is willing to invest in the area and provide access to basic services such as water, electricity, sanitation etc.

According to the Settlement Profile, Mtandire was founded by Chief Chigoneka who settled in the area in 1974 following eviction threats in present day Area 47, then called Mtandire. As well as another group that settled in 1976 who was evicted at Maula Thope, some four kilometers away from Mtandire. These residents are considered indigenous, and newcomers buy or rent land and/ or houses from these owners.

Mtandire has one primary school, and one private nursery school. There are several other primary and nursery schools but they are unregistered and not recognised by the government.

The closest free clinic is about 4km away from the settlement. There is one private clinic within Mtandire, which services are available at a fee.

The majority of the community obtain their water from water kiosks which is operated by the Water User's Association. There are 34 water kiosks of which 17 are functional. Water is sold at MK3 for a 20liter bucket. These water kiosks are owned by Lilongwe Water Board (LWB) and managed by a community committee called Water Users Association (WUA). Some families get water from the surrounding rivers and some families have a shallow well inside their plots.

Very few households access electricity. Kerosene lamps and candles are mostly used for lighting while charcoal and firewood are used for cooking. The settlement does not have a sanitation system and the majority of households have pit latrines.

The GVH from Mtandire and Chinsapo, indicated that there are consistent rumours that the city boundaries will be extended to include their areas and that will affect ownership of land. The uncertainty of this, and the implications it might have on current land dwellers is not beneficial to the ambiance and peace of the community.

## **Chinsapo**

Chinsapo's total population is estimated at 64,210 in 2011 (National Statistical Office). The township is in Area 57 and extends to Area 58 bordering Lilongwe City. It lies six kilometers northwest of Lilongwe City Centre. It is one of the most well known informal settlements in the City of Lilongwe.

Chinsapo is a freehold area under the Ndunda system. According to the Settlement Profile the exact year in which the village was established is uncertain but it was a few decades before Lilongwe were declared a capital city. The area is administered as a Traditional Authority and has 2 senior village headmen and 25 chiefs. The traditional leaders had land portions that they allocated to their subjects. Land ownership in the settlement is dependent on family wealth and origin. The original settlers (who were linked to the ancestors of the land) normally shared land among themselves. Portions of this land have been sold to newcomers. An enumeration conducted by CCODE in 2011 indicates that the original land owners are by far the minority in the community now.

Currently Chinsapo is considered to be a village that is not under the jurisdiction of the Lilongwe City Council despite the fact that it is located on the border of the city. This undermines the extent to which the Local Authority is willing to invest in the area and provide access to basic services (water electricity, sanitation etc).

Chinsapo has four government primary schools, one community secondary school and some private nursery schools. Chinsapo does not have a government hospital and the closest is about 5km from the settlement. There are 3 other clinics within Chinsapo, but services are not free.

A few households have access to piped water, but the majority of people access their water from a water kiosk, which is managed by the Water User's Association. Chinsapo has a total of 89 water kiosks, of which 88 is functional. Water is sold at MK3 for a 20liter bucket.

Sanitation consists mainly of pit latrines with only a few households having waterborne toilets and some households not having toilets at all. The area does not have a formal sewerage system and residents have to dig their own septic tanks to have waterborne toilets.

Less than a quarter of households are connected to grid electricity. Firewood and charcoal is the main source of energy for cooking and very few households that access electricity use it for cooking. For those households that do not access electricity lighting is provided by candles and kerosene lamps, solar energy and invertors.



Left: Bicycles are used as taxi transport service from the main road into Mtandire  
Right: Market stalls in Mtandire

## 4. KEY FINDINGS

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This section sets out the findings from the recipient interviews. (See Phase 2 of Figure 1.) The data reflect the findings for Mtandire and Chinsapo separately, where relevant a total is provided.

Key findings are reflected in terms of the following categories:

- Demographic profile
- Stand description and tenure
- Reasons for moving to settlement
- Finding a place to live
- How a property/house is secured
- Living arrangements
- Perceptions about the settlement and land access
- Tenure security
- Land dispute resolution in the settlement
- Moving away from the settlement

The weighted sample size of the data being reported is:

- Mtandire: 6,721
- Chinsapo: 12,206
- Total: 18,927

Where the data being reported in a section is not the full sample, the weighted sample size is shown as a footnote at the start of the section.

A short summary of the findings is provided at the start of each section shown against a brown background.

The quantitative data is supplemented by findings from a community meeting held separately in each settlement. This qualitative data which is not statistically representative is shown against a blue background and provides added context to the quantitative data.

### 4.1 Demographic profile

***There is a strong demographic similarity between the two settlements with no marked differences between them.***

***There are a high number of households with a female head – this was because of the season in which the interviewing was undertaken, but is also in accordance with the high number of female headed households in Malawi.***

***Both settlements have a relatively young population (mean age of respondents is 34 and most children are below primary school age). There are about 5,673 and 21,332 children in Mtandire and Chinsapo respectively most of which are very young i.e. either not yet at school or at primary school. This is also in accordance with national averages in Malawi.***

***The main ethnic group in both settlements is Chewa.***

**Levels of education of the respondents interviewed are low, in both settlements.**

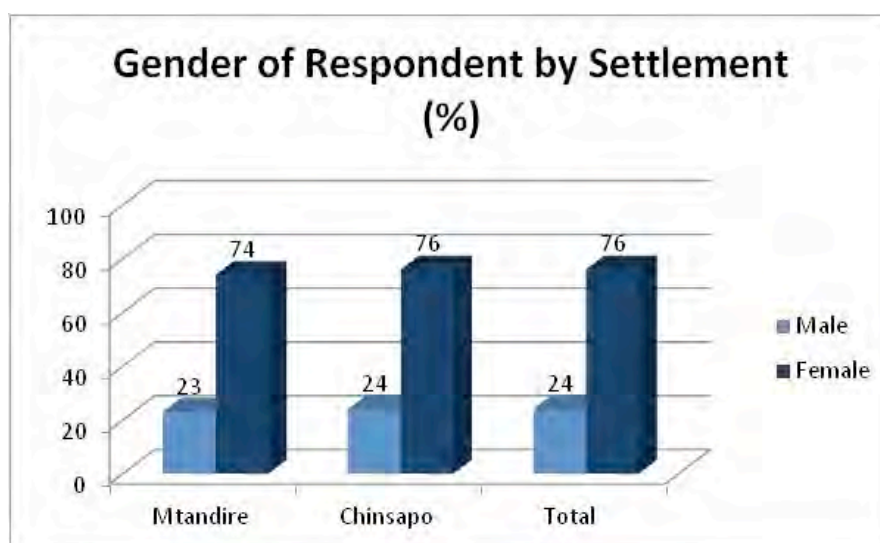
**It appears that the two settlements comprise a community that is made up predominantly of married couples or couples living together as a nuclear family. There are some single parents (7% overall).**

**While there appears to be high levels of employment either in a formal job or a business the amount of income earned is very low indicating high levels of poverty within the two settlement (either below or close to the poverty line as defined by the United States Government for developing countries). Approximately 15% overall of households are living below the poverty line.**

#### **4.1.1 Gender, age, education and ethnic group of respondent**

The figure below shows the gender of the respondents interviewed. Approximately three quarters (76% overall) of respondents are female in both settlements. It is understood that the reason is that the males were away doing seasonal work. However it is noted that Malawi has the highest rate of female –headed households in Africa at 28% (1996).<sup>26</sup>

**Figure 4: Gender of respondents by settlement**

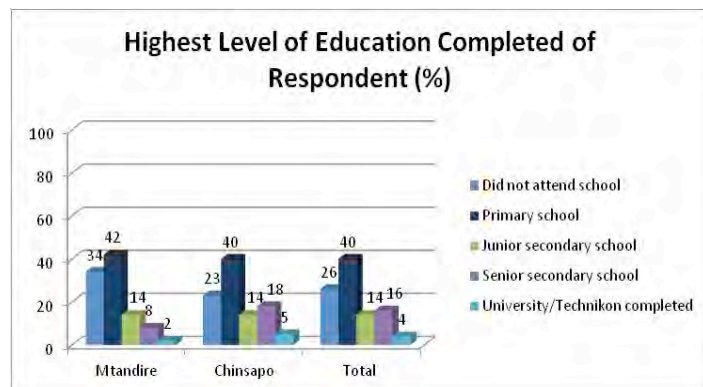


As shown in the figures below the mean age of respondents is 34 years old overall, most respondents are between 26 and 35. Levels of education in both settlements are low. Approximately one third of respondents did not attend school (this is slightly higher in Mtandire than Chinsapo). Approximately 40% of respondents in both settlements achieved primary school. Approximately one third of respondents in both settlements achieved senior school or further. At the community meeting it was explained that school attendance in Malawi is not compulsory, and until a few years

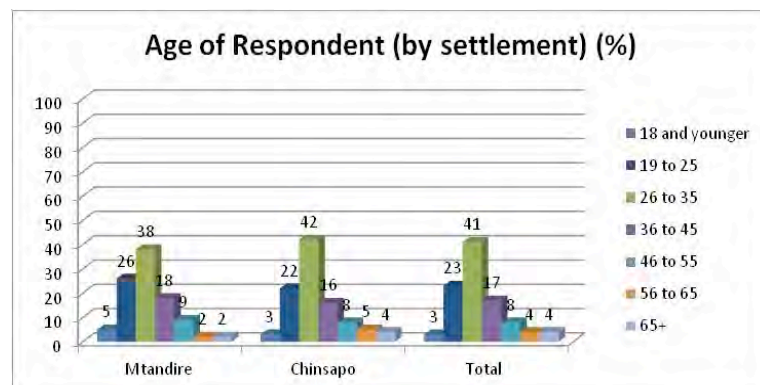
<sup>26</sup> J Chome and M McCall, Neo-customary title registration in informal settlements, The case of Blantyre, Malawi, IDPR, 77(4), 2005

ago both primary and secondary schools charged school fees. Currently primary schools are offered at no cost but secondary schools still charge fees.

**Figure 6: Highest level of education completed of respondent**

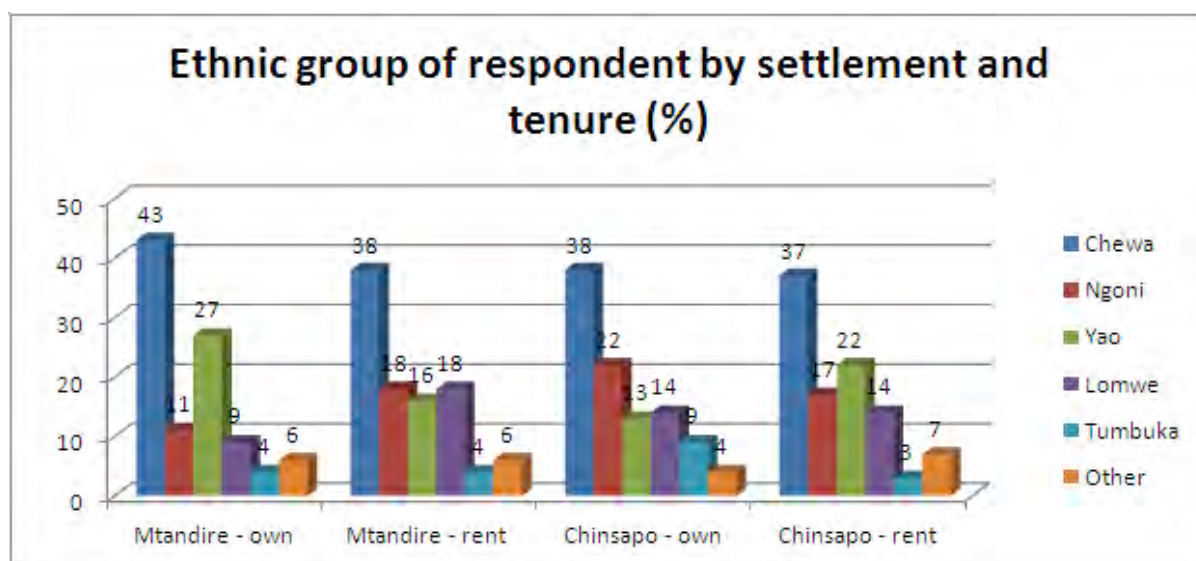


**Figure 5: Age of respondent**



As shown in the figure below the main ethnic group of the respondent is Chewa regardless of settlement or tenure type (owner or tenant). The next biggest ethnic groups are Ngoni, Yao and Lomwe and the extent to which these are found in each settlement and in terms of owners or tenants varies.

**Figure 7: Ethnic group of respondent**

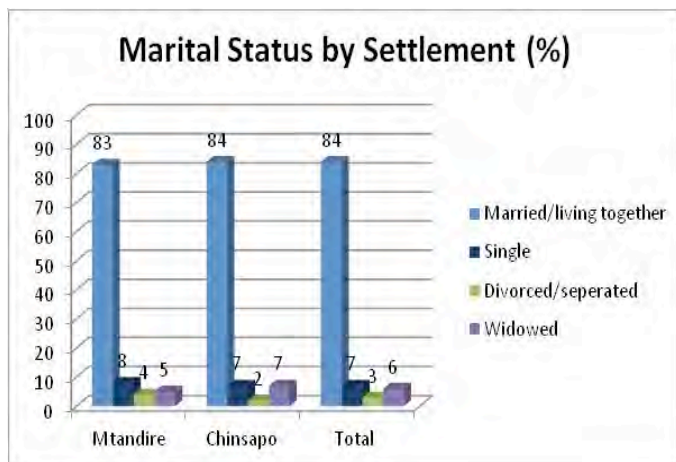


#### 4.1.2 Marital status and household structure

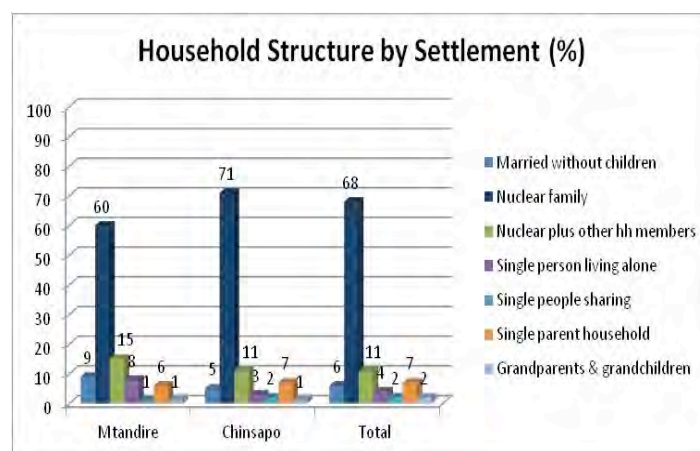
As shown in the figures below, the majority of respondents in both settlements (over 84% overall) are married or living together. Approximately two thirds of households in both settlements (68% overall) are a nuclear family. 11% of households overall are nuclear families living with other extended family members. 7% of households overall are single parent households.



**Figure 9: Marital status by settlement**



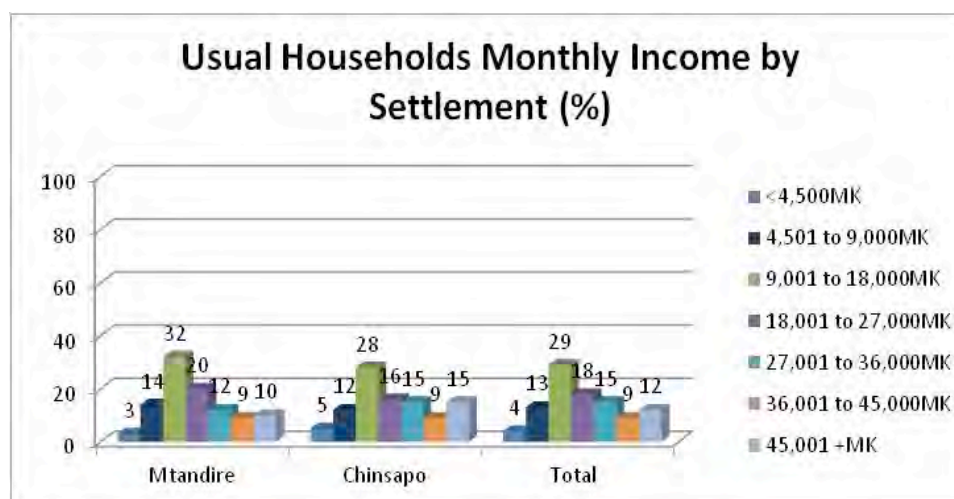
**Figure 8: Households structure by settlement**



#### 4.1.3 Household income

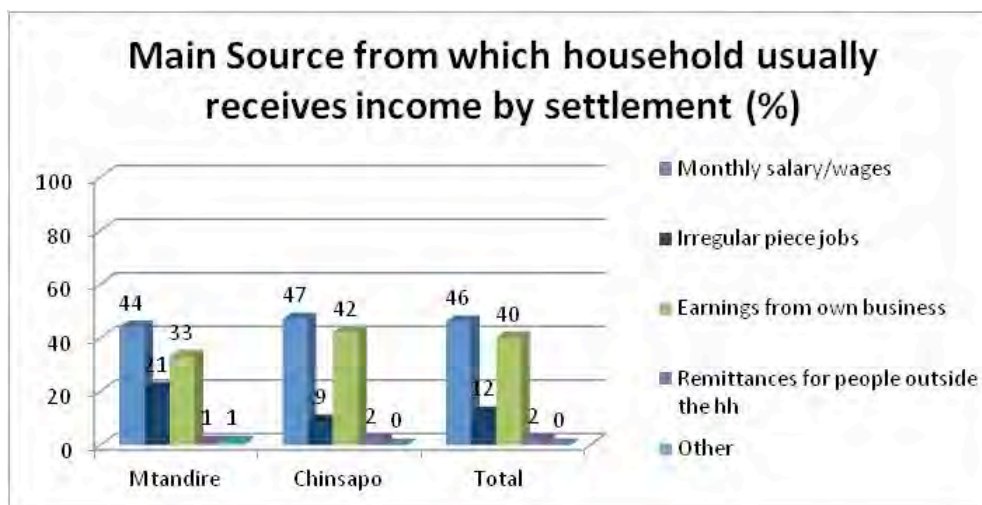
As shown in the figure below, approximately one third of households in both settlements earn between 9001 to 18,000 Malawian Kwacha's (MK's) per month (approximately \$52 to \$77) which is just over the USA poverty line for developing countries. A further one fifth of households in both settlements earn between 18,001 to 27,000 MK's per month (approximately \$78 to \$103). Approximately one third of households in both settlements earn more than 27,000 MK (\$104). 17% of households in Mtandire and 15% in Chinsapo earn below 9,000 MK per month and are therefore living below the poverty line.

**Figure 10: Usual household's monthly income by settlement**



As shown in the figure below, just under half of households in both settlements main source of income is from a monthly salary or wages (46% overall). A further 40% overall of households main source of income is earnings from their own business – this is more in respect of Chinsapo. More households in Mtandire have irregular piece jobs than in Chinsapo.

