



**Republic of Malawi  
Ministry of Finance and Economic Affairs**

**Regional Climate Resilience Program for  
Eastern and Southern Africa  
Series of Projects 2 (P181308)  
Malawi**

**Resettlement Policy Framework (RPF)**

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## Acronyms and Abbreviations

*Table 1 Acronyms and Abbreviation*

AIDS	Acquired Immunodeficiency Syndrome
AUC	African Union Commission
CBO	Community-Based Organization
CERC	Contingency Emergency Response Component
CESMP	Contractor’s Environmental and Social Management Plan
CLC	Crisis Response Window
CMC	Catchment Management Committee
CRW	Customary Land Committees
CSO	Civil Society Organization
DC	District Council
DESC	District Environmental Sub-Committee
DDF	District Development Fund
DoDMA	Department of Disaster Management Affairs
EHS	Environment, Health and Safety
EHSG	Environmental Health and Safety Guidelines
EA	Environmental Assessment
EIA	Environmental Impact Assessment
EMA	Environmental Management Act
E&S	Environmental & Social
ENTRO	Eastern Nile Technical Regional Committee
ESCP	Environmental and Social Commitment Plan
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESF	Environmental and Social Framework
ESS	Environmental and Social Standards
EWS	Early Warning System
GBV	Gender-Based Violence
GESD	Governance to Enable Service Delivery
GoM	Government of Malawi
GRM	Grievance Redress Mechanism
GRS	Grievance Redress Service
GVH	Group Village Headman
HIV	Human Immunodeficiency Virus
IDP	Internally Displaced Person
IP	Implementing Partner
IVA	Independent Verification Agent
IVSC	International Valuation Standards Council
LMP	Labor Management Procedures
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MEPA	Malawi Environmental Protection Authority
MoGCDSW	Ministry of Gender, Community Development and Social Welfare

MoFEA	Ministry of Finance and Economic Affairs
MoL	Ministry of Lands
MoWS	Ministry of Water and Sanitation
NGO	Non-Governmental Organization
NLGFC	National Local Government Finance Committee
O&M	Operations & Maintenance
PAD	Program Appraisal Document
PAP	Program-Affected Person
PDC	Payam Development Council
PDO	Program Development Objective
PCU	Program Implementation Unit
POM	Program Operations Manual
PWD	Person with Disability
RAP	Resettlement Action Plan
RCC	Resettlement and Compensation Committee
RCRP	Regional Climate Resilience Program for Eastern and Southern Africa
RPF	Resettlement Policy Framework
RRC	Relief and Rehabilitation Commission
SADC	Southern Africa Development Community
SEA/SH	Sexual Exploitation & Abuse/ Sexual Harassment
SEP	Stakeholder Engagement Plan
SOP	Series of Projects
TA	Technical Assistance
TLMA	Traditional Land Management Area
WB	World Bank

## Glossary of Terms

*Table 2 Glossary of Terms*

Affected Household	A household that stands to suffer some form of asset, property or land losses on a permanent or temporary basis as a result of project related works or activities.
Assets Inventory	Compilation of individual, communal, institutional and public assets that are identified through a survey (i.e. field survey, photos etc) as will be affected by the project.
Assets Register	A list of all compiled properties or assets that will be affected by the project.
Census	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing RAPs.
Communal resources	Assets that are traditionally held by the entire community or public e.g. land, grazing area, trees, etc.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a program at the time the asset needs to be replaced.
Cut-off Date	The date the census and assets inventory of persons affected by the program begins. Persons encroaching on the program area or establishing new assets after the cut-off date are not eligible for compensation and/or any other type of resettlement assistance.
Displacement	Involuntary moving of an asset or person(s) out of a place, or physical or economic impact that affects livelihoods.
Displaced Persons	The people or entities directly affected by a program through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Economic Displacement	Loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood.
Eligibility	Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.
Entitlement	Measures that are put in place to compensate, restore or relocate project affected persons in relation to the nature and extent of their losses (physical or economic) to ensure improvement of their livelihoods.
Grievance Redress Mechanism (GRM)	Complaints mechanism through which PAPs and communities may raise concerns or provide feedback to the Program when they believe the program has caused or may cause them harm. The GRM ensures that complaints are being promptly received, assessed and resolved by those responsible for the program.

