



LANDNET STATEMENT ON THE APPROVED LAND RELATED BILLS 2016

Landnet calls for the immediate Presidential assent of four Land Bills namely Land, Physical Planning, Land Survey and Customary Land - as further delays will hugely impact responsible and inclusive land governance systems in Malawi.

Since 1999, Landnet has been closely involved in the development and adoption of the Malawi Land Policy and subsequent comprehensive amendments to date, leading to the formulation of the land laws that have just been passed by Parliament.

THEREFORE, Landnet as an official representative of 43 civil society organizations, international organizations including Oxfam, legal experts, individual private land practitioners as well as traditional advocates, is of the following view:

1. That the Land Bill has, to a greater extent, succeeded to harmonise the existing legal framework with the aspirations of the Malawi National Land Policy (MNLP)
2. That adequate, and if not more than necessary, consultations have been done on the review of the land related laws
3. That, "yes" there are some contentious issues requiring further dialogue or advocacy.
4. That the contentious issues notwithstanding, the content of the Bills has potential to solve the majority of the land problems of the voiceless and powerless who have waited to legal direction since 1995 to date, a period too long to be persevered
5. That a debate on suitable new land laws that remains unresolved for 14 years (2002 to 2016) is not a fruitful debate and will only victimize the poor and powerless. It also portrays a wrong image of lack of intellectual capacity in the country to dialogue and resolve legal, development and livelihoods crises.
6. That it is not financially and physically feasible to consult 16 million people and 4,500 Chiefs in the country before finalizing a law. Every survey carries a sample population to establish opinions of the community. So those chiefs, smallholder farmers, investors, CSOs, etc that fell within the sample were consulted and they credibly represent the views of the people.
7. That the Bills do provide an enabling environment for improving land governance through decentralised and democratised administration functions;
8. The Bills also provide for and facilitate the domestication of the International Standards for Compensations and Compulsory resettlements. The prevailing land law provides for "no compensation" for Customary Land expropriations.
9. That **the Sate President should expedite his assent to the four bills.**
10. The remaining six bills, especially the "Registered Land (Amendment) Bill, 2016" and the "Lands Acquisition (Amendment) Bill, 2016" must be on the Order Sheet in the next sitting of parliament.

With these observations, it is our view that the President should not further delay assenting to the bills to ensure that communal and private interests on land in Malawi are protected.

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