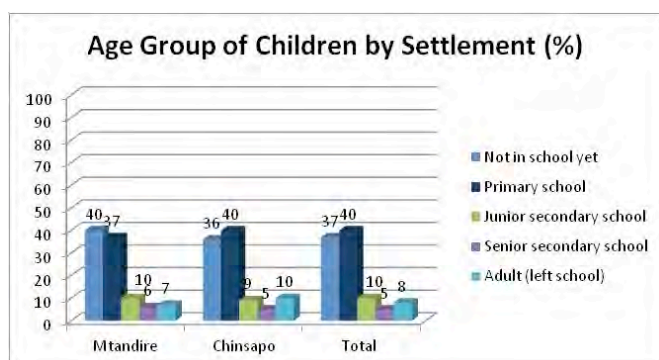
**Figure 11: Main source from which households usually received income**



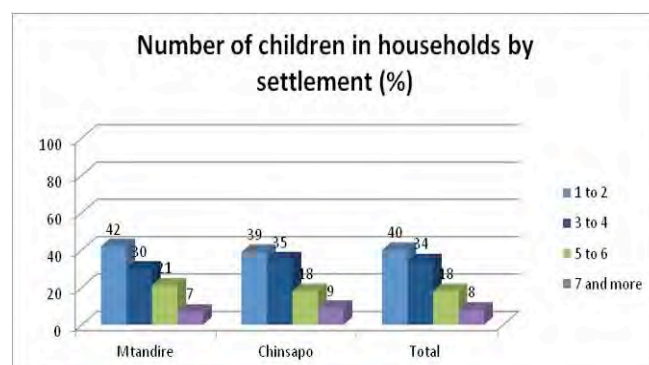
#### 4.1.4 Number and age of children in the households

As shown in the figures below, the majority of households have 1 or 2 children, and about another third have 3 to 4 children. The majority of children in both settlements are either not in school yet or are in primary school. This is in accordance with the national average where 7% of the population is comprised of infants aged less than 1 year and 22% are under-fives (see section 3.1.4).

**Figure 12: Age group of children by Settlement**



**Figure 13: Number of children in households by settlement**



Left: Young children in Mtandire.

Most children in this community are not school going age yet.



## 4.2 Stand description and tenure

**Approximately a third of households in Mtandire and Chinsapo own their property and two thirds are tenants i.e. renting their property.**

**Respondents who rent appear to be slightly better educated, but earning lower incomes than those that own. Respondents who own are about ten years older than those that rent.**

**Most properties in the settlements have houses for rent on them with one third having 3 to 4 buildings, one third 5 to 6 buildings and one third more than 7 buildings. Owners will generally occupy one building and rent out the remaining buildings. One to two buildings are used for a bathroom or toilet and one for a kitchen. In both settlements half of the owners live on them (together with the tenants) and half live elsewhere.**

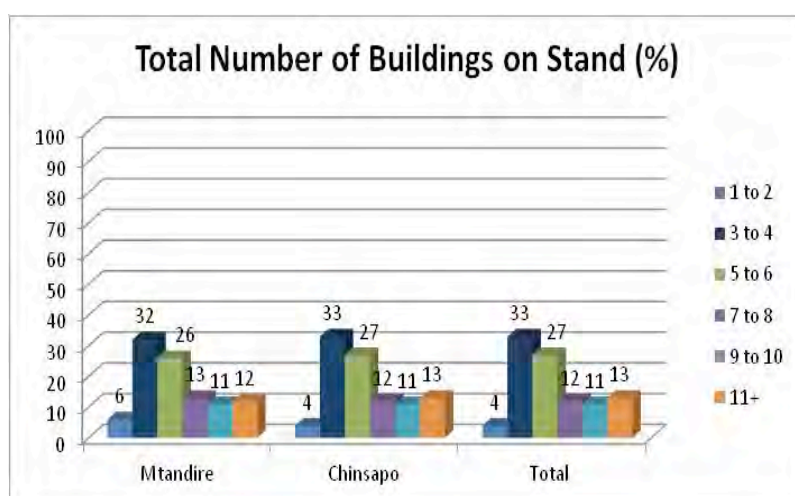
**It appears that the communities in the two settlements are stable, with households living in them for a considerable amount of time – 16 to 17 years on average in respect of households who own their property and 7 to 8 years in respect of households who rent their property.**

**Overall almost a quarter of households are multi-nodal, but more in respect of owners than renters. Multi-nodal is where a spouse or children-under-18-years live elsewhere. In respect of multi-nodal households, the location where the other members of the family live varies by settlement and tenure (owners or tenants) but includes elsewhere in the settlement (Mtandire or Chinsapo), Lilongwe city, another city of Malawi and rural areas. The main reasons why other members live elsewhere also varies but includes better schools elsewhere, the need to look after the family home and being cared for by grandparents**

### 4.2.1 Stand description

As shown in the figure below, in both settlements one third of the stands (33% overall) have 3 to 4 buildings on the stand and a further third have 5 to 6 buildings on the stand (27% overall). Over one third of stands in both settlements (36% overall) have more than 7 buildings on them.

**Figure 14: Total number of building on stand**



Plot demarcation is not easily visible in Mtandire and Chinsapo

As shown in the table below, in both settlements the average number of buildings that the owner household occupies is one. In both settlements tenants will occupy 2 to 3 buildings. On average:

- In Mtandire two buildings are used for a bathroom/toilets and one for a kitchen.
- In Chinsapo two to three buildings are used for a bathroom/toilets and one for a kitchen.

In both settlements about half of owners live on the stand and half do not (for more details see section 4.5.5).

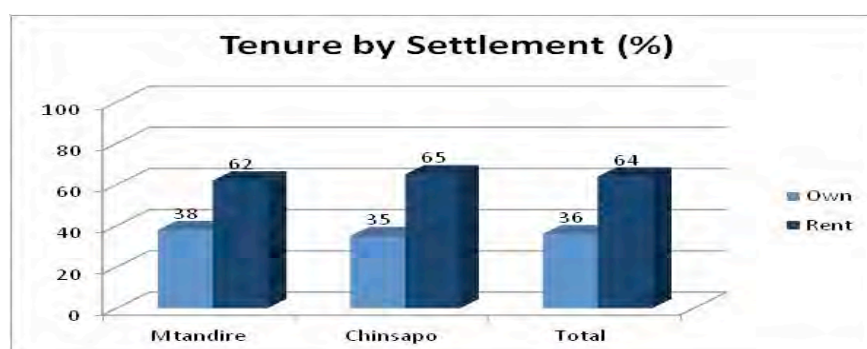
**Table 2: Use of buildings on stand**

	Mean no of buildings on stand	Mean no of buildings occupied by owner family	Mean no of buildings occupied by tenants	Mean no of buildings used for bathroom/toilets	Mean no of buildings used for kitchen	Mean no of other buildings on stand	% of households where owner does not live on the stand
Mtandire	6.3	0.81	2.38	1.95	1.07	0.09	50
Chinsapo	7	0.81	2.55	2.69	0.88	0.06	54
Total	6.84	0.81	2.52	2.52	0.93	0.07	53

#### 4.2.2 Tenure

As shown in the figure below, more than a third of households own their property in both settlements (36% overall) and just below two thirds of households rent their property in both settlements (64% overall).

**Figure 15: Tenure by settlement**



The demographic profile of households in terms of those that own as opposed to rent is similar in both settlements with the following differences (see figure below):

- Owners are on average 10 years older than Renters.
- Households who rent have slightly less children.
- Respondents who rent appear to be better educated (more so in Chinsapo).
- Households that rent, have overall lower incomes than households that own.
- More households that own have a secondary income.

- More households who own have a salary/wage or a business as their main source of income.

At the community feedback forums, participants from both Mtandire and Chinsapo explained that tenants with large families do not easily get rental accommodation as landlords prefer smaller tenant families. Furthermore participants explained that it is in the interest of tenants to appear poorer than their landlord. As soon as a landlord notes that a tenant has money he will increase the rent, for no other reason than thinking the tenant can afford more

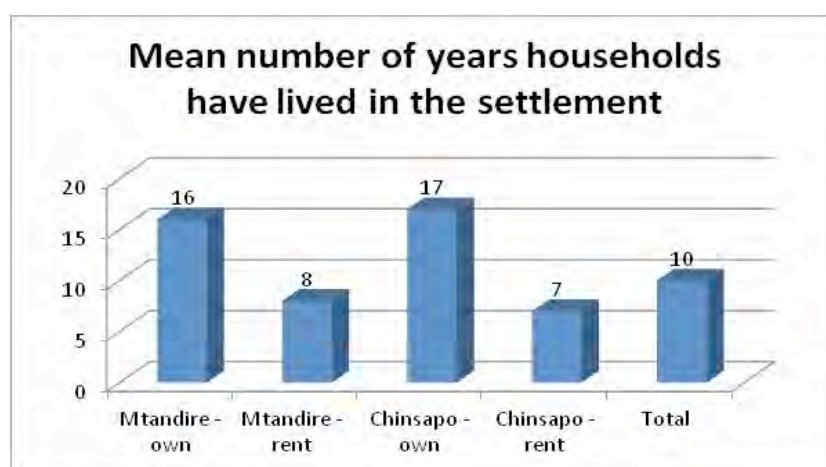
**Table 3: Comparative analysis of the demographic profile of owners and renters**

		Mean age	% female	% married	Mean number of children	% with no school or only primary school	% with income < 18,000MK	% with main source of income salary/wages or own business	% with secondary source of income
Mtandire	Own	39	75	85	4	78	32	40	56
	Rent	29	77	82	2	76	60	29	36
Chinsapo	Own	43	73	84	4	70	40	43	56
	Rent	30	77	85	3	59	48	28	35
Total	Own	42	74	84	4	72	39	41	56
	Rent	30	77	84	2	53	51	28	35

#### 4.2.3 Years in the settlement

It appears that the communities in the two settlements are stable, with households living in them for a considerable amount of time. Households that own have lived in Mtandire and Chinsapo for 16 to 17 years, about double the time that households who rent have lived in these settlements (which is 7 to 8 years) (see figure below).

**Figure 16: Mean number of years households have lived in settlement**

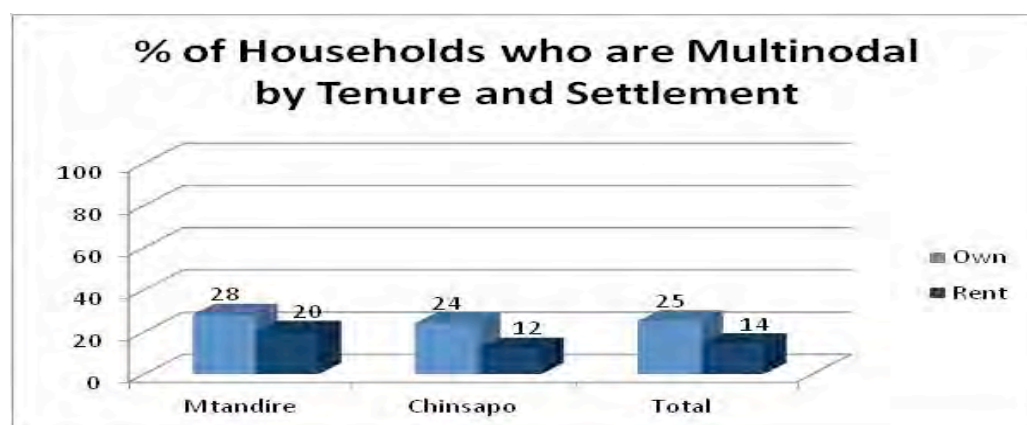


#### 4.2.4 Multi-nodal households

Multi – nodal households are where a spouse or children-under-18-years live elsewhere. As shown in the figure below overall between 14 and 25% of households are multi-nodal. In both settlements this is more in respect of those that own than rent:

- In Mtandire 28% of households that own are multimodal as opposed to 20% that rent
- In Chinsapo 24% of households that own are multimodal as opposed to 12% of households that rent

Figure 17: Multi-nodal households



There is a difference in respect of multi-nodal families in terms of where the other members of the family live for respondents that own as opposed to those that rent, in that those that own have a higher number of family members living in the settlement itself and Lilongwe, whereas those that rent have a higher number still living in rural areas.

In both settlements in respect of those households that own – other members of the multi-nodal household live in the settlement (Mtandire or Chinsapo), Lilongwe or another city of Malawi (see figure below). The main reasons why other members of the household live elsewhere varies by settlement and tenure type but includes that there are better schools elsewhere, household members look after the family home and grandparents look after them.

Figure 19: Where household's members live (multinodal and own)

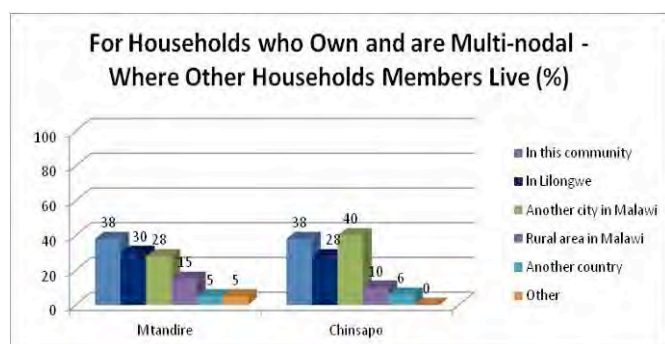
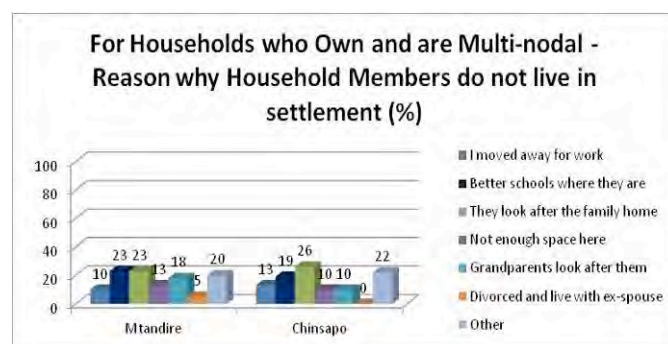
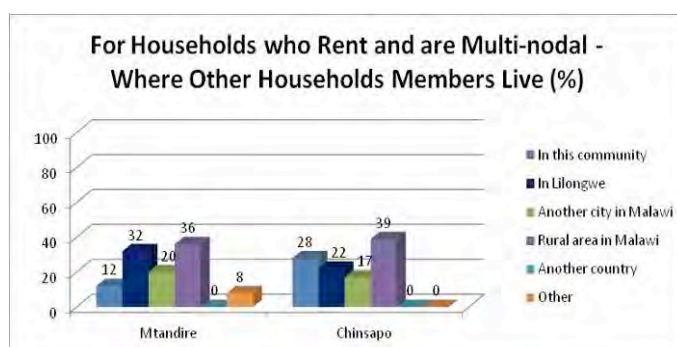


Figure 18: Reason why household members do not live in settlement (multinodal and own)

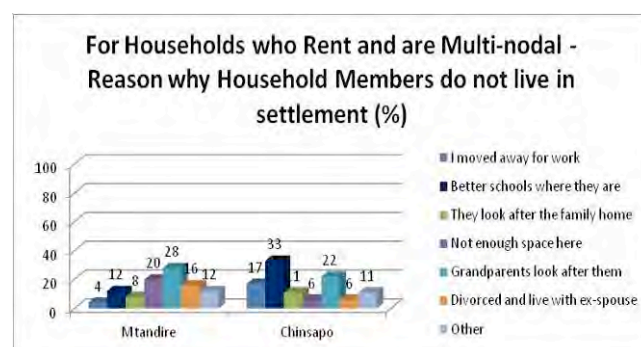


In both settlements in respect of those households that rent – for over one third other multi-nodal household members live in rural areas in Malawi. In Mtandire a further third live in Lilongwe and in Chinsapo in the settlement (see figure below). In respect of Mtandire the reasons why household members do not live in the settlement are that grandparents look after them and a lack of space and in Chinsapo that there are better schools where they are and their grandparents look after them.

**Figure 20: Where households' members live (multinodal and rent)**



**Figure 21: Reason why household's members do not live in settlement (multinodal and rent)**



### 4.3 Reasons for moving to settlement

**Most households in both Mtandire and Chinsapo had lived in two houses before moving to the settlement.**

**For many (61% overall) these were either an unburned or burned brick house. One third of respondents lived in a formal brick and cement house.**

**The most common reason for a household moving to Mtandire or Chinsapo is a life change namely getting married (39% overall). A smaller number moved to the area for economic reasons due to a business declining, to reduce costs or as a result of losing their job. Moving within the settlement from one house to another reflects normal market decision by households in that those that own rented before they could buy and those that rent found a better house.**

**For just under half of the households Mtandire and Chinsapo was their only option (43% overall). About a fifth (23% overall) could have moved back to the rural areas or to another informal settlement (18% overall).**



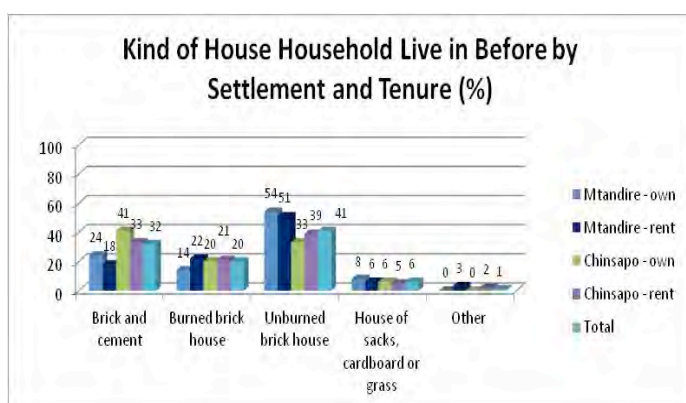
### 4.3.1 Previous dwelling

Most households in both settlements have lived in two houses before their current house (See figure 21).

In both settlements and in respect of households that both own and rent the kind of house lived in before was either an unburned brick house (41% overall), a brick and cement house (32% overall) or a burned brick house (20% overall).

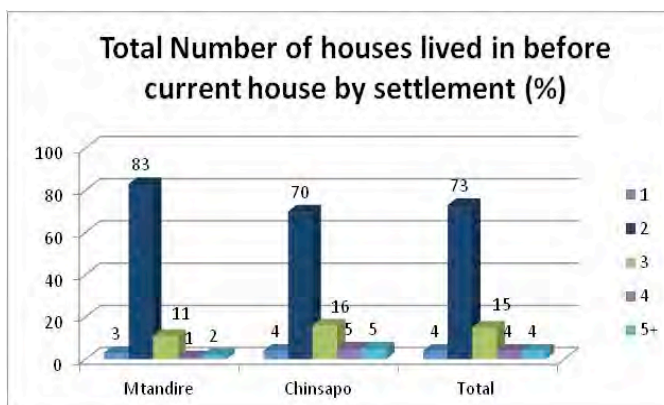
Approximately half of respondents (in both settlements and tenure types) had been living independently (away from their parents) before their current house (see figures below).