Host Community	A host community is any community of people living in or around areas to which people physically displaced by a program will be resettled.
Household	A Household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Involuntary Resettlement	Program-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both.
Involuntary	Actions that may be taken without the displaced person's informed consent or power of choice.
Land Acquisition	The process of acquiring land under the legally mandated procedures of eminent domain.
Livelihood Restoration	The measures required to ensure that PAPs have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-program levels.
Physical Displacement	Relocation, loss of residential land, or loss of shelter.
Program Affected Person (PAP)	PAPs are persons on whom the program has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in; <ul style="list-style-type: none"> <li>a) relocation or loss of shelter;</li> <li>b) loss of assets or access to assets;</li> <li>c) loss of income sources or means of livelihood whether or not the person should move to another location; or</li> <li>d) by the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</li> </ul>
Project Area	An area that is affected by project activities such as construction works.
Public Disclosure	The means of availing project information to the project stakeholders and the general public, especially the environmental and social issues pertaining to the project.
Replacement Cost	Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.



Resettlement		Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures.
Resettlement Action Plan		A resettlement action plan (RAP) is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.
Resettlement Entitlements		Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Valuation		The process of assessing the monetary value of affected assets in-line with prevailing market value(s) to attain full replacement cost(s).
Vulnerable person(s)		An individual who might be adversely affected by the project or have limited ability to claim their rights and entitlements etc due to his/ her physical, mental, economic or social situation.
Voluntary Donation	Land	The ceding of a property by an owner who is: (a) appropriately informed; and (b) can exercise free will, that is, can refuse to donate.

## Executive Summary

### **Background**

Proposed is a second operation of the Regional Climate Resilience Program for Eastern and Southern Africa (RCRP) Series of Projects (SOP) to help countries better prepare for and manage the increasing frequency, intensity, and impact of climate shocks on people, livelihoods, infrastructure, and ecosystems. The proposed second operation under the SOP (SOP-2, or RCRP-2, or the 'Project') includes Malawi and the Africa Union Commission (AUC) and scales up RCRP-1 with complementary investments.

### **Project Description**

The Project Development Objective (PDO) is *to improve the resilience to water-related climate shocks in Malawi and in the Eastern and Southern Africa region*. The RCRP-2 focuses on building resilience by going beyond emergency response, via reducing risk. Water-related climate-related shocks and associated impacts include tropical cyclones, floods, droughts, rainfall variability, and other climate events exacerbated by climate change. The Project components include Component 1. Risk Management and Climate Financing; whose objective is to build regional and national institutional capacity and to strengthen cooperation on climate and disasters risk management and climate financing; Component 2. Infrastructure Investments and Sustainable Asset Management for Climate Resilience; Component 3. Adaptive Climate Services for Resilient Communities; Component 4. Project Management; and Component 5. Contingent Emergency Response Component.

### **Objectives of the Resettlement Policy Framework**

The objectives of this RPF are to establish resettlement principles and organizational arrangements to be applied to Component 2 subproject activities of the Project; provide guidelines for appropriate mitigation and compensation measures for resettlement-related impacts; provide guidelines for the preparation of Resettlement Action Plans (RAPs) for activities that require land acquisition/permanent transfer of land or result in access restrictions or any impact on assets; outline roles and responsibilities of key actors in the preparation and implementation of RAPs, and compliance monitoring of resettlement aspects; provide a framework for meaningful consultations of stakeholders and overall management of grievances.

### **Legal and Policy Framework**

Malawi has a legislative framework in place that regulates land acquisition and involuntary resettlement matters. It includes the Constitution of the Republic of Malawi, the Land Act from 2016, the Lands Acquisition and Compensation Act from 2017, The Registered Land Act from 2016, and the Customary Land Act from 2016. The World Bank's Environmental and Social Standard 5 (ESS5) on Land Acquisition, Restriction on Land Use, and Involuntary Resettlement further applies to the Project. ESS5 recognizes that program-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Program-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. Gaps between the World Bank's ESS5 and Malawi's legislation on Resettlement exist in the following areas: Extent of entitlement; Timing of payments; Relocation and resettlement; Livelihood restoration; and grievance redress mechanisms. Where gaps exist the more stringent measures apply.

### **Project Impacts**

The main land-related risks and impacts are expected under Component 2, specifically in regard to the construction of roads, bridges or culverts and river training, riverbank protection, drainage, dykes, under sub-component 2.1. and the building of dykes, flood bunds, crossings/spillways, drainage channels, gabions, critical infrastructure protection with landscape measures (bunds, elevation, and afforestation), and evacuation centers. Since most infrastructure will be built along the river, the requirements for involuntary land acquisitions may be limited. Embankments or dykes may require small amounts of land along the respective rivers. In some cases, residential structures may be affected, especially in more urban sites along the river, or in smaller settlements built in close proximity to the river. In such cases, it is possible that residential structures have to be removed for the construction of dykes, drainage channels, gabions etc.... Other structures, such as water canals, water pumps or wells can be affected if they are located in close proximity to the river where permanent fixtures are undertaken. The Project, however, will aim to avoid significant impacts in this regard by identifying alternative sites along the river with less significant impacts if available.

### **Institutional Arrangements for Resettlement and Compensations**

This Resettlement Policy Framework lays out how land and resettlement impact will be handled in the implementation of sub-projects. Given the diverse types of rehabilitation and construction activities under the Project and as a result different severity of impacts, every proposed sub-project will be screened by the PCU and classified according to its potential social, economic and environmental risks and impacts. If screening determines that resettlement impacts are likely, resettlement planning, consultation and the preparation of a Resettlement Action Plan (RAP) will be initiated. This will include a socio-economic census based on consultation and participatory approaches. All RAPs developed for sub-project investments will be reviewed by the PCU and the Ministry of Lands, Housing and Urban Development, before submission for approval to the World Bank. In the case where the sub-projects affect livelihoods or income generation, measures will be put in place to improve or at least restore livelihoods and income. RAPs need to be fully implemented prior to commencement of works.

### **Public Consultation and Information Disclosure**

The results of public consultations have contributed to the preparation of this RPF. Consultations were held in the northern, central and southern regions of the country with a variety of local stakeholders in September 2023. Furthermore, stakeholder consultations and participation will be essential for the implementation of the RPF, because they grant potential Project-Affected Persons (PAPs) the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and implementing agencies. Particular attention will be paid to public consultations with PAPs and households when resettlement and compensation concerns are involved. Public consultations will take place at the inception of the planning stages of a sub-project, when the potential land areas are being considered. The information dissemination and consultation strategies will evolve around the provision of a full opportunity for involvement. Therefore, public consultations will be an ongoing activity taking place throughout the entire project cycle.

### **Grievance Mechanism**

Grievance procedures will be implemented to ensure that PAPs can lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures should also ensure that the entitlements are effectively transferred to the intended beneficiaries. PAPs will be informed of the intention to implement the grievance mechanism, and the procedures will be communicated at the time of the preparation of investment-specific RAPs. GRM will be implemented in all sub-project areas. Grievances will be actively managed and tracked to ensure that appropriate

resolution and actions are taken. A clear time schedule will be defined for resolving grievances under each investment, ensuring that they are addressed in an appropriate and timely manner. The grievance procedure will be simple.

### **Capacity Building for Key Actors**

#### **Monitoring**

The arrangements for monitoring will fit the overall monitoring plan of the entire Project. Monitoring will be led by the PCU's M&E Specialist. All RAPs will set major socio-economic goals by which to evaluate their success. The objective of monitoring will be to determine if affected people are satisfied with the actual resettlement process, if they have been paid in full before implementation of any sub-project that is causing resettlement, and if affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it.

#### **Budget**

The indicative budget for RPF implementation covers preparation and implementation of RAPs, capacity building for key actors, operating costs, RAPs completion audits among other items, it is 500,000 USD.