**Figure 24: Kind of house lived in before**

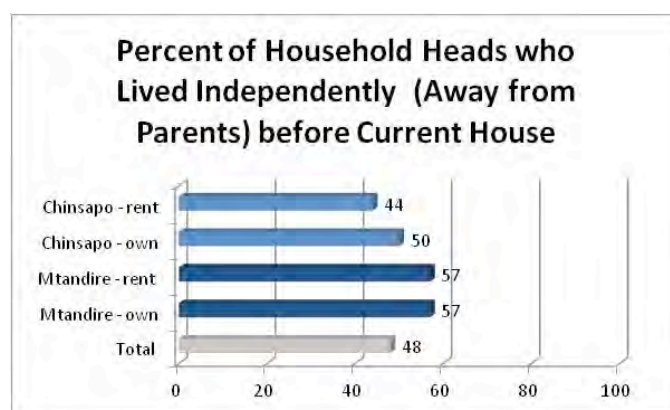


Example of burned brick house

**Figure 22: Total number of houses lived in before current house**



**Figure 23: Household head that lived independently before current house**



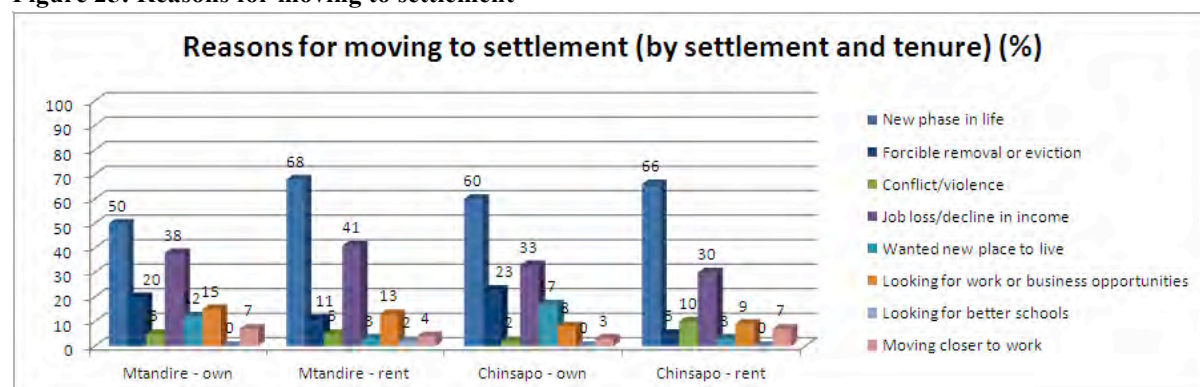
Example of unburned brick house

### 4.3.2 Reasons for moving to settlement

The most common reason for a household moving to either Mtandire or Chinsapo whether owning or renting, is due to a life change (approximately two thirds), and to a lesser extent a change in economic conditions (i.e. job loss or decline in income) (approximately one third). The life change refers to getting married (39% overall) and to a lesser extent becoming an adult (6% overall).

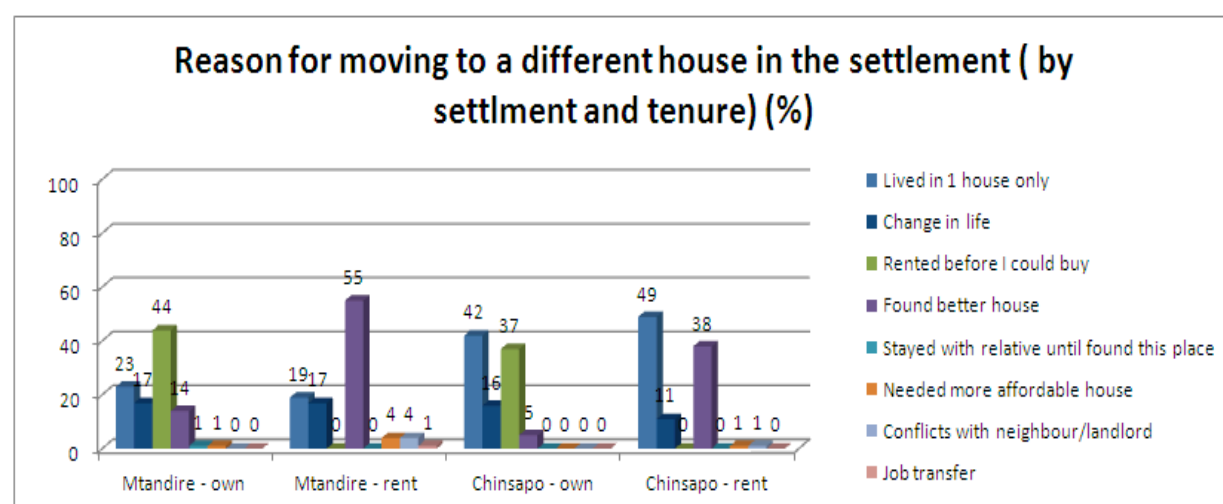
For households who own there is a higher percentage who also indicate forced eviction or removal as a reason for moving to the settlement i.e. 20% in Mtandire and 23% in Chinsapo.

**Figure 25: Reasons for moving to settlement**



In respect of those households who occupied two houses - both in the same settlement, the reason for moving from one house to another differs in respect of those that own and rent. As shown in the figure below, for those that own the main reason was that they rented before they could buy, for those that rent the main reason was that they found a better house. This reflects normal market decisions by households.

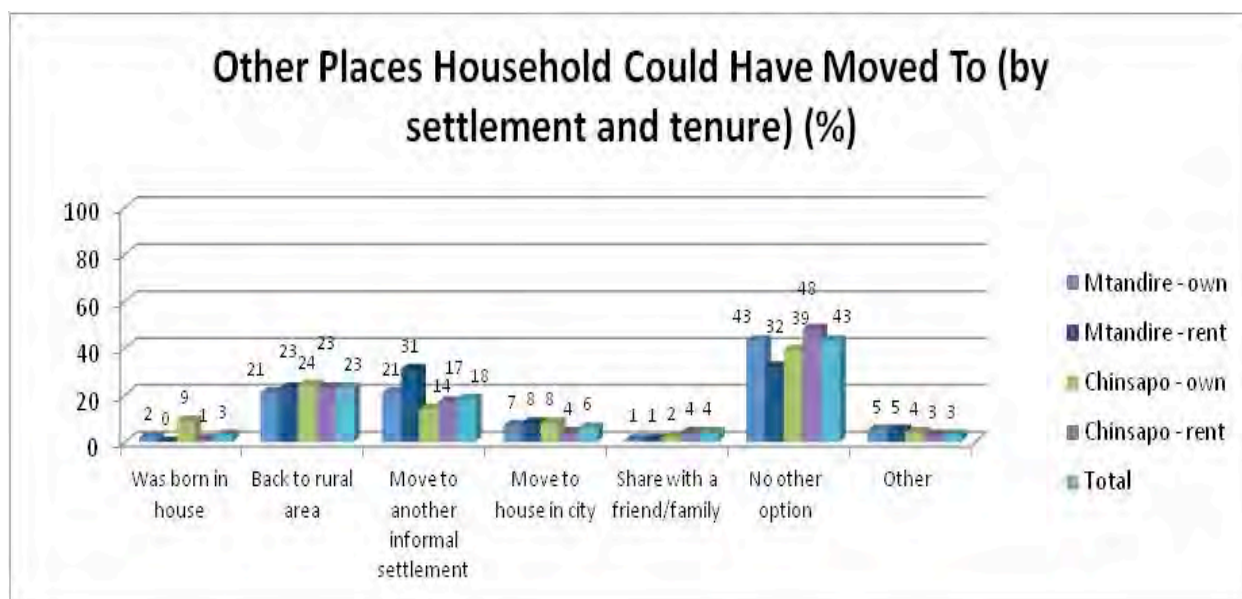
**Figure 26: Reason for moving to a different house in the settlement**



### 4.3.3 Other places households could have moved to

Just under half of households in both Mtandire and Chinsapo and for those who own and rent indicated that there was no other place that they could have moved to (43% overall). For approximately one fifth of households in both settlements and in terms of both types of tenure (own and rent) they could have moved back to the rural area (23% overall) or moved to another informal settlement (18% overall)

Figure 27: Other places households could have moved to



## 4.4 Finding a place to live

**Most households heard about Mtandire or Chinsapo through their social network i.e. from a friend or a family member.**

**Most households who own a house in Mtandire and Chinsapo used their social network to find and secure their house in the settlement i.e. 28% in Mtandire and 23% in Chinsapo were introduced by a friend and 23% in Mtandire and 13% in Chinsapo shared with their family until they found the house.**

**Households who rent used their social network to a lesser extent in that 37% in Mtandire and 50% in Chinsapo found the house through going door to door to ask.**

**The time spent in finding and securing a house ranges from 3 to 6 months with a wide range of time frames. The average cost of this process is lower in respect of rental (i.e. approximately 1670 to 1688MK (\$5)) than in respect of owning (i.e. from 1769MK (\$5) to 3385MK (\$10)).**

**The reasons for choosing a house vary by settlement and tenure type (own or rent) but include for example access to jobs, schools, water and transport, lower costs and safety.**

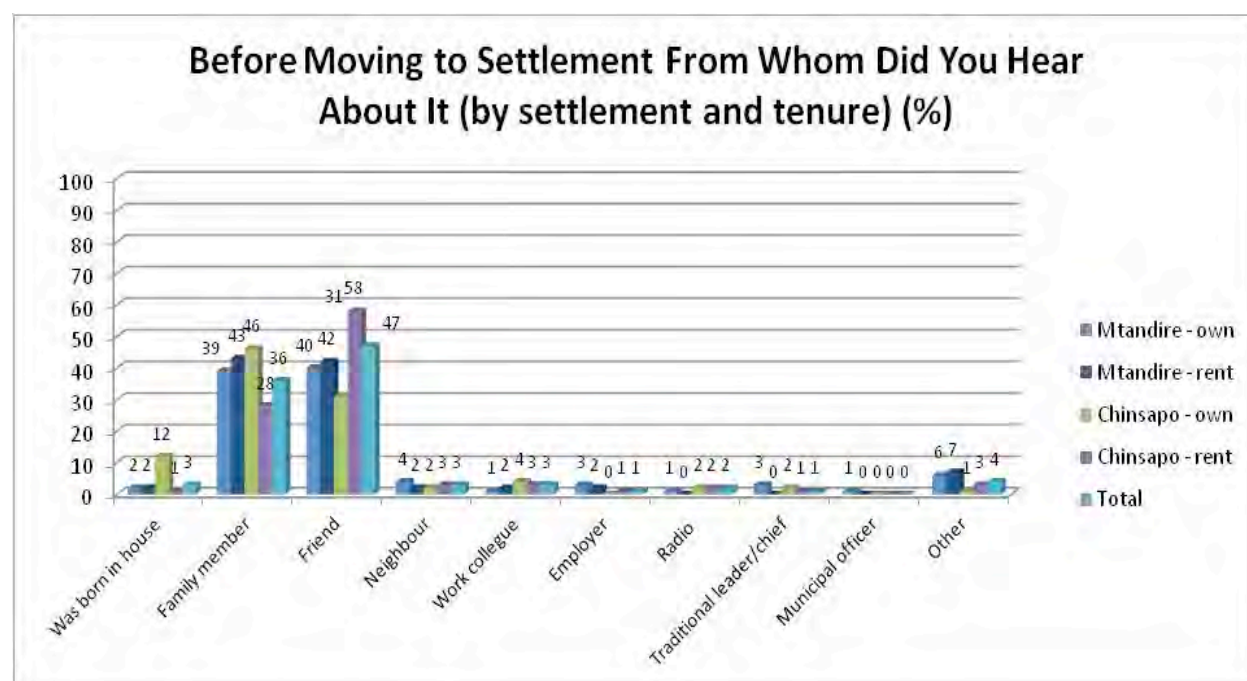


#### 4.4.1 Finding out about the settlement

As shown in the figure below, most households heard about the settlement from a friend (47% overall) or family member (36% overall) (see figure below):

- In Mtandire this is similar whether the house is owned or rented.
- In Chinsapo – more households who own heard about the settlement from a family member than a friend (46% as opposed to 31%), whereas households who rent heard about the settlement more from a friend than a family member (58% as opposed to 28%).

Figure 28: Before moving to the settlement from whom did you hear about it

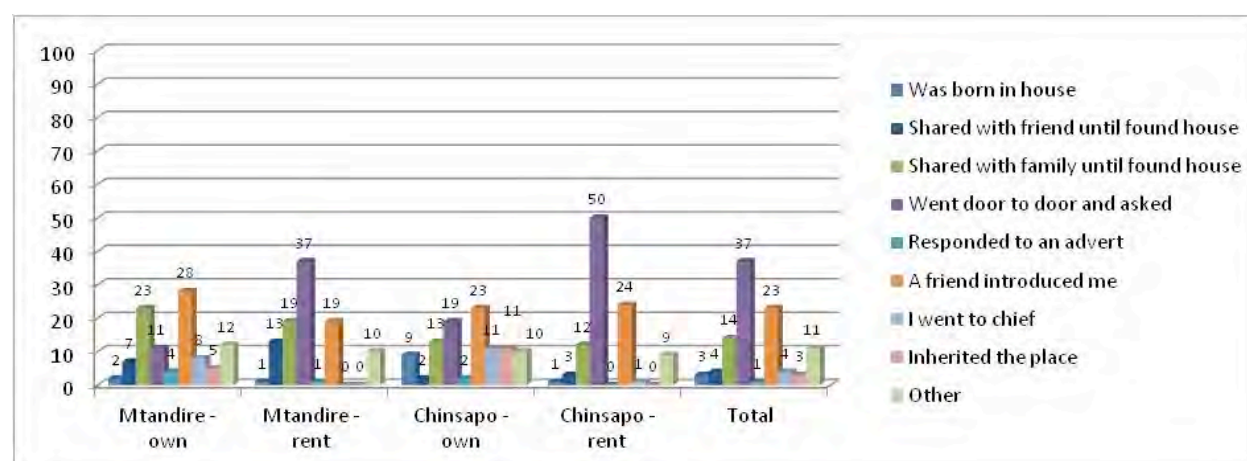


#### 4.4.2 Finding a house

As shown in the figure below, most households who own found the house through being introduced by a friend (28% in Mtandire and 23% in Chinsapo), shared with their family until they found the house (23% in Mtandire and 13% in Chinsapo) or through going door to door and asking (11% in Mtandire and 19% in Chinsapo)

Most households who rent found the house through going door to door to ask (37% in Mtandire and 50% in Chinsapo). To a lesser extent households who rent also found the house through being introduced by a friend (19% in Mtandire and 24% in Chinsapo) or sharing with family until they found the house (19% in Mtandire and 12% in Chinsapo)

**Figure 29: How house was found**



#### 4.4.3 Time and cost of finding a house

As shown in the table below, the time spent in finding a house ranges from on average 3,5 months in Mtandire to 6 months in Chinsapo, although there is a wide range of time frames.

The time taken to secure a house from hearing about it to moving in is on average 3 months in Mtandire and 6 months in Chinsapo, although there is a wide range of time frames.

The average cost in finding a house including transport, fees etc varies in terms of ownership being 1769MK (\$4) in Mtandire to 3385MK (\$9) in Chinsapo. The average cost in terms of rental is similar between the two settlement being 1688MK (\$4) in Mtandire and 1670MK (\$4) in Chinsapo. This represents on average between about 3 and 10% of monthly household income.<sup>27</sup>

<sup>27</sup> Income reported here was assumed as the information collected about income was recorded within income categories. For a comparative analysis the midpoint in each category was assumed. Comparison of income data with expenditure is thus not exact, but an approximation.

**Table 4: Time and cost of finding a house**

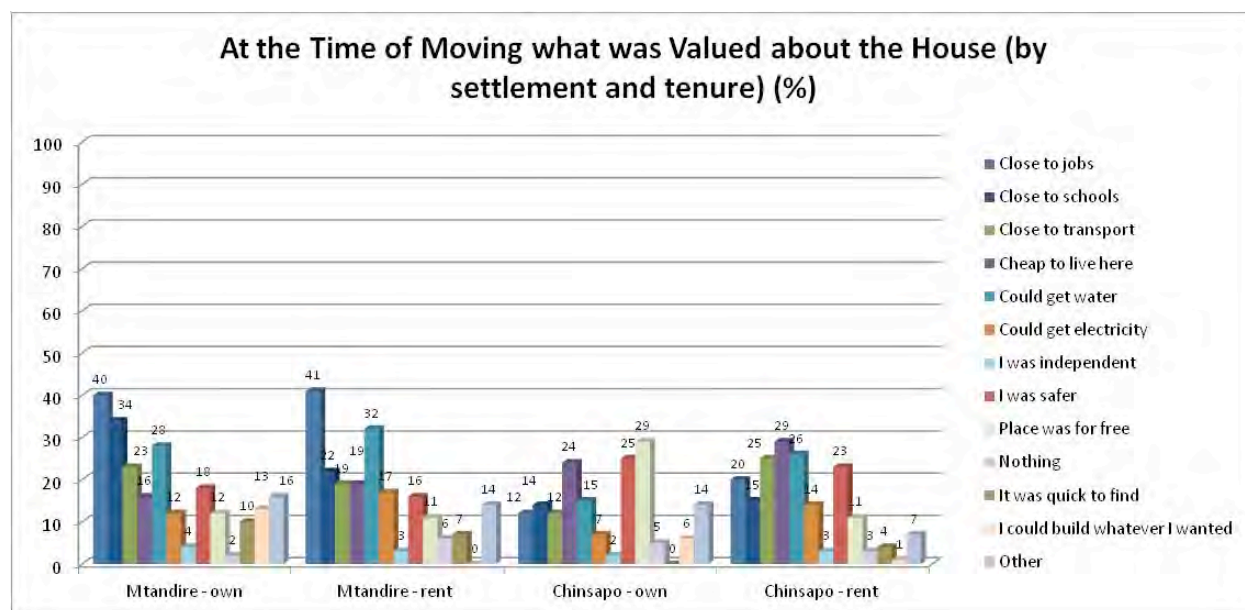
	Tenure	Time spent in finding the house (Days)		Days passed between hearing about and getting the house		Mean amount spent in finding the house MK
		Mean	Median	Mean	Median	
Mtandire	Own	106	8	92	7	1769 (\$5)
	Rent	24	3	18	2	1688 (\$4)
Chinsapo	Own	174	60	177	60	3385 (\$9)
	Rent	24	4	31	2	1670 (\$4)
Total	Own	158	30	156	30	3004 (\$8)
	Rent	24	4	28	2	1674 (\$4)
Overall Total		71	7	74	4	2144 (\$6)

**4.4.4 Reason for choosing a house**

In Mtandire the reason for choosing the house is similar in terms of households who own and rent. The most significant reasons are that it is close to jobs (40% own and 41% rent), close to schools (34% own and 22% rent) and there is access to water (28% own and 32% rent)

In Chinsapo there is a difference between households who own and rent. Households who own valued that the place was for free (29%), that it was safer (25%) and that it was affordable to live there (24%). Household who rent valued that it was more affordable to live there (29%), that there was access to water (26%) and it was close to transport

Figure 30: Reason for choosing a house



#### 4.5 How a property/house is secured

##### *In respect of respondents who own the property:*

- Most own the property themselves (94% in Mtandire and 80% in Chinsapo) or their spouse owns it (33% in Mtandire and 45% in Chinsapo). Joint ownership is indicated.
- Most of these respondents bought their property (91% in Mtandire and 71% in Chinsapo). A lesser number of respondents inherited the property (8% in Mtandire and 26% in Chinsapo).
- Rights to the property were obtained for most respondents through an agreement witnessed by the chief or a document given to them by the chief (98% in Mtandire and 90% in Chinsapo).
- For most respondents the agreement gave them the rights to both the dwelling and the site (65% in Mtandire and 52% in Chinsapo).
- Confidence that the agreement would be valid was obtained through the chief and the respondent's social network (family and friends).
- The time taken to negotiate the agreement is on average one month.
- In respect of those respondents who bought the property, the cost ranges significantly.
- In most cases the property was bought from a stranger that was either introduced by the chief of a friend or family member.
- One third of respondents, who own a property, rent out a house on the property.