# 1. Introduction

## 1.1 Background

Proposed is a second operation of the Regional Climate Resilience Program for Eastern and Southern Africa (RCRP) Series of Projects (SOP) to help countries better prepare for and manage the increasing frequency, intensity, and impact of climate shocks on people, livelihoods, infrastructure, and ecosystems. The RCRP SOP is structured as a 10-year Series of Projects (SOP) that tackles common challenges amongst countries in the region while benefiting from a programmatic framework that will allow scalability and economies of scale. The first operation under the series was approved in May 2023 (P180171) and details the overall approach (referred to as the 'Program'). RCRP-1 includes four countries (Mozambique, South Sudan, Madagascar, and Comoros), two regional organisations (the Eastern Nile Technical Regional Committee (ENTRO), and the Southern Africa Development Community (SADC). The proposed second operation under the SOP (SOP-2, or RCRP-2, or the 'Project') includes Malawi and the Africa Union Commission (AUC) and scales up RCRP-1 with complementary investments.

The overarching Development Objective of the Series of Projects (SOP) is to strengthen the resilience to water-related climate shocks in Eastern and Southern African countries. The overarching Development Objective of the SOP will be achieved by: (i) strengthening participating countries and regional organizations' capacity to manage disasters risk, including via improved national and regional early warning systems (EWS); (ii) improving access to climate financing to finance climate adaptation investment; (iii) mainstream climate resilience in water infrastructure planning, and generally in water institutions; (iv) increase infrastructure resilience, including by improving O&M systems, with focus on large storage and flood risk management infrastructure; and (v) improve community-level awareness and response capacity, including by establishing/strengthening adaptive social protection systems.

In Malawi, the proposed project will both rehabilitate critical infrastructure impacted by Tropical Cyclone Freddy using Crisis Response Window (CRW) resources and address the more chronic vulnerabilities in the Shire River Basin by investing in critical infrastructure at national and district level; strengthening institutional frameworks and accountability; incorporating climate considerations into the planning, implementation, and operation and maintenance of new infrastructure; and strengthening community resilience and social protection system consistent with SOP 1. This will build a situation whereby people can live sustainably with the flood/drought risk, through a properly overseen and managed basin in terms of its competing uses. The emergency works will include the reconstruction of needed connectivity (roads, bridges, culverts), hydraulic and other critical infrastructure.

The project impact is expected to be overwhelmingly positive, however, in order to ensure that risks and negative environmental or social impacts emerging from this project are addressed, an Environmental and Social Management Framework (ESMF) has been prepared.

Potential land-related risks through sub-projects may lead to land acquisition and resettlement (as per ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement). Key risks and impacts are related to activities under Component 2 on Infrastructure Investments and Sustainable Asset Management for Climate Resilience, as the infrastructure may require land acquisition could lead to involuntary resettlement, loss of assets, create economic displacement or block access to services or private land and property. To allow for the mitigation of land-related risks, this Resettlement Policy Framework (RPF) was prepared, in addition to the ESMF.

## 1.2 Objectives of the RPF

The objectives of this RPF are to:

- Establish resettlement principles and organizational arrangements to be applied to Component 2 subproject activities of the Project.
- Provide guidelines for appropriate mitigation and compensation measures for resettlement-related impacts of Component 2 subproject activities.
- Provide guidelines for the preparation of Resettlement Action Plans (RAPs) for Component 2 activities that require land acquisition/permanent transfer of land or result in access restrictions or any impact on assets.
- Outline roles and responsibilities of key actors in the preparation and implementation of RAPs, and compliance monitoring of resettlement aspects.
- Provide a framework for meaningful consultations of stakeholders and overall management of grievances.

This RPF covers mostly infrastructure investments under Component 2. Upon identification and approval of the respective activities requiring land acquisition, restrictions on land use or involuntary resettlement, separate RAPs will be prepared for each activity or subproject, based on the guidelines and procedures provided in this RPF prior to the implementation of the subproject investments. This RPF is based on the legal framework for resettlement and compensation of the Government of Malawi and the provisions of the World Bank ESS5 on land acquisition, restrictions on land use and involuntary resettlement.

This RPF will be implemented alongside the Project's ESMF, and the Stakeholder Engagement Plan (SEP).

## 1.3 Guiding Principles on Resettlement Issues

The Project ESMF lays out a general Environmental & Social (E&S) screening process for all activities (see ESMF). This initial E&S screening process will identify potential land acquisition, restrictions on land use and involuntary resettlement issues and opportunities for voluntary land donations associated with a specific activities or subprojects. In such cases, mitigation measures have to be considered and implemented in a sustainable manner and in compliance with the requirements of Malawi legislation and the World Bank ESS5.

This RPF clarifies resettlement principles and organizational arrangements for subproject activities. The objectives of the World Bank's Environmental and Social Standard 5 (ESS5) guiding this RPF include:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring program design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost; and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of program implementation, whichever is higher.

- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate access to community services and facilities,
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the program, as the nature of the program may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This RPF sets out resettlement and voluntary land donation procedures accepted by institutional stakeholders and provided with no objection by community stakeholders.

## 1.4 Methodology for the Preparation of the RPF

The preparation of this RPF included a literature review and desk study to assess potential risks and impacts and to develop risk mitigation measures. The reviewed documentation included: The World Bank's Environmental and Social Framework (ESF) to determine applicability, especially of ESS 5; relevant legislation and policies of Malawi; RPFs for other WB-funded programs in the region; Project documents including the Project Concept Note; the Environmental and Social Commitment Plan (ESCP); and the Stakeholder Engagement Plan (SEP).

A variety of national, district and community stakeholder consultations have been completed for the design of the Program and the preparation of its E&S instruments (see section on stakeholder consultations for details).

## 1.5 Approval and Disclosure

The RPF is prepared by the Government of Malawi, after which it is submitted to the World Bank for clearance prior to public disclosure. The instrument will be available at the relevant institutions at all levels. It will also be disclosed at the World Bank external website. For any amendments to the RPF, the same approval and disclosure protocols will be followed. The Program Implementation Unit (PCU) will translate the RPF into local languages and communicate its content at the community level.

# 2. Program Description

## 2.1 Program Development Objective and Program Components

The Project Development Objective (PDO) is *to improve the resilience to water-related climate shocks in Malawi and in the Eastern and Southern Africa region*. Resilience is defined as the capacity of vulnerable households, communities, and systems to withstand shocks effectively, and to recover and adapt sustainably. The RCRP-2 focuses on building resilience by going beyond emergency response, via reducing risk. Water-related climate-related shocks and associated impacts include tropical cyclones, floods, droughts, rainfall variability, and other climate events exacerbated by climate change.

The Project components are as follows:

**Component 1. Risk Management and Climate Financing.** The objective of this component will be to build regional and national institutional capacity and to strengthen cooperation on climate and disasters risk management and climate financing.

Sub-component 1.1. Strategy development. The RCRP will promote a reorientation of development in the larger basins under an integrated management strategy, including a vision on how to live sustainably with floods. Key strategic plans and instruments include:

- a. *Catchment Management Strategies.* The activity will support the restoration of the Shire River basin knowledge base and strategic framework, allow citizen engagement and CMC meetings for broad-based legitimacy of the plan priorities, and support ongoing discussions on water allocations, operational decision support for protection from water risks and enable optimization of water-related development in these Basins. This will include management of a geo-database, updating of hydrological and flood risk modeling, improvements to existing decision support systems, and technically inform activities b and c below. The development of new basin plans and update of the existing ones will be led by National Water Resource Authority in close coordination with the relevant departments.
- b. *Land and forest restoration planning and prioritization for coordinated action in priority degradation hotspot areas.* The activity will update the National Forest Landscape Restoration Strategy (NFLS) which identified forest and land degradation hotspot areas in the country. For each basin, a restoration workplan and budget will be established to facilitate attaining the goals set out in NFLS and meet commitments under Bonn and integrate with District-Led Resilience Building sub-component below, the Village Level Action Plans, and the World Bank financed Climate-Smart Public Works Project.
- c. *Flood-risk mapping and zoning.* This activity will update flood hazard modeling and mapping and adopt an operational flood zoning protocol with land use guidance, hotspot strategies including nature-based solutions and land use restrictions. These maps and zones will become underlying documents for District Physical Development Plans. Spatial solutions within flood zones will aim at “making room for the river” and promoting “living with floods” principles; strengthening infrastructure; integrating early warning, and protecting settlements, allowing for safe flooding.