##### *In respect of respondents who rent:*

- In most cases the landlord owns the property (97% in Mtandire and 98% in Chinsapo) and the respondent acquired the property on the basis of a rental agreement.

- *Rights to the property were secured through being given a document from the owner (49% in Mtandire and 58% in Chinsapo).*
- *For most respondents the agreement gave them the rights to a dwelling only (73% in both settlements).*
- *Confidence that the agreement would be valid was obtained through the respondent's social network (family and friends).*
- *The time taken to negotiate the agreement is on average 4 to 6 days.*
- *The main reason why respondents rent rather than own is that they do not have enough money to own (88% in Mtandire and 90% in Chinsapo).*
- *In respect of just under half of respondents the landlord lives on the property (41% in Mtandire and 44% in Chinsapo) or lives in Lilongwe town.*
- *For the majority of respondents (93% in Mtandire and 97% in Chinsapo) the rental amount was prescribed by the landlord.*

*In respect of respondents who inherit:*

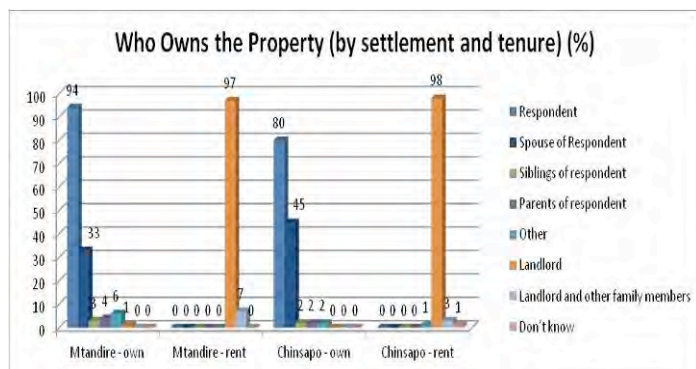
- *Most respondents inherited a property from their parents which they still have.*
- *The number of years since inheriting varies from on average 8 to 15 years.*
- *The most common kind of house inherited is in a rural areas, on customary land or is land without a house.*
- *Very few respondents had problems in the contracting process. Of those that did it was mostly respondents who own the property (10% in Mtandire and 12% in Chinsapo). The most significant problem was around disputes over the boundaries of the property (86% in Mtandire and 80% in Chinsapo).*

#### **4.5.1 Ownership of the property**

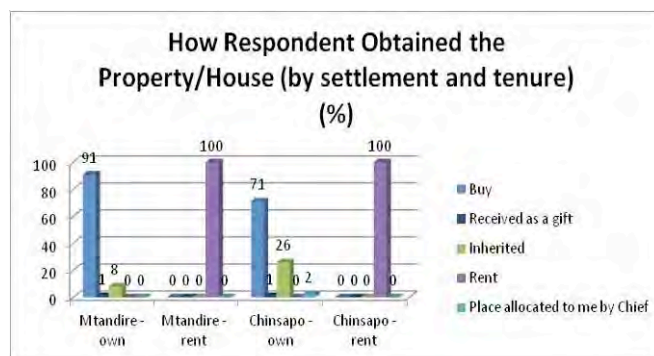
As shown in the figures below, in respect of respondents who own in both Mtandire and Chinsapo either the respondent themselves owns the property, or their spouse or they own it jointly. In Mtandire most (91%) owners bought their property and 8% inherited it. In Chinsapo there is a higher rate of inheritance in that 71% of owners bought their property and 26% inherited it. This indicates that most of the people who own bought the property and are not the original households who occupied the land and received the property from the chief.

In the case of respondents who rent, for the majority, the landlord owns the property and the basis of obtaining it is through a rental agreement

**Figure 32: Who owns the property**



**Figure 31: How respondent obtained the property**



#### 4.5.2 Contracting arrangements

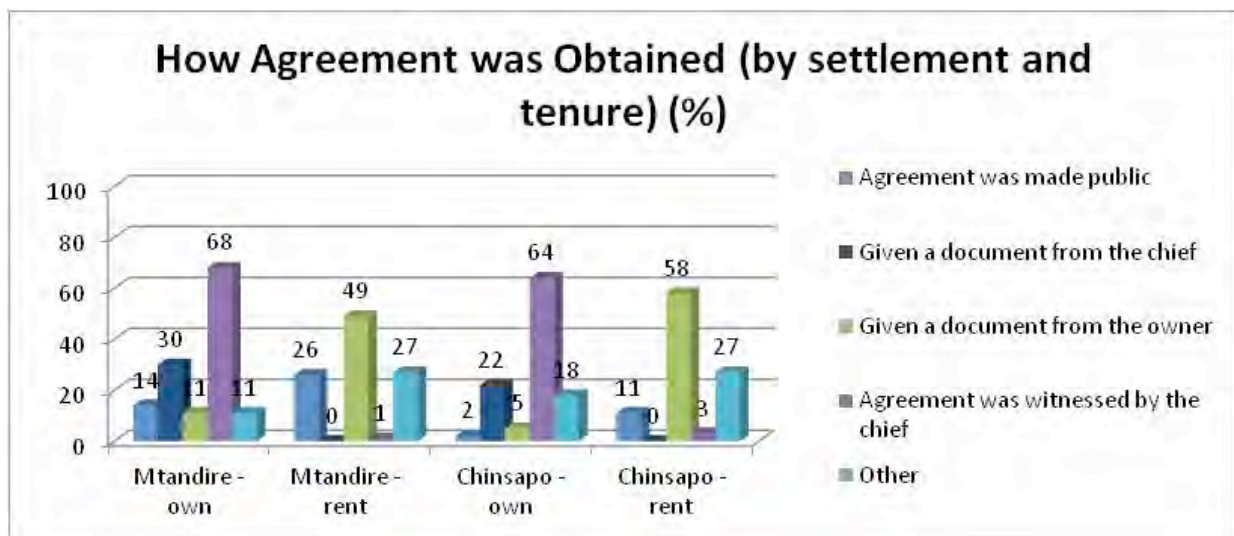
As shown in the figure below, in respect of respondents who own the property in both Mtandire and Chinsapo two thirds secured their rights through obtaining an agreement that was witnessed by the chief (68% and 64% respectively). To a lesser extent about one third of owners (30% in Mtandire and 22% in Chinsapo) were given a document from the chief.

*Participants at the Community Feedback Workshop in Chinsapo explained that 'when you buy land, both the buyer and the seller need to pay cash to the chief. This money is a gift and ensures that your rights are recorded correctly in the chiefs register. This payment can be a burden to new buyers. When you build a house to let to tenants, you should also pay a gift to the chief when a tenant moves in. This is a once off payment, but also can place a burden on the owner'.*

In respect of respondents who rent a house in both Mtandire and Chinsapo for about half of respondent's rights were secured through being given a document from the owner (49% and 58% respectively). To a lesser extent rights were secured through an agreement that was made in public (26% and 11% respectively). Renters therefore have less recourse through the contracting process, as they are predominantly reliant on their relationship with the landlord and do not have any protection through a process overseen by the chief.

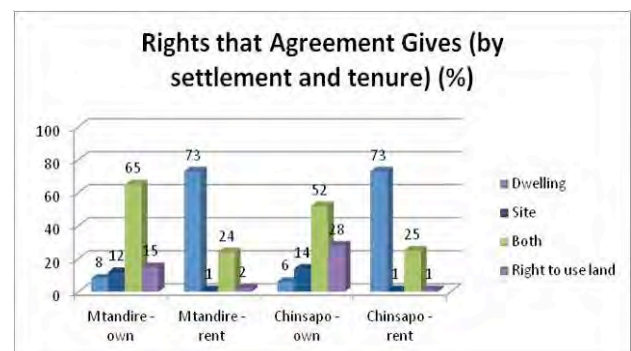


Figure 33: How agreement was obtained



In respect of most respondents who own the property in both Mtandire and Chinsapo the agreement gives them the rights to both the dwelling and the site (65% and 52% respectively). To a lesser extent the agreement gives rights to the site (15% in Mtandire and 28% in Chinsapo).

Figure 34: Rights that agreement gives

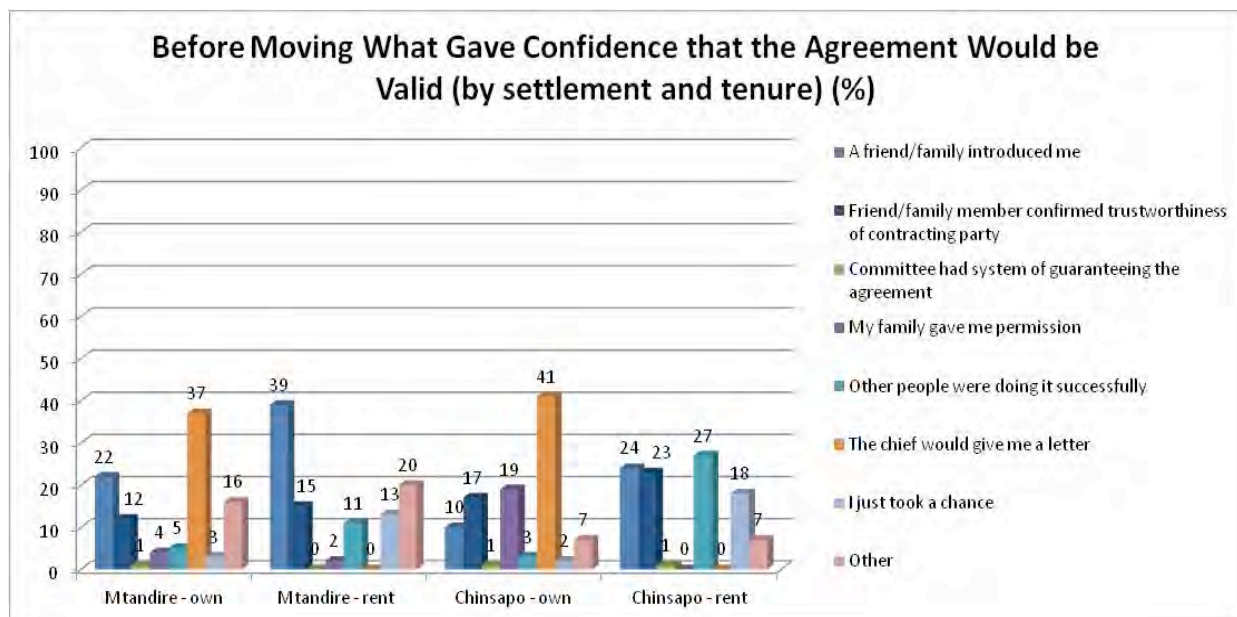


In respect of respondents who rent a house in both Mtandire and Chinsapo for most respondents the agreement provides rights to the dwelling only (73% in both settlements.). For about one quarter of respondents the agreement gives rights to both the dwelling and the site (24% and 25% respectively)

The factors that gave the respondents confidence that the agreement would be valid before they moved varied by settlement and tenure but was predominantly as follows:

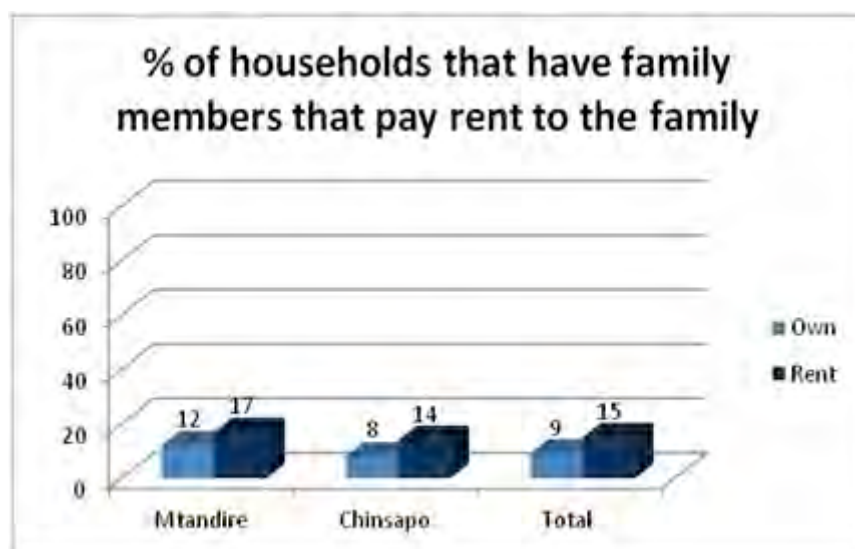
- In respect of respondents who own the fact that the chief would provide a letter (37% in Mtandire and 41% in Chinsapo), that a friend or family member introduced them (22% in Mtandire and 10% in Chinsapo)
- In respect of respondents who rent that a family or friend introduced them (39% in Mtandire and 24% in Chinsapo) or that a friend or family member confirmed the trustworthiness of the contracting party (15% in Mtandire and 23% in Chinsapo)

Figure 35: What gave confidence that the agreement would be valid



As shown in the figure below, in respect of owners who rent out houses on their property, if they rent to members of their family very few charge such family members rent.

Figure 36: Households that have family members that pay rent



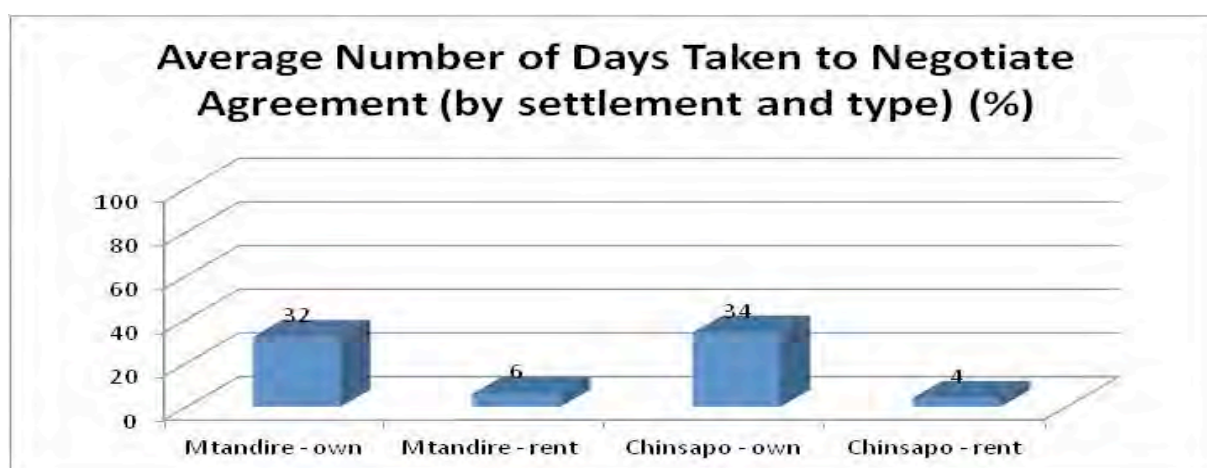
A participant at the Community Feedback Forum in Chinsapo noted that there are high levels of nepotism when renting out properties. The participant noted that *'Landlords will always give priority to family members when renting out space. This translates to unfair treatment of tenants in one plot where some are related to the owner and other not. It is also evident in cases where a landlord will evict a tenant if a family member is in need of accommodation'*.



### 4.5.3 Time taken to secure house

For respondents who own the average time taken to negotiate the agreement in both Mtandire and Chinsapo was one month (32 and 34 days respectively). This is significantly less for respondents who rent where the average time taken is 6 days in Mtandire and 4 days in Chinsapo

Figure 37: Average number of days taken to negotiate agreement



### 4.5.4 Problems in the contracting process

A very small number of respondents experienced problems after the agreement was made and this was only in respect of those that own (10% in Mtandire and 12% in Chinsapo). The most significant problem experienced was a dispute over the boundaries of the property (86% in Mtandire and 80% in Chinsapo).

Figure 39: Respondents who experienced problems after the agreement was made

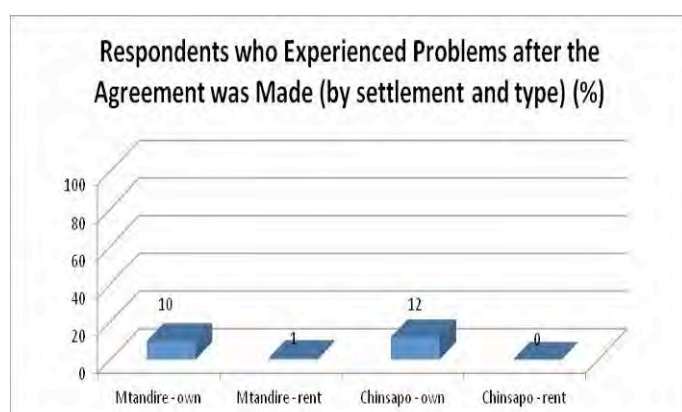
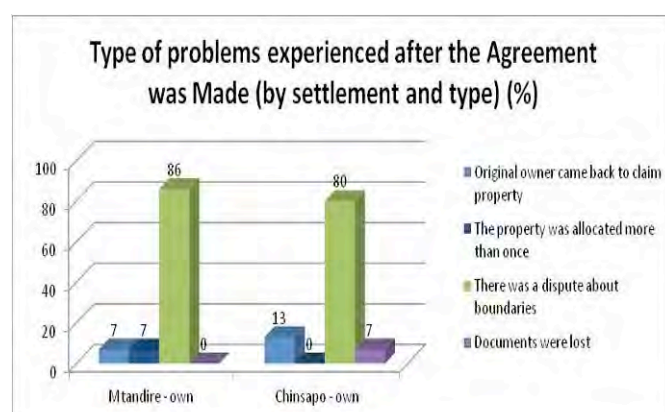


Figure 38: Types of problems experienced after the agreement was made



The Community Feedback Forums supported this in respect of owning a property in that it was indicated in the Forum in Chinsapo that boundaries or the demarcation of land is problematic. It was also noted that a piece of land can be sold to two different people. This was felt to be partly because of the lack of boundaries and partly due to fraudulent activities.

The Forums however also identified a number of problems that renters experience which are less reflected in the data namely eviction without notice, rentals being increased in an unpredictable and frequent manner, the lack of standard rentals, poor maintenance of houses by landlords and refusal by landlords to let the tenant bring guests onto the property.

#### **4.5.5 Buying a property**

The average amount paid for a property in Mtandire is 54,600MK (\$140) and in Chinsapo 44,429MK (\$122), although the range is significant. On average a property costs almost two to two and a half times the average household income<sup>28</sup>

Participants in both Mtandire and Chinsapo at the Community Feedback Forums indicated that land is very expensive and difficult for poor people to afford. It was noted that 'Land is in high demand, especially land that is well located (close to roads, water kiosks, amenities etc.) and the price of land continues to go up.' It was further noted that raising funds to purchase the land is a problem, as banks do not provide loans for houses on customary land.

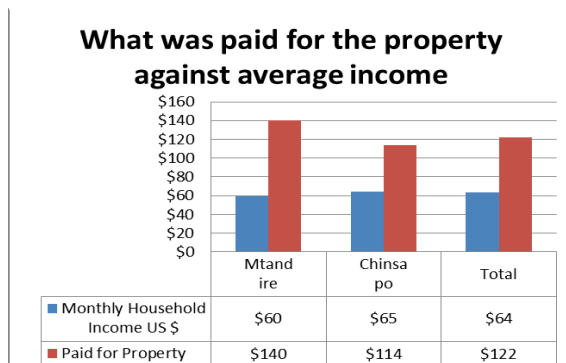
The person from whom the respondent bought varied in respect of Mtandire and Chinsapo:

- In Mtandire just under half (43%) of respondents bought from a stranger introduced by a family member or friend and a quarter of respondents (23%) bought from a stranger introduced by the chief.
- In Chinsapo a third of respondents bought from a stranger introduced by the chief, another third by a stranger introduced by a family member or friend and a further third by someone known from the family or a friend

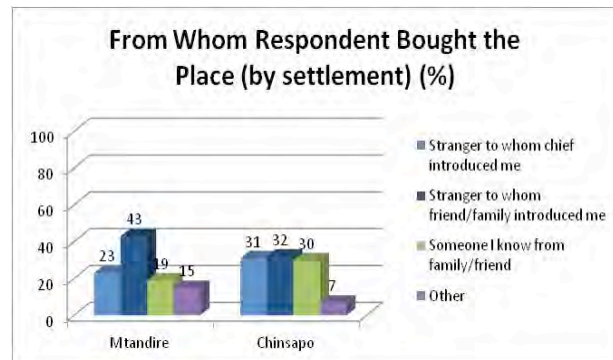
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<sup>28</sup> Income reported here was assumed as the information collected about income was recorded within income categories. For a comparative analysis the midpoint in each category was assumed. Comparison of income data with expenditure is thus not absolute.

**Table 39: Amount paid for property**

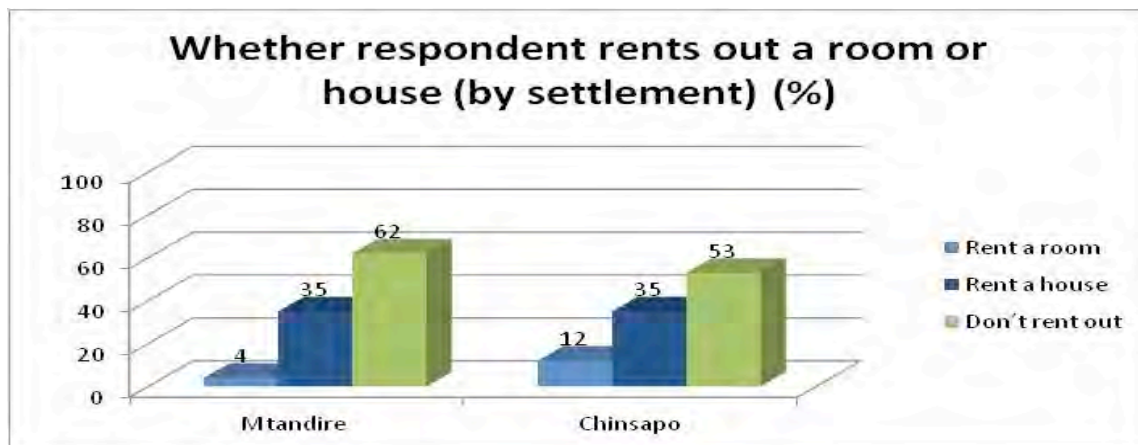


**Figure 40: From whom respondent bought the place**



As shown in the figure below, 62% of respondents in Mtandire and 53% in Chinsapo do not rent out accommodation on their properties. Just over one third (35% in both settlements) rent out a house.

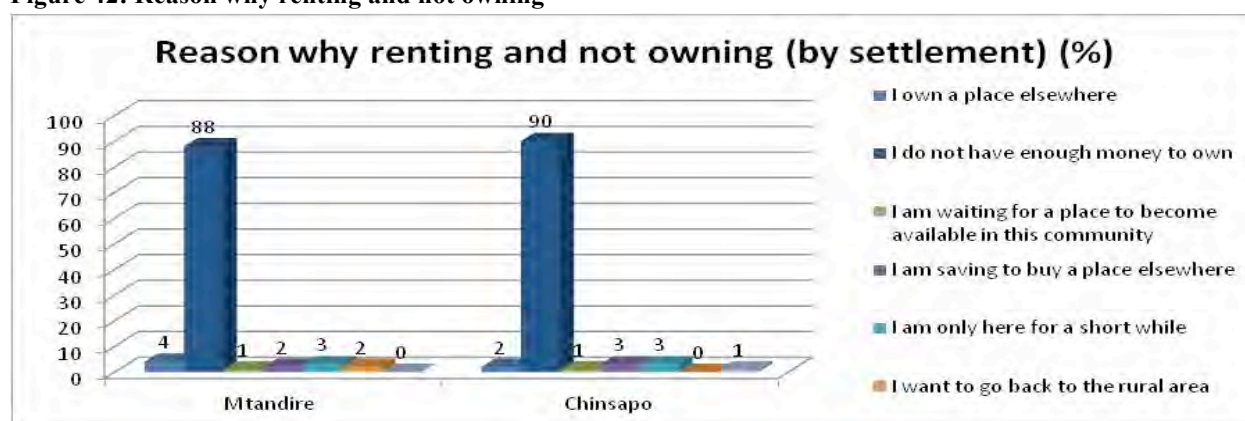
**Figure 41: Whether respondent rents out a room or house**



#### 4.5.6 Renting a house

In both Mtandire and Chinsapo the main reason why respondents rent rather than own is that they do not have enough money to own (88% in Mtandire and 90% in Chinsapo).

**Figure 42: Reason why renting and not owning**

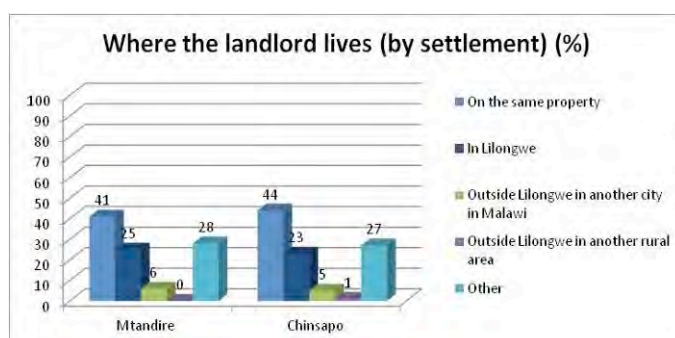


In both Mtandire and Chinsapo for just under half of respondents (41% and 44% respectively) the landlord lives on the property. For a further quarter of respondents (25% and 23% respectively), the landlord lives in Lilongwe.

A participant at the Community Feedback Forum indicated that it is hard to 'feel free when the Landlord also lives in the same place'.

In both settlements for the majority of respondents (93% in Mtandire and 97% in Chinsapo) the rental amount was prescribed by the landlord.

**Figure 43: Where the landlord lives**



**Figure 44: How the rental amount was agreed**

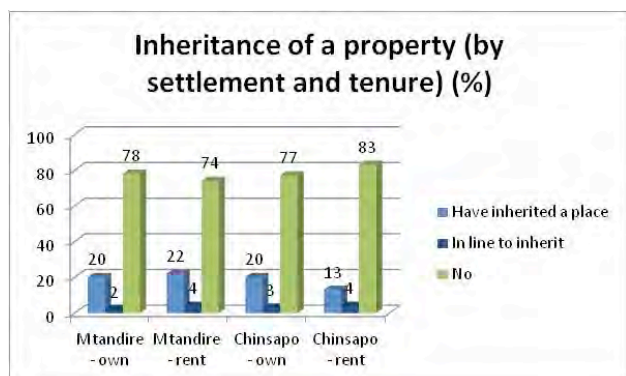


#### 4.5.7 Inheriting a property

About one fifth of respondents in Mtandire and in respect of those that own in Chinsapo have inherited a property. This is less so for respondents in Chinsapo who rent where 13% have inherited. For the majority of respondents they inherited the property from their parents. The number of years since inheriting varies from 8 to 15 (see table and figures).

	Mean	Median
Mtandire - own	15	12
Mtandire – rent	14	15
Chinsapo – own	13	11
Chinsapo - rent	8	8

Figure 46: Inheritance of a property



The most common kind of property is a house in a rural area, on customary land or land without a house. Most respondents still have the place that they inherited (see figures).

Figure 45: From whom respondent has or will inherit a property

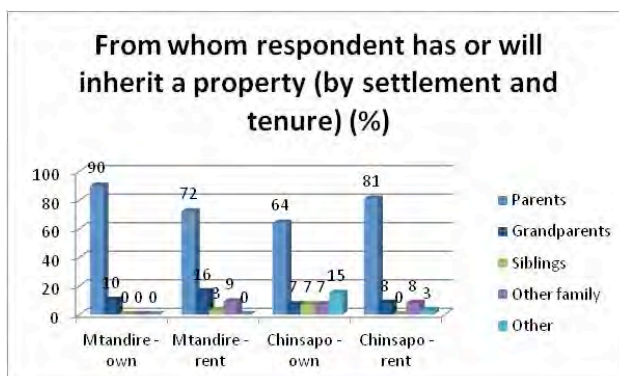


Figure 47: Percent of respondents that still have the place they inherited

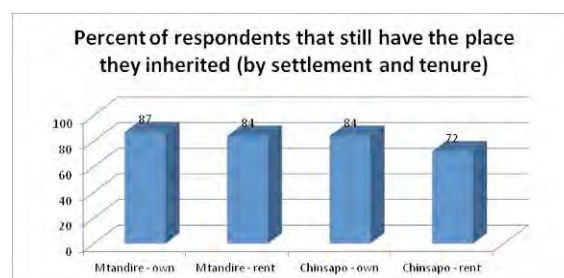
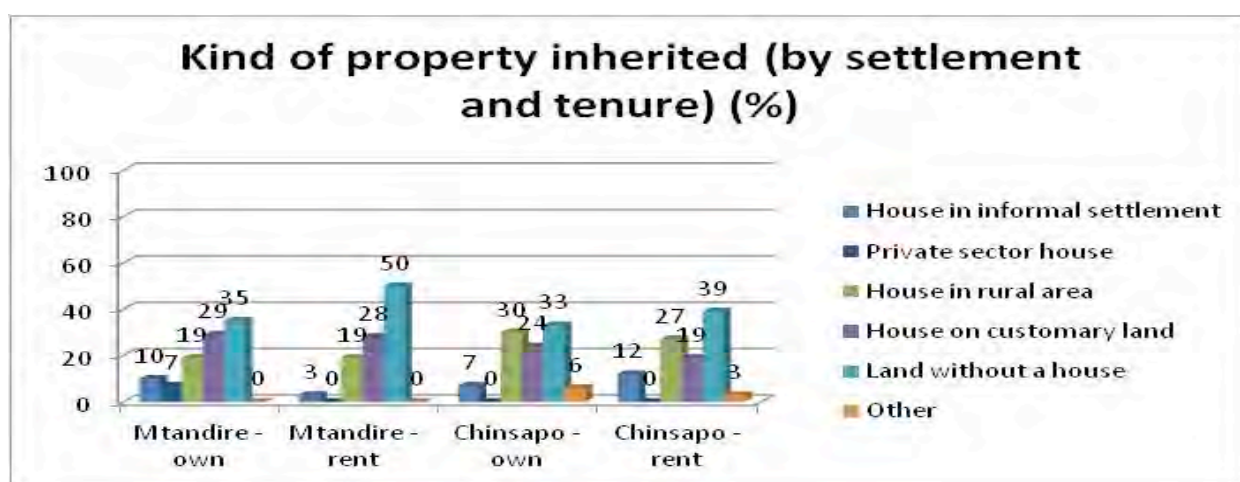


Figure 48: Kind of property inherited





## 4.6 Living arrangements

*Generally households that rent have less access to facilities than households that own. Living arrangements on a property are as follows:*

*In respect of respondents who own:*

- *Just under half of such respondents have their own kitchen. The remaining respondents do not have a separate kitchen.*
- *Two thirds of respondents have their own bathroom. The remaining respondents will share a bathroom*
- *Under half would have their own garden*

*In respect of respondents who rent:*

- *About a third of respondents have their own kitchen. The remaining respondents (two thirds) do not have a separate kitchen.*
- *Most respondents share a bathroom.*
- *Most do not have a garden*

*Many respondents have not and do not acknowledge the Chief with a gift, although this is more significant in respect of those that rent than own (64% of respondents in Mtandire and 74% in Chinsapo that rent did not know about this as opposed to 32% of respondents in both settlements that own). This could be due to the fact that the Chief plays a role in the process of buying a property and plays a limited role in respect of acquiring a property for rental. Most respondents who gave such a gift did so only once.*

*Most respondents who own (82%) in both settlements have made improvements to their property since they moved in. The main source of money used for such improvements is savings.*

*A significantly lower percentage of respondents who rent have made improvements (15% in Mtandire and 12% in Chinsapo).*

### 4.6.1 Use of facilities

Generally households that rent have less access to facilities on a property than households that own (see table below). Key findings are as follows:

- Approximately half of respondents do not have use of a kitchen. This is more so in respect of respondents who rent than own and in Chinsapo:
  - 60% of respondents who rent in Chinsapo do not have access to a kitchen as opposed to 45% in Mtandire.
  - 42% of respondents in Chinsapo who own do not have access to a kitchen, as opposed to 39% in Mtandire.
- More respondents who own have exclusive use of a kitchen than those who rent:
  - 55% of respondents in Mtandire and 47% in Chinsapo who own have exclusive use of a kitchen.

- 36% of respondents in Mtandire and 25% in Chinsapo who rent have exclusive use of a kitchen.
- Two thirds of respondents who own in both settlements have exclusive use of a bathroom (65% in Mtandire and 61% in Chinsapo). This is less so in respect of respondents who rent (17% in Mtandire and 25% in Chinsapo).
- Three quarters of respondents who rent will share a bathroom with others (83% in Mtandire and 74% in Chinsapo).
- The majority of respondents has exclusive use of a room and do not share with families/ tenants.
- Most respondents do not have access to the land or garden of a property. This is more in respect of those that rent than those that own:
  - In Mtandire 74% that rent do not have access as opposed to 66% who own.
  - In Chinsapo 84% that rent do not have access as opposed to 58% that own.
- Of those respondents that own 27% in Mtandire and 40% in Chinsapo have exclusive use of the land/garden on the property.

**Table 5 : Use of facilities**

		Mtandire		Chinsapo	
		Own	Rent	Own	Rent
Use of kitchen	Share with others	6	19	11	15
	Exclusive use	55	36	47	25
	Don't have this	39	45	42	60
Use of bathroom	Share with others	34	83	38	74
	Exclusive use	65	17	61	25
	Don't have this	1	0	1	1
Use of rooms	Share with others	2	2	2	5
	Exclusive use	98	98	98	95
	Don't have this	0	0	0	0
Use of land garden	Share with others	7	18	2	5
	Exclusive use	27	8	40	11
	Don't have this	66	74	58	84

#### **4.6.2 Gifts to the chief**

Most respondents did not know that they should acknowledge the Chief with a gift. This is more in respect of those that rent than own:

- 64% of respondents that rent in Mtandire and 74% in Chinsapo did not know
- 32% of respondents that own in both settlements did not know
- One third to one fifth of respondents decided not to give a gift

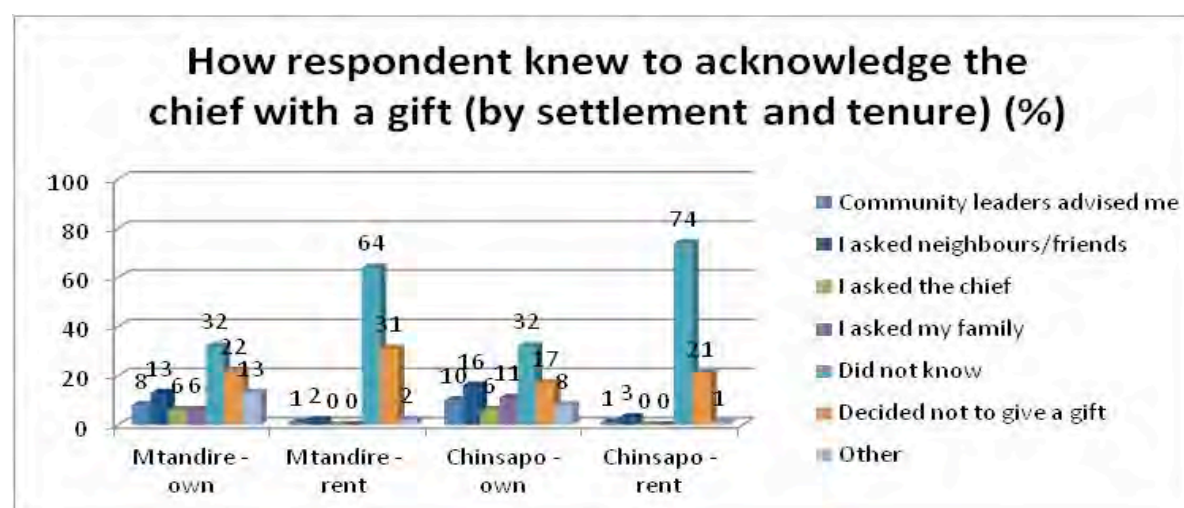
This is due to the fact that the Chief involves himself less in the process of renting than owning. As shown in the table below overall 89% of respondents who own will have validated the agreement with the Chief as opposed to 2% overall of those who rent. Further 90% of respondents who own will involve the Chief in dispute resolution as opposed to 40% of respondents who rent.

**Table 6: Involvement of the Chief in land processes**

		% who validated agreement to occupy through Chief	% who will involve Chief or Community Leaders in Dispute Resolution
<b>Mtandire</b>	Own	98	90
	Rent	1	30
<b>Chinsapo</b>	Own	86	91
	Rent	3	43
<b>Total</b>	Own	89	90
	Rent	2	40

Respondents who did give a gift were more those that own and they knew to do this as a result of asking neighbours, friends and family or being advised by community leaders

**Figure 49: How respondent knew to acknowledge the chief with a gift**



On average the value of the gift to the chief is higher from respondents that own than rent:

- The amount given in Mtandire on average from respondents who own is 1,875MK (\$5) and in Chinsapo 2,110MK (\$6)
- The amount given in Mtandire on average from respondents who rent is 158MK (0.45\$) and in Chinsapo 542MK (1.50\$)

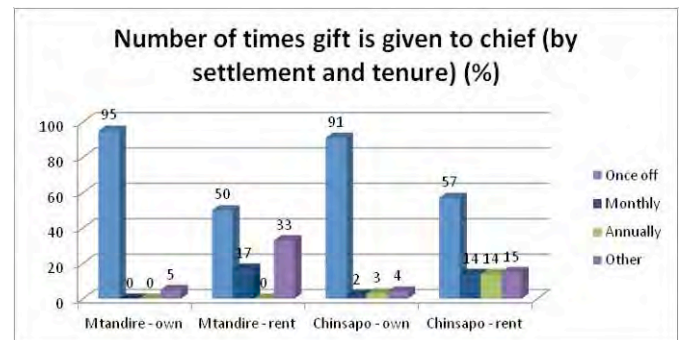
Most respondents who own gave the chief a gift once only. Respondents who rent give the chief a gift more often i.e. monthly and annually.



**Table 49: Mean value of gift to the chief**

	Mean	Median
Mtandire - own	1,875 (\$5)	700 (\$2)
Mtandire - rent	158 (\$ 0.5)	100(\$0.3)
Chinsapo – own	2,110 (\$6)	1,000 (\$3)
Chinsapo – rent	542 (\$ 0.4)	600 (\$2)

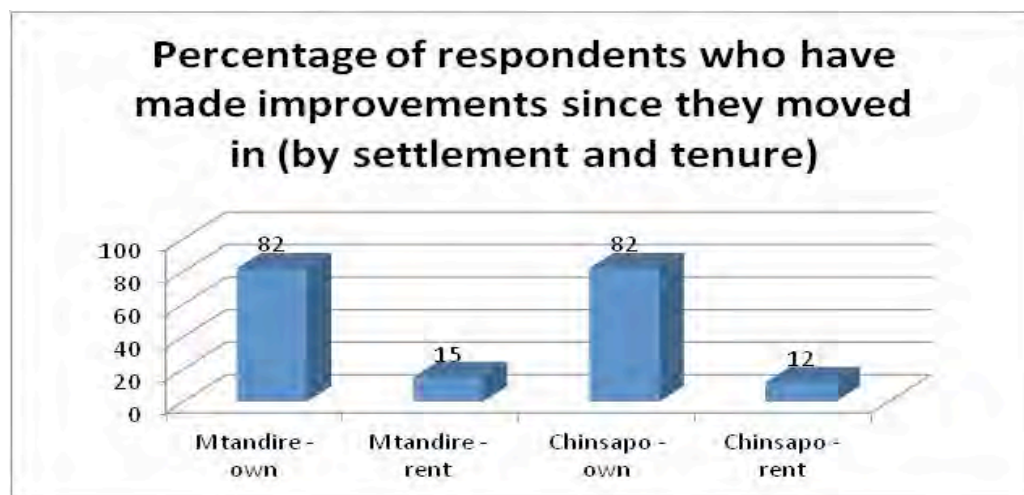
**Figure 50: Number of times gift is given to chief**



#### 4.6.3 Improvements made

As shown in the figure below, most respondents (82%) who own in both Mtandire and Chinsapo have made improvements to their properties since they have moved in. A significantly lower number of respondents who rent have made improvements (15% in Mtandire and 12% in Chinsapo)

**Figure 51: Percentage of respondents who have made improvements since they moved in**



The main source of money that most respondents who have made improvements used is savings in both settlements and tenure types (see table).

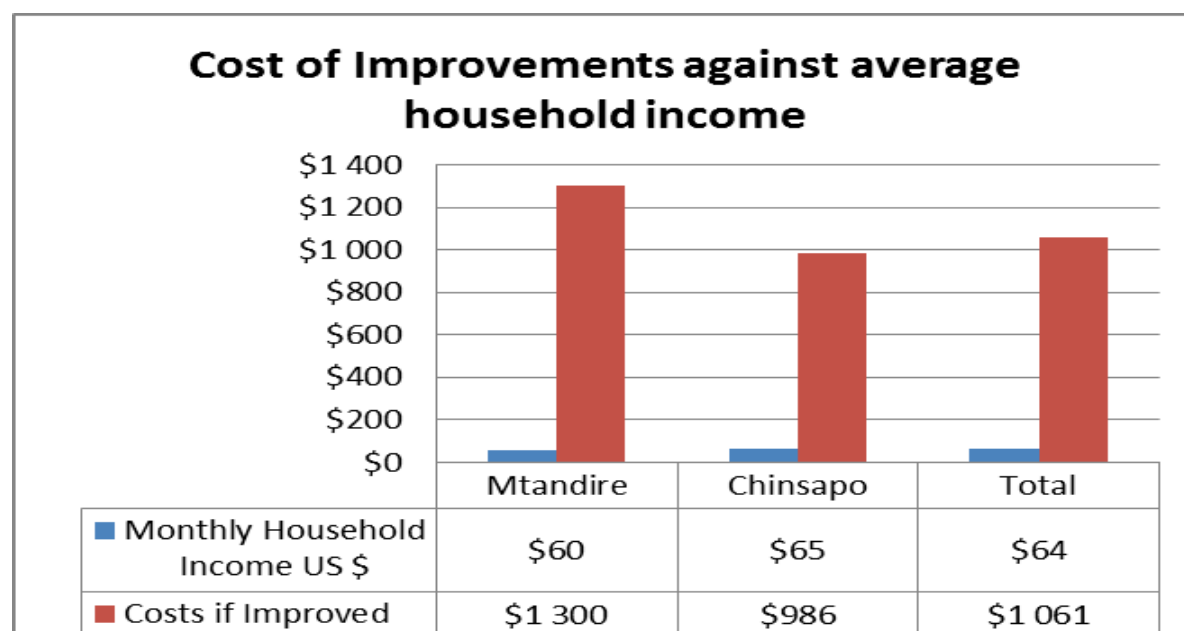
This is supported through the Community Feedback Forum where participants indicated that mortgages are not available for communal land but micro loans are, if a letter from the chief is provided in respect of some micro financiers. Despite this most people finance improvements through savings.

**Table 7: Time and cost of making improvements**

	Average time for making improvements	Average cost (MK)
Mtandire - own	712	656,468 (\$1,686)
Mtandire - rent	290	12,950 (\$ 33)
Chinsapo – own	598	483,169 (\$1.241)
Chinsapo – rent	26	20,650 (\$53)

As shown in the figure above, the average time taken to make improvements varies significantly and is 18 to 22 months in respect of respondents who own and 1 to 9 months in respect of respondents who rent. The average cost of the improvements also varies significantly and is 483,169 MK (\$1 241) to 656,468 MK (\$1 686) in respect of respondents who own and 12,950 MK (\$33) to 20,650 MK (\$53) in respect of respondents who rent.

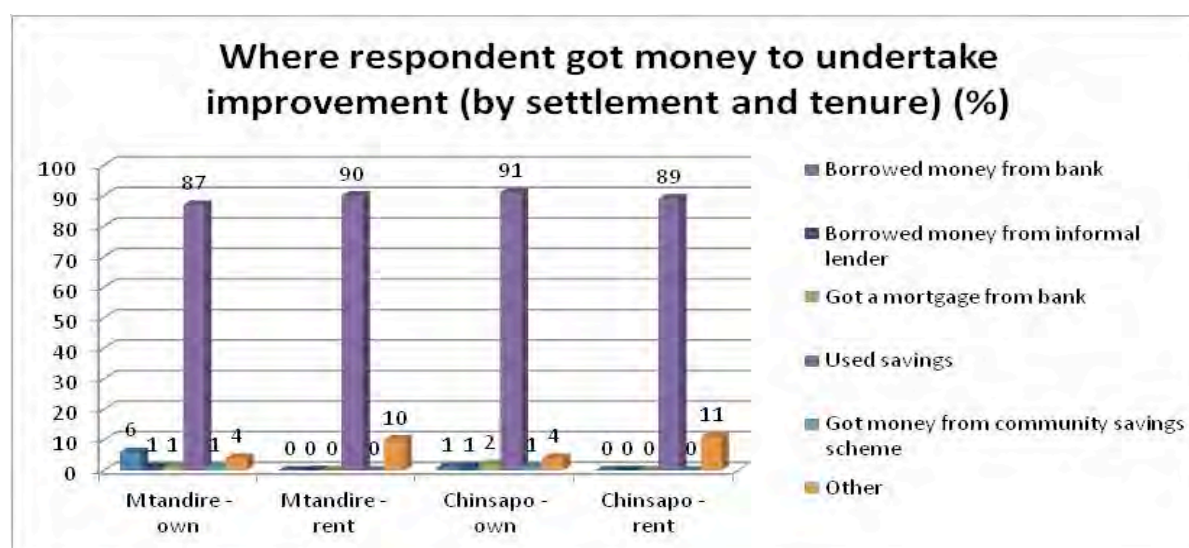
**Figure 53: Cost of improvements against average household income<sup>29</sup>**



Combined costs of incremental improvements to the house far exceed monthly household income as shown in the graph above. The combined value of the improvements is on average 18 times the monthly household income which makes it a substantial investment from these households

<sup>29</sup> Income reported here was assumed as the information collected about income was recorded within income categories. For a comparative analysis the midpoint in each category was assumed. Comparison of income data with expenditure is thus not exact, but an approximation.

Figure 52: Where respondent got money to undertake improvement



#### 4.7 Perceptions about the settlement and land access

*Most respondents in both settlements feel that their situation has improved as a result of moving into the settlement (81% in respect of respondents in Mtandire who own, 62% in respect of respondents in Mtandire who rent and 64% of respondents in Chinsapo who own). The main reasons given for this is reduced living costs and access to services mainly water. This is less so in respect of respondents in Chinsapo who rent where 43% feel that their situation has improved and 40% feel that it has stayed the same.*

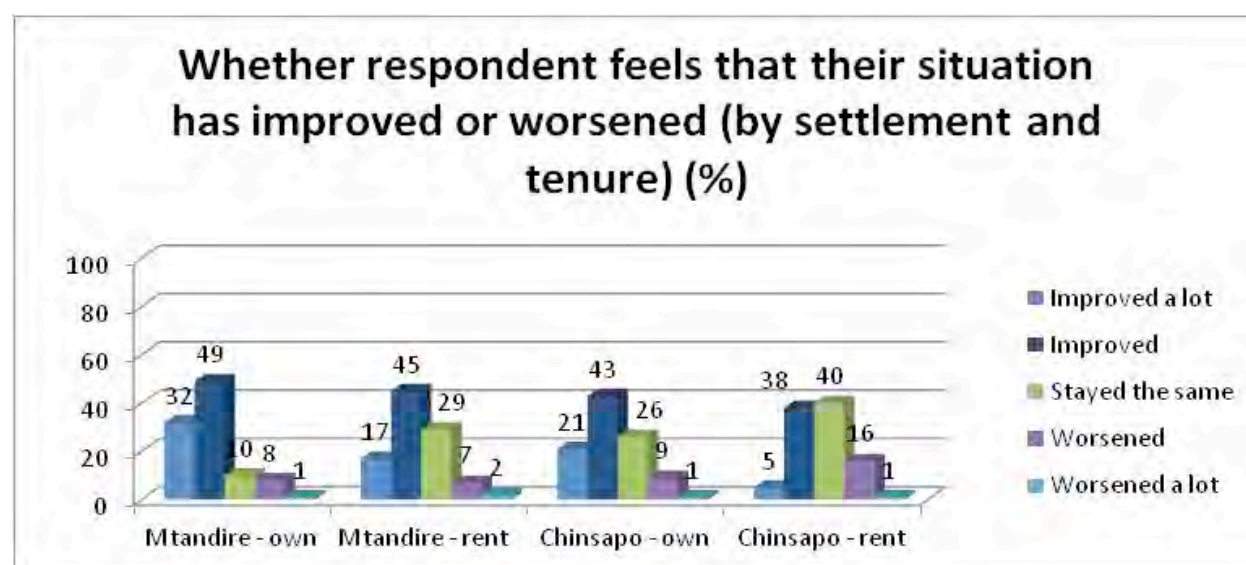
*Most respondents see the process of accessing and holding land in Mtandire and Chinsapo to be easy.*

*Most respondents feel that there is room for new households to come into the area and feel that the reason why households may want to do this is due to jobs being in close proximity to the settlements.*

##### 4.7.1 Whether situation has improved

As shown in the figure below, most respondents in Mtandire (both those that own and rent) and those in Chinsapo that own feel that their situation has improved since they moved into the settlement (81% in respect of respondents in Mtandire who own, 62% in respect of respondents in Mtandire who rent and 64% of respondents in Chinsapo who own). This is less so in respect of respondents in Chinsapo who rent where 43% feel that their situation has improved and 40% feel that it has stayed the same.

**Figure 53: Whether respondent feels that their situation has improved or worsened**



There are strong similarities between Mtandire and Chinsapo as well as those respondents who own and rent in respect of the reasons why they feel that their situation has improved or worsened (see table below).

**Table 8: Reasons why situation has improved or worsened**

	Main reasons why situation has improved	Main reasons why situation has worsened
Mtandire - own	50% - I have reduced my living costs 31% - Access to water 31% - I have a place I can pass to my family	75% - my living costs have increased 17% - my health got worse 17% - am further away from job opportunities
Mtandire – rent	49% - I have reduced my living costs 41% - Access to water 29% - My health has improved	46% - my living costs have increased 36% - The house is too small for my family
Chinsapo – own	56% - I have reduced my living costs 22% - I have a place I can pass to my family 21% - I can rent it out	92% - my living costs have increased 15% - my health got worse
Chinsapo - rent	57% - I have reduced my living costs 45% - Access to water 22% - Access to electricity	46% - my living costs have increased 36% - The house is too small for my family

As shown in the table below respondents who own feel that their situation has improved more than those who rent. This is in respect of their feeling in terms of their rights, wealth and their situation.

**Table 9: Comparative analysis between owners and renters in terms of their situation**

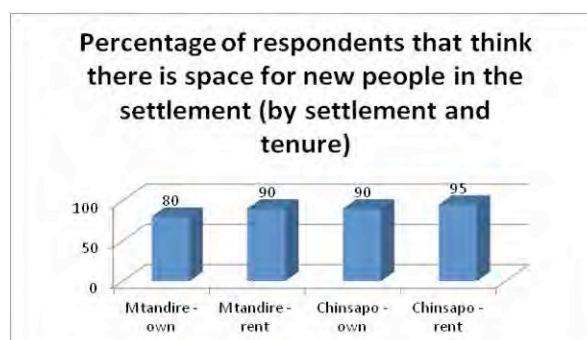
		% whose rights grew stronger since they moved here	% whose wealth increased since moving here	% who feel their situation has improved since moving here
Mtandire	Own	89	73	81
	Rent	72	43	62
Chinsapo	Own	73	54	64
	Rent	63	40	43
Total	Own	77	59	68
	Rent	65	40	47

#### 4.7.2 New entries into the settlement

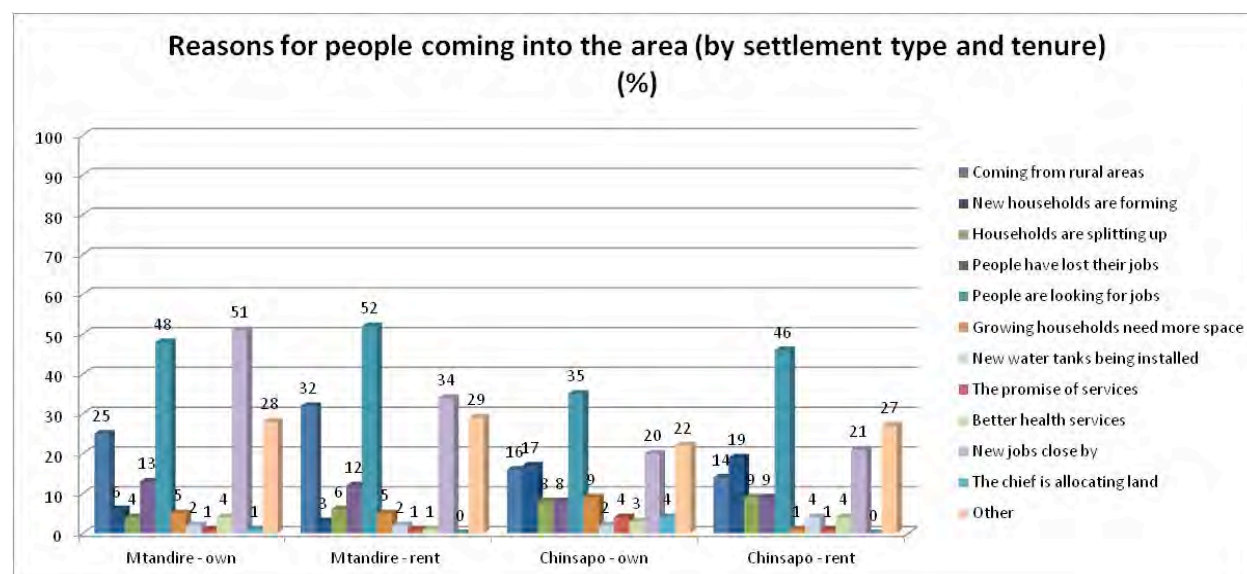
As shown in the adjacent figure, most respondents in both settlements and tenure types think that there is space for new people to move into the settlement

The reasons why people are coming into the area vary but are predominantly that they are looking for jobs, there are jobs close by, people are coming from rural areas, and new households are forming (see figure below).

**Figure 54: Percentage of respondents that think there is space for new people in the settlement**



**Figure 55: Reasons for people coming into the area**



#### 4.7.3 Perceptions on the process of accessing and holding land

The majority of respondents found the different activities pertaining to the process of accessing and holding land to be easy (see table below).

**Table 10: Perceptions on the process of accessing and holding land**

	Finding a place	Checking trustworthiness of seller /landlord	Deciding on a price	Negotiation of an agreement	Protecting rights to the property	Deciding what to do with the property when moving
Mtandire - own	●	●	●	●	●	●
Mtandire - rent	●	●	●	●	●	●
Chinsapo - own	●	●	●	●	●	●
Chinsapo - rent	●	●	●	●	●	●

Majority of respondents (over 70%) found the activity easy



Majority of respondents (over 70%) found the activity difficult



Majority of respondents (over 70%) found the activity moderate





The Community Feedback Forum indicated that households who rent have more challenges than owners in respect of holding land. Participants indicated that late payment or non-payment of rent can lead to eviction. The landlord may remove your belongings from the house if you don't pay rent. Some are removed after the first month and other after 2 months. Some even in the middle of the month. Landlords are scared of tenants that get sick, and will evict a tenant if the landlord suspects that he will die as he does not want to end up with the responsibility of the burial of the tenants.

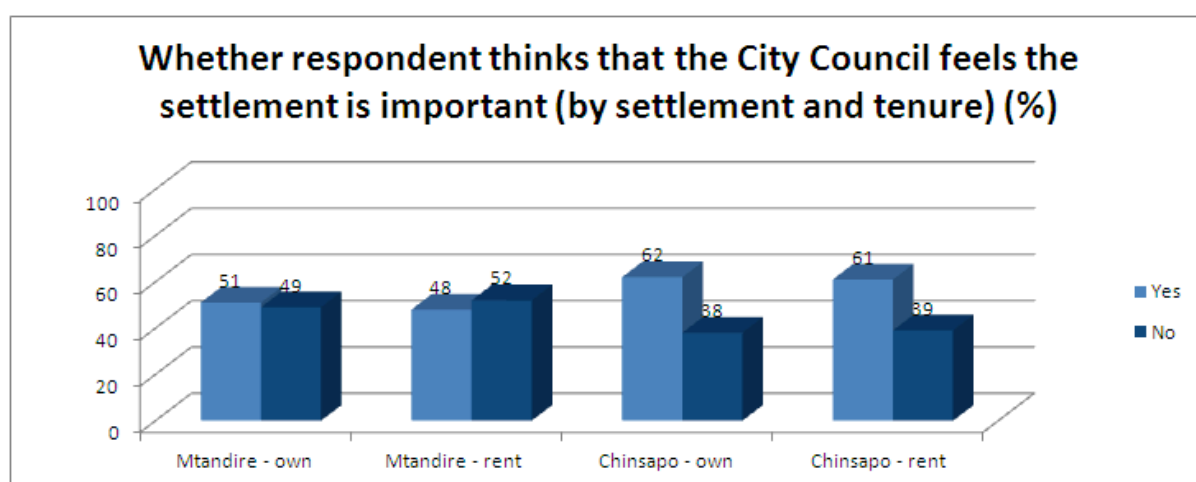
#### 4.7.4 Respondents views on whether the City Council and Chief values the settlement

The figure and table below indicates whether the respondent feels that the City Council thinks that the settlement is important and reasons for this. In addition what the respondent feels that the Chief values about the settlements. As reflected in the figure about half of the respondents in Mtandire, whether they own or rent, think that the City Council values the area. This is slightly higher in Chinsapo where about two thirds of respondents felt that the settlement is valued by the City Council.

In Mtandire the belief that the City Council values the area is based on the fact that they provide services, in Chinsapo a further reason was provided that the City Council collects taxes. The reason why the settlement was not valued by the Council was seen to be that they do not provide services.

In respect of the Chief respondents in both settlements and regardless of tenure, believe that the main reason for valuing the area is that there is unity between the people.

**Figure 56: Whether respondent thinks that the City Council feels that the settlement is important**



**Table 11: What the respondent thinks the City Council values or does not value about the settlement and what the Chief values about the settlement**

	If the respondent felt that the City Council valued the settlement, what the respondent believed was important to them	If the respondent felt that the City Council did not value the settlement, what the respondent believed was the reason why	What the respondent felt was what the chief valued about the settlement
Mtandire - own	44% - Council provides water and electricity 18% - Council maintains the road 14% - Council provides piece jobs to locals through development projects	28% - Council does not provide development of facilities for example recreational centre 25% - Council does not clean the area 18% - There is limited access to running water or electricity	63% - There is unity between the people in the area 10% - There is at least access to water and electricity 10% - People in the community work in the development projects
Mtandire – rent	42% - Council provides water and electricity 22% - Council provides piece jobs to locals through development projects 12% - Council maintains the road	29% - Council does not provide any services 27% - Council does not provide development of facilities for example recreational centre 13% - There is limited access to running water or electricity	60% - There is unity between the people in the area 20% - Good policing in the area 10% - There is at least access to water and electricity
Chinsapo – own	41% - Collect taxes from the area 23% - Council provides water and electricity 17% - Council maintains the road	28% - Council does not provide development of facilities for example recreational centre 25% - Council does not clean the area 18% - There is limited access to running water or electricity	66% - There is unity between the people in the area 9% - Good policing in the area
Chinsapo - rent	48% - Collect taxes from the area 20% - Council provides water and electricity 15% - Council provides cleaning services to the area	27% - Council does not provide development of facilities for example recreational centre 24% - The Council does not provide any services at all 19% - There is limited access to running water or electricity	66% - There is unity between the people in the area 12% - Good policing in the area

#### 4.8 Tenure security

***All respondents in both settlements have never had a title deed.***

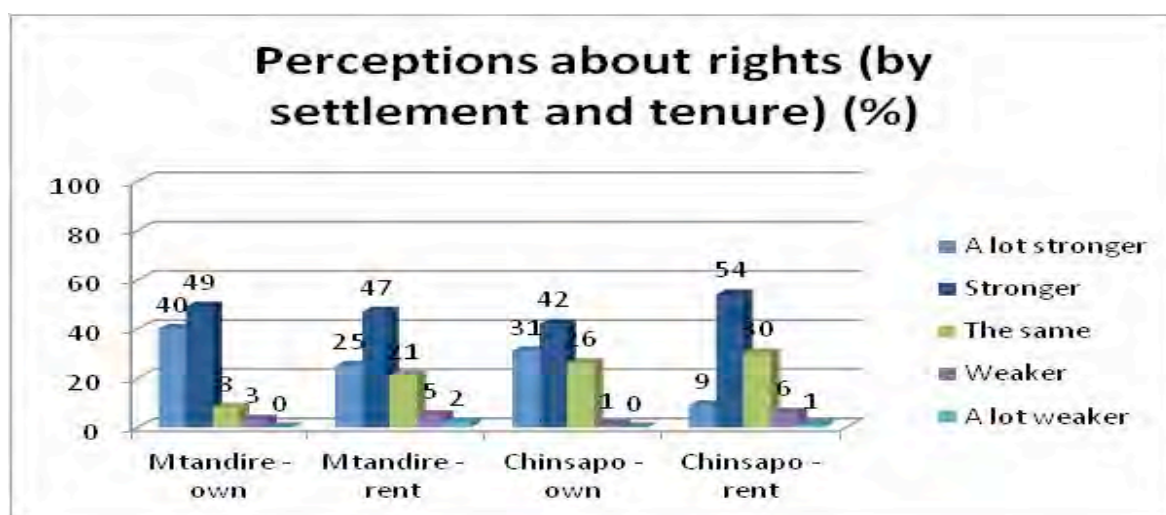
***Despite this most respondents in both Mtandire and Chinsapo feel that now that they have lived in the settlements for a while, that their rights are stronger. The reason for this is that they have built social networks in the area and have become part of the community.***

***Respondents in Chinsapo who rent appear to feel less that their rights have become stronger. This could be due to the fact that people are being evicted in the area.***



All respondents in both settlements have never had a title deed (100%). As shown in the figure below, most respondents in both Mtandire and Chinsapo believe that now that they have lived in the settlements for a while that their rights are either a lot stronger or stronger (89% of respondents who own in Mtandire and 72% of respondents who rent and 73% of respondents who own in Chinsapo). This is less so for respondents in Chinsapo who rent where only 63% of respondents feel that their rights are stronger and 30% feel that they are the same.

**Figure 57: Perceptions about rights**



There are strong similarities between Mtandire and Chinsapo in respect of the reasons why respondents feel that their rights are stronger or weaker both in respect of respondents who own and rent with the exception of those in Chinsapo who rent. The reason why respondents in Chinsapo who rent may not feel as secure as the other respondents could be that people are being evicted in that area (see table below). This is in line with the findings from the Community Feedback Forum (see section 4.7.3 above).

**Table 12: Perceptions about rights**

	Main reasons why rights are stronger	Main reasons why rights are weaker
Mtandire - own	66% - my neighbours can prove property is mine 47% - I have official letter from the chief 30% - I am part of the community	60% - disagreement with neighbours/family 20% - houses are being demolished
Mtandire – rent	68% - I have built a good relationship with my landlord 35% - my neighbours can prove the house is mine 18% - I am part of the community	33% - disagreement with neighbours/family 22% - waiting too long for development

	Main reasons why rights are stronger	Main reasons why rights are weaker
Chinsapo – own	46% - my neighbours can prove property is mine 44% - I have official letter from the chief 23% - I am part of the community	33% - waiting too long for development 33% - the community leaders have changed
Chinsapo - rent	54% - I have built a good relationship with my landlord 21% - my neighbours can prove the house is mine 20% - I am part of the community	44% - disagreement with neighbours/family 33% - people are being evicted 22% - waiting too long for development

With respect to respondents who own it is clear that the Chief has a strong role in ensuring rights to land in the settlement. As indicated by a participant *'The chief needs to bear witness when a person is buying land and relatives of the buyer and seller need to be present as witnesses. This process is important to follow to ensure secure tenure, and if not followed you cannot be sure of your land. Some plots end up being sold to two different people due to lack of proper procedures followed. There are people that sell a plot which is not necessarily theirs, the new owner then ends up with nothing as he paid for land that belongs to someone else.'*

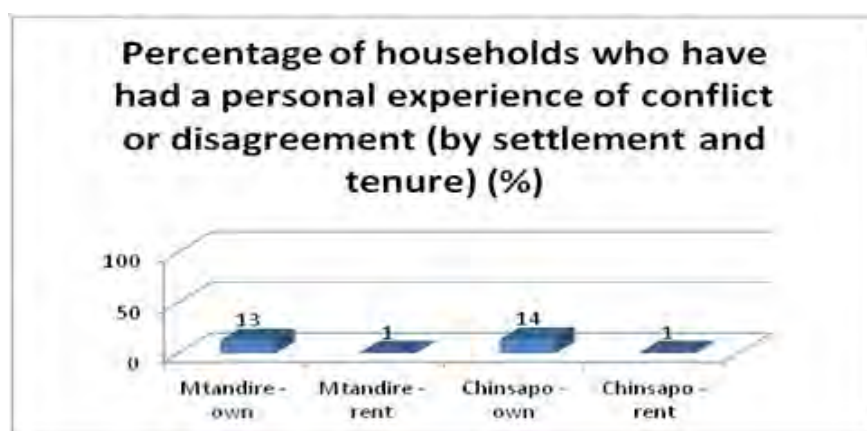
#### 4.9 Land dispute resolution in the settlement

***The process of acquiring and holding land in Mtandire and Chinsapo appears to be effective and there are very few respondents who have experienced problems.***

***If problems did occur respondents who own would seek assistance from the Chief, whereas respondents who rent from their social network***

Very few respondents have experienced conflict or disagreement over the property i.e. 1060 respondents indicate this, of which the majority 912 were owners (see figure below).

**Figure 58: Percentage of households who have had a personal experience of conflict or disagreement**



Total number of respondents 1060

As shown in the table below, should a problem occur in Mtandire and Chinsapo those that own would seek assistance mainly from the chief. Those that rent in Mtandire would seek assistance from neighbours, family and friends and in Chinsapo from the chief and neighbours

**Table 13: Person or entity respondent would ask for assistance in respect of a dispute**

	Main person or entity who the respondent would ask for assistance in respect of a dispute
Mtandire - own	88% - the chief 36% - family 34% - neighbours
Mtandire – rent	37% - neighbours 17% - family 16% - friends
Chinsapo – own	90% - the chief
Chinsapo - rent	20% - the chief 17% - neighbours

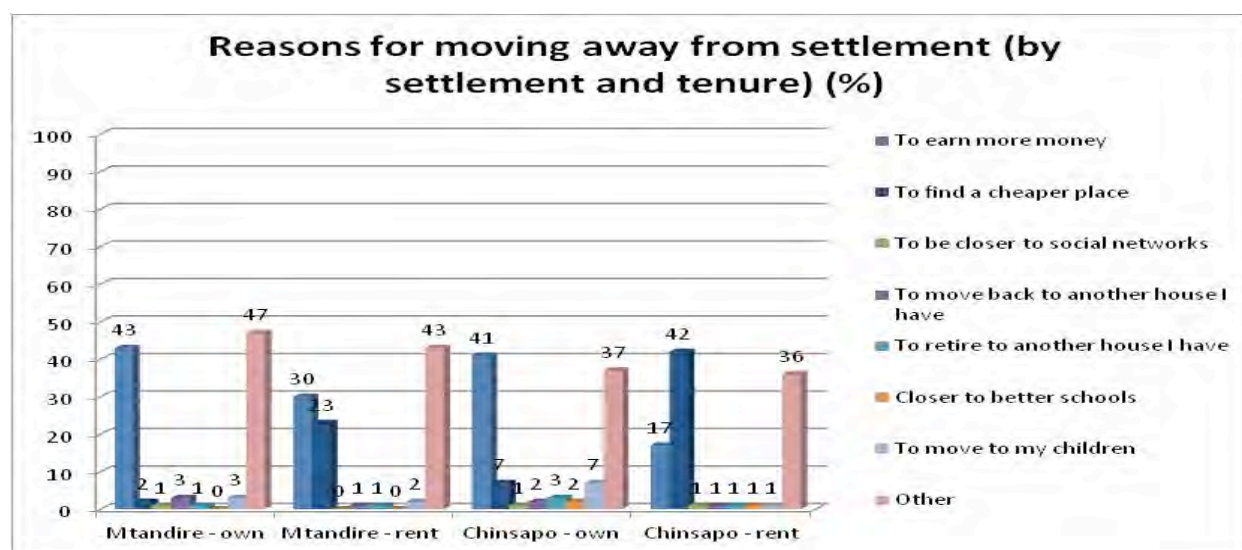
## 4.10 Moving away from the settlement

### 4.10.1 Reasons for moving away from the settlement

The main reasons for possible moving away from the settlement are to earn more money or to find a cheaper place (see figure below). This varies by settlement and tenure type:

- For respondents in Mtandire who own – 43% would move away to earn more money
- For respondents in Mtandire who rent – 30% would move to earn more money and 23% to find a cheaper place
- For respondents in Chinsapo who own – 41% would move to earn more money and 7% to find a cheaper place
- For respondents in Chinsapo who rent – 17% would move to earn more money and 42% to find a cheaper place

**Figure 59: Reasons for moving away from settlement**



#### 4.10.2 Consequences of moving

Of respondents who own 21% in Mtandire and 32% in Chinsapo feel that they would lose their rights to their property if they moved. This is much higher in respect of respondents who rent in that 79% in Mtandire and 68% in Chinsapo feel they would lose their rights (see figures adjacent and below).

Of respondents who own:

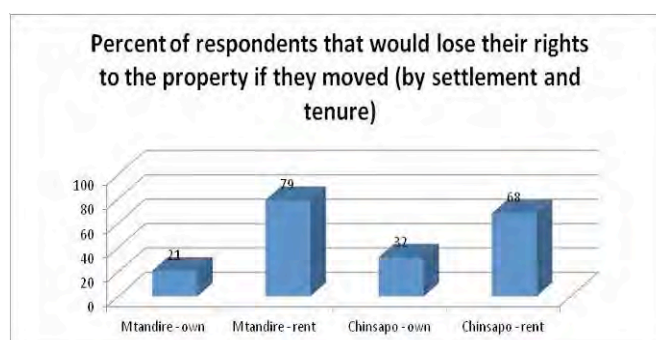
- 41% in Mtandire and 51% in Chinsapo would rent the property if they moved and a further 14% in Mtandire and 12% in Chinsapo would sell the property
- 35% in Mtandire and 31% in Chinsapo would let a family member continue to stay there
- Very few (1% to 2%) would just leave the property as it is

In contrast of respondents who rent:

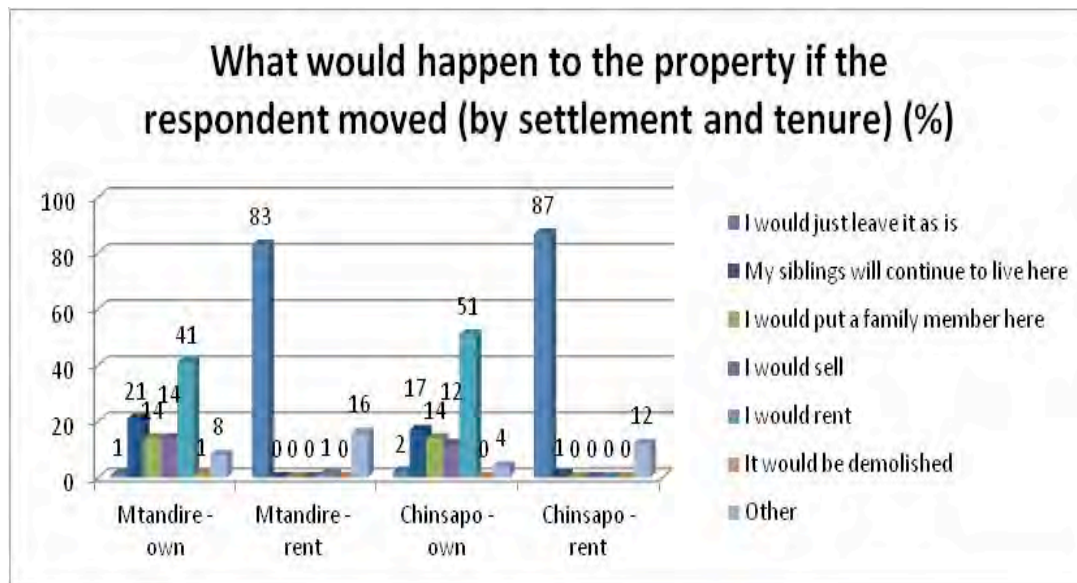
- 83% in Mtandire and 87% in Chinsapo would just leave

The data shows that the investment made in the property will rather be returned through rentals or goodwill of providing accommodation to family than selling the property. Most respondents do not plan to ever sell this property.

**Figure 60: Percent of respondent who would lose their rights to the property if they moved**



**Figure 61: What would happen to the property if the respondent moved**



## 5 CONCLUSIONS

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This study sets out the basis by which land is traded and held in two informal settlements on the outskirts of Lilongwe in Malawi. These informal settlements are located on tribal land and are overseen by a Chief.

The communities in the study area are stable (households have lived there from 7 to 17 years on average) and are made up predominantly of married couples or couples living together as a nuclear family. There are some single parents (7% overall). There are a high number of households with a female head which is in accordance with national statistics in Malawi. Both settlements have a relatively young population (mean age of respondents is 34 and most children are below primary school age). There are about 5,673 and 21,332 children in Mtandire and Chinsapo respectively most of which are very young i.e. either not yet at school or at primary school. This is also in accordance with national averages in Malawi. The main ethnic group in both settlements is Chewa. Overall almost a quarter of households are multi-nodal, but more in respect of owners than renters. Multi-nodal is where a spouse or children-under-18-years live elsewhere.

There are high levels of poverty in these settlements. While there appears to be high levels of employment either in a formal job or a business the amount of income earned is very low (either below or close to the poverty line as defined by the United States Government for developing countries). Approximately 15% overall of households are living below the poverty line.

Most households in both Mtandire and Chinsapo had lived in two houses before moving to the settlement. The most common reason for a household moving to Mtandire or Chinsapo is a life change namely getting married (39% overall). A smaller number moved to the area for economic reasons due to a business declining, to reduce costs or as a result of losing their job. Moving within the settlement from one house to another reflects normal market decisions by households in that those that own rented before they could buy and those that rent found a better house. The reasons for selecting a house in the settlement within which to live varies by settlement and tenure type (own or rent) but includes for example access to jobs, schools, water and transport, lower costs and safety.

Unlike many slums in Eastern Africa in the two settlements the type of houses in which people live are 'formal' in nature in that in both settlements the kind of house lived in is either an unburned brick house, a brick and cement house or a burned brick house.

Approximately a third of households in Mtandire and Chinsapo own their property and two thirds are tenants i.e. renting their property. This indicates that households who own property are generating income from the property through renting it out. Key elements of the process of owning, renting and inheriting a property in the settlements are as follows.

- In respect of respondents who own the property:
  - Most own the property themselves (94% in Mtandire and 80% in Chinsapo) or their spouse owns it (33% in Mtandire and 45% in Chinsapo). Joint ownership is indicated.

- Most of these respondents bought their property (91% in Mtandire and 71% in Chinsapo). A lesser number of respondents inherited the property (8% in Mtandire and 26% in Chinsapo). This implies that the majority of the land was traded on, by the original land owners.
  - Rights to the property were obtained for most respondents through an agreement witnessed by the chief or a document given to them by the chief (98% in Mtandire and 90% in Chinsapo).
  - For most respondents the agreement gave them the rights to both the dwelling and the site (65% in Mtandire and 52% in Chinsapo).
  - Confidence that the agreement would be valid was obtained through the chief and the respondent's social network (family and friends).
  - The time taken to negotiate the agreement is on average one month.
  - In respect of those respondents who bought the property, the cost ranges significantly.
  - In most cases the property was bought from a stranger that was either introduced by the chief of a friend or family member.
  - One third of respondents, who own a property, rent out a house on the property.
- In respect of respondents who rent:
- In most cases the landlord owns the property (97% in Mtandire and 98% in Chinsapo) and the respondent acquired the property on the basis of a rental agreement.
  - Rights to the property were secured through being given a document from the owner (49% in Mtandire and 58% in Chinsapo).
  - For most respondents the agreement gave them the rights to a dwelling only (73% in both settlements).
  - Confidence that the agreement would be valid was obtained through the respondent's social network (family and friends).
  - The time taken to negotiate the agreement is on average 4 to 6 days.
  - The main reason why respondents rent rather than own is that they do not have enough money to own (88% in Mtandire and 90% in Chinsapo).
  - In respect of just under half of respondents the landlord lives on the property (41% in Mtandire and 44% in Chinsapo) or lives in Lilongwe town.
  - For the majority of respondents (93% in Mtandire and 97% in Chinsapo) the rental amount was prescribed by the landlord.
  - Generally households that rent have less access to facilities than households that rent.
  - Few respondents reported disputes during the survey, but the community feedback forums highlighted several rental management issues that violate tenant rights. There appear to be no formal structure or system in place to deal with tenant issues.
- In respect of respondents who inherit:
- Very few respondents in the study area inherited the house in which they live.
  - Those that ever inherited a property inherited it from their parents. They still have the property.
  - The number of years since inheriting varies from on average 8 to 15 years.
  - The most common kind of house inherited is in a rural areas, on customary land or is land without a house.

- Very few respondents had problems in the contracting process. Of those that did it was mostly respondents who own the property (10% in Mtandire and 12% in Chinsapo). The most significant problem was around disputes over the boundaries of the property (86% in Mtandire and 80% in Chinsapo).

On the basis of the above it is evident that an informal market exists which enables households to trade and hold land both on an ownership and rental basis. Key characteristics of this market are as follows:

- Friends and relatives play an important role in identifying the place to live and in ensuring that contractual arrangements will be valid. In addition in resolving disputes.
- The Chief plays a key role in respect of the ownership market but significantly less so in respect of the rental market, which is between a landlord and tenant. In respect of ownership rights to properties are obtained for most respondents through an agreement witnessed by the chief or a document given to them by the chief

With respect to households that own it appears that the market operates effectively and there appear to be very few disputes. If disputes should occur it is predominantly about boundaries of the property. The role of the Chief does appear to increase tenure security among households that own, but comes at a cost in that households are required to provide the Chief with a gift.

With respect to households that rent there is some indication that the market does not operate effectively and such households are vulnerable to landlords in terms of rentals and eviction.



## 6 POLICY RECOMMENDATIONS

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Malawi is experiencing one of the highest rates of urbanisation in Africa and its towns and cities are growing at unprecedented rate. As is the case in the rest of Africa, this rapid urbanisation is not associated with the commensurate economic growth and effective redistribution measures required to alleviate poverty. The result is increasing urban poverty whose most visible manifestation is the slums on the outskirts of most towns and cities. The country is not well prepared for the reality of this informal urbanisation. While formal land systems are well developed, they do not cater for those households living in the slums.

This study outlines how households access land in the Mtandire and Chinsapo settlements and how land management occurs in these areas. In particular it provides in-depth, statistically relevant information about existing land management arrangements. It supplements these with more qualitative reflections from community feedback forums, household interviews and key person interviews. This study therefore provides insights and lessons that can be applied in the urban policy and the slum upgrading programmes that are currently being developed in Malawi and for a slum upgrading programme in the two settlements.

If informal settlement upgrading is to be effective and meaningful it should recognise and build on the existing land management practices in an area. The key lessons and policy implications for informal settlement upgrading based on the findings from the study are set out below.

### 1) Functional markets

The data shows that the majority of occupants are not the original land owners, which indicates a functional market where the majority of occupants have traded successfully to either rent or own the property on which they live. The system that the community implemented to access, hold and trade land seems to work effectively with the following aspects of this system contributing to its effectiveness:

- The land access system is known to all in the community
- The role players in the system are easily accessible to the community
- The system is affordable to the community
- The system is trusted by the community and allows for effective dispute resolution
- Dispute resolution is immediate and the outcome understood by the community
- The system is participatory and inclusive and allows for ordinary members of the community to act as witnesses and become part of the trusted land system.
- The absence of strict building regulations allows poor households to access land and also to build and improve incrementally according to their own needs and abilities.

Although the land management system functions well, it has the following weaknesses which relate mainly to the allocation of land parcels or plots:

- The system is vested in an individual (or group of individuals - chiefs), which mean that the effective and trustworthy system is based on the good of a group of individuals with no recourse if things go wrong. Chiefs are not democratically elected but awarded to the oldest son of the chief, through family.

- Demarcation of the land or plot is not in a visible and logical way.
- Although the lack of building regulations holds many benefits for the poor, the absence of building guidelines does not enhance neighbourhood development or functionality. The complex layout of land complicates infrastructure development.

Any informal settlement upgrading programme should recognise and build on the existing informal system. This needs to be carefully structured so as to retain the strengths of the existing system as detailed above, while addressing some of its inherent weaknesses.

## **2) Legal status of the land**

A key issue in both settlements is the legal status of the land in that both of the two settlements do not fall under municipal authority. Chinsapo falls under the district authority and Mtandire is on public land (although there are some disputes about this)

Both settlements have very functional markets as detailed above. If they are brought into the city then the current system could break down. However if they remain outside of the jurisdiction of the city, the issue of access to services needs to be considered as they are outside of the municipal boundary.

The legal status of the land in respect of both settlements needs to be resolved in a manner that will retain and build on the the existing land management arrangements, while at the same time ensuring that the settlements are able to access basic services from the municipal authority.

## **3) Customary vs. formal administration of land**

Currently the settlements are being administered in terms of a customary land management system. As detailed in 1) above this has some key strengths but also some weaknesses. In order to undertake informal settlement upgrading it will be necessary to harmonize these two systems, in a manner that builds on rather than discards the existing customary system and links it to the formal system, in a manner that is cost effective. This interface between the two systems should be clear and workable and roles and responsibilities of the different stakeholders should be explicitly defined.

The role of the chief in both settlements, particularly in respect of ownership is significant. This role cannot be divorced from the process of slum upgrading. The existing practices work to the benefit of the community and must be integrated into any slum upgrading intervention. Any intervention must recognise the strengths of the customary system and build on it so as to make it more transparent, accountable and legal.

It is acknowledged that the customary leadership structures are not democratised and there are processes that are not accountable. Accordingly any slum upgrading process needs to strengthen accountability. The process should allow for a system in which the decision of the chief about land issues can be queried in a formal but democratically acceptable way and without compromising the trust and authority of the chief-system.

#### **4) Formal structures**

A unique factor in respect of the two settlements surveyed is that the structures in the settlement are predominantly formal as opposed to temporary shacks. This has implications for the type of services offered in respect of an informal settlement upgrading programme which should focus on improving access to basic services and upgrading the existing structures.

Minimum building guidelines should be developed that promote the development of safe structures and the proper layout of houses on a stand (which allows for example basic courtesies like a front door not opening onto a neighbour's toilet). Care must be taken in the development of these guidelines to ensure that the standards set are not too high and do not result in significant cost implications or they will be disregarded. The slum upgrading programme should provide support to households to comply with these guidelines. This support should include both access to finance and technical advice.

#### **5) Accommodating renters**

A significant feature of the two settlement surveyed is the high number of households that are renting houses. The ability of a landowner to rent out property is beneficial and stimulates economic activity amongst the poor. The majority of occupants in both these settlements are tenants and not land owners, but the land management system seem to cater more effectively for the land owner than the tenant. With ownership arrangements both the chief and witnesses are involved in land transactions and validates the fairness of the system. Rental arrangements are however only between the landlord and the tenant and the chief does not get involved in this relationship. In the absence of an official rental system, abuse can easily occur. Even though the data did not show a large presence of tenant – landlord disputes, qualitative feedback did indicate discordance in the relationship between tenants and landlords.

Accordingly a slum upgrading programme should ensure that:

- the high number of renters are recognised and incorporated and are not marginalised in the process.
- the landlord's right to rent out property is protected, as this is an important economic system for the poor. At the same time landlords should be encouraged to provide safe accommodation for tenants with access to basic services.
- Landlords should be encouraged to enter into written agreements with their tenants that clearly sets out the roles and responsibilities of each party and recourse should either party not fulfil their responsibilities. A simple landlord tenant agreement that is easy to understand and apply should be made available free of charge to potential landlords.
- a system is established that deals with landlord-tenant disputes in a fair and consistent manner. Such a system should display the same qualities as the land ownership system in which it is accessible, affordable, trusted and inclusive.

#### **6) Evidence used to prove tenure security**

In both settlements in respect of ownership the evidence to prove tenure is a document from the Chief and the transaction being recorded in the Chiefs records. This evidence is trusted by

the communities and should therefore become the cornerstone of the evidence base used in the slum upgrading programme.

However this system while functional at the local level has its limits. The data shows that some respondents are worried about inheritance and if the chief dies and what will happen in an upgrading process. Accordingly there is a need to link this system to the formal system in a way that is cheap and easy.

#### **7) Building on the social network**

The key basis by which an individual will identify a house to live (either for ownership or rental) and undertake the transaction is through using his/her social network i.e. family and friends. While this is effective it is also limiting in that the choices that individuals have are restricted by the extent of knowledge within their social network.

A key element to an effective property market is information both in respect of how the market operates i.e. how to purchase or rent a property, the roles and responsibilities of different stakeholders, as well as provide a platform for sellers and landlords to offer their stock. This should be a key focus of the Municipality (both generally and as part of a slum upgrading programme), who should be encouraged to develop and disseminate this information. Given the Chiefs role in this process they should be part of the information dissemination process.

#### **8) Plot definitions**

One of the key problems identified in both settlements in terms of the process of purchasing a property is disputes about the boundary of the property. Accordingly there is a need as part of an upgrading programme to find a cost effective way to demarcate plots. This should be undertaken in a manner that does not significantly increase costs or undermine the existing decision making processes.

## **ANNEXURE A: THE ROLE OF STAKEHOLDERS INTERVIEWED IN LAND MANAGEMENT**

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### ***UN Habitat***

The role of UN Habitat in land management includes the following:

- The promotion of socially, environmentally and sustainable urbanisation, human settlement, land and housing and basic urban facilities,
- Responsible for planning, coordinating, and budgeting of urbanisation and
- Participate in formulation of policies and programmes related to human settlements, especially focusing on the poor.

The above role translated into various programmes in Malawi. UN Habitat facilitated the development of the Malawi Housing Sector Profile. This forms part of a UN-HABITAT report series and provides an analytical tool to support a comprehensive assessment of housing delivery systems in different countries tackling access to land, housing finance, basic infrastructure/services, building materials and technology amongst other issues hindering the housing sector to work properly. It draws recommendations to enable better housing delivery for all.

UN Habitat participated in the development of the Lilongwe Urban Profile. This is based on the Planned Slum Upgrading Programme (PSUP). The Participatory Slum Upgrading Programme uses a structured approach where priority interventions are agreed upon through consultative processes.

The PSUP methodology consists of three phases:

- (1) a rapid participatory urban profiling at national and local levels, focusing on Governance, Local Economic Development, Land, Gender, Environment, Slums and Shelter, Basic Urban Services, and Waste Management, and proposed interventions;
- (2) detailed priority proposals; and
- (3) project implementation.

The Participatory Slum Upgrading Programme in Malawi encompasses a national profile, as well as profiles for Blantyre, Lilongwe, Mzuzu and Zomba, each published as a separate report. The Lilongwe report constitutes a general background, a synthesis of the seven themes; Governance, Local Economic Development, Land, Gender, Environment and Urban Disaster Risks, Slums and Shelter, and Basic Urban Services; and priority project proposals ([www.UNHabitat.org](http://www.UNHabitat.org)).

### ***Commissioner for Physical Planning***

The role of the Commissioner of Physical Planning in land management includes the following:

- Act as advisor to Commissioner of Lands on land use and land development,
- Responsible for sub division of land,
- Apportioning of plots, size, shape use and development,
- Provide general policy on land use and land plans,

- Provide development control/ management: on land use policy, plans, detailed layout plan,
- Guide change of land uses and activities
- Provide legal framework: rules and regulations on how land can be managed: for city councils and plans.

### ***Commissioner for Lands***

According to the Commissioner for Lands, their role in land management is to oversee land administration and management based on the following land acts: Land Act, Registered Land Act, Land Acquisition Act, Adjudication of Title land Act, and Customary Land Act.

### ***Habitat for Humanity***

Habitat for Humanity's role in land management is to help the poor to have decent housing in cities through urban housing projects. In Lilongwe they are working in area 49, area 25 Sector 7. Habitat for Humanity applies for land from City Council, which they develop plots to build houses through loans to the poor. They develop plots through demarcation and beaconing. The plots are owned by Habitat for Humanity till the period when an individual repays the loan. Once the loan has been repaid, the transfer of ownership is done and title documents are given to the person who bought the plot. Once the person has been given the title ownership, the person is free to go to City Council to process their title deed.

### ***Lilongwe City Council***

The role of Lilongwe City Council in land management is mandated from the Local Government Act. Their mandate is only within the boundary of a City. All areas outside the city boundaries, such as the study sites Chinsapo and Mtandire are not under the mandate of the City Council. The mandate of the City Council is to manage the Traditional Housing Areas (THA). Once an area is gazetted and designated as THA, it is given to City Council by government. Presently THAs in Lilongwe include areas like Biwi, Mchesi, Kawale, Area 25 and area 23. The aim is to target low-income people to build houses and to allow flexible-building standards such as grass thatched houses, pit latrines to meet the needs of low income Malawians. From 1993 to present 44,000 plots were given to people and new areas for THA include Area 36, area 24, Area 25 sector 7 and 49.

The City council has also engaged other NGOs such as Habitat for Humanity to provide plots to low income people in area 49 and area 25 and recently the City Council has worked with CCODE in area 49. The City council has also worked with private companies to target the low-income people to obtain plots in the city such as Limbe leaf, MUSCO and Auction Holdings. These companies submit names of low-income people as an application to receive plots. These companies have various schemes to support the poor in building low cost houses.

Land in THAs is only given to people of Malawian origin. According to the City Council official, the need for houses has increased because more and more people tend to stay in the city after retirement, and do not return to their rural villages on retirement as was the trend previously.

### ***Malawi Housing Corporation***

The role of Malawi Housing Corporation (MHC) in land management is to acquire land from government on freehold land and then sub-lease to MHC. MHC then develops and demarcates land into plots and sells to people. MHC provides services such as access roads; electricity and water to the area. The new owners then build their own houses.

### ***Local Leaders in Chinsapo and Mtandire***

According to GVH Chisenga from Chinsapo, most of the people living in the village were born in the area. They stay on land given to them by their parents. However, as the Lilongwe City has been growing rapidly since Lilongwe was declared Capital City, a large influx of people were seen and the demand for land increased. This high demand for land prompted people in Chinsapo to start selling land. Once the land has been sold the local leader is informed and signs the letter to confirm change of ownership of land. He keeps a register of all land transactions as evidence of the current owner of the land.

SGVH Chigoneka from Mtandire indicated that as chief in Mtandire he gives land to people for free. This first generation land holder has the right to sell his land to someone else. Although the chief is not responsible for this sale, he is involved in the documentation of the sale and records the transaction. The chief also issues a letter to certify change of land ownership. He also confirmed that the demand for land increased significantly since Lilongwe was declared capital.

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