Sub-component 1.2. Emergency Preparedness and Response & Early Warning Systems (EWS). This activity will support the institutionalization of Government-led emergency management and disaster response capacity at the national, sub-national level and local. At the national level, the component will develop and deploy a government-led Incident Command System (ICS) directed through a National Emergency Operations Center (NEOC), to coordinate disaster response. At the district level, the component will ensure availability of robust sub-national coordination facilities providing links to the NEOC and provide the appropriate equipping and capacity support. At the local level, the component will support local level response teams and community volunteers through equipment and training, in high flood risk areas. A National Disaster Center building, a floor of which will house the NEOC, will be constructed to house the Department of Disaster Management Affairs (DoDMA), the Department of Climate Change and Meteorological Services (DCCMS) and potentially the Department of Water Resources (DWR). The three agencies, all involved in the monitoring, forecasting and dissemination of early warning services in Malawi will be housed together to further coordination in both periods of disaster and non-disaster. The



component will finance key inputs to the Early Warning System, based on an ongoing diagnostic and implementation roadmap which will highlight crucial investments for strengthening and modernizing the EWS system and ensuring appropriate linkage to response operations. Malawi will further benefit from the regionality of the program through data sharing with neighboring countries and regional counterparts on hydromet. Investments in core-network hydromet instrumentation, and communication and better integration on data-sharing will be preceded by the legal adoption of national protocols and standards and adequate staffing and budgeting of recurrent cost by relevant departments. The project will strengthen the functions and coordination of the Department of Climate Change and Meteorological Services, the Department of Water Resources, and the Department of Disaster Management Affairs (DODMA) to coordinate effectively in responding to disasters.

Sub-component 1.3. National Monitoring, Reporting, and Verification (MRV) system. This component will support the establishment of the MRV system for tracking land-use change, forest degradation and deforestation, and associated carbon emissions. The MRV will be centered around strengthening monitoring systems, verification, and reporting procedures for natural resource management, forest degradation and deforestation, and other land-use change related to carbon emissions.

*Biophysical and ecological monitoring:* The project will enhance and expand the current biophysical and ecological monitoring system. This will be achieved by utilizing advanced ICT-based monitoring tools and GIS systems. These systems will streamline the collection of spatially referenced data on soil erosion, sediment load, and biophysical effects. Practical and cost-effective monitoring techniques, including remote sensing, aerial vehicles, and mobile-based reporting, will be applied. The placement of ground monitoring stations and/or community-led monitoring protocols will be prioritized near the river discharge to the Lake and other sensitive areas. Activities will include technical support and capacity building aimed at scaling up the GIS-centered biophysical and ecological monitoring system, including spatially map interventions that have been implemented across the Basin for baseline monitoring. Impact assessments will also be conducted. This activity will establish the basis for impact verification for activities under Component 2 and general monitoring of state of the environment.

*Carbon monitoring and reporting:* The project will build the long-term MRV for tracking forest degradation and deforestation as a start but with aim at expanding it to other sectors in the future. The MRV will be based on the existing knowledge base and will use the monitoring for multiple purposes besides climate finance: performance management, prioritization of interventions, and coordination beyond this project. The Forest Monitoring Unit (FMU), housed within the Department of Forestry, will function as the MRV lead implementer for forest degradation and deforestation.<sup>1</sup> The project support will include equipment, learning, and targeted technical assistance.

## **Component 2. Infrastructure Investments and Sustainable Asset Management for Climate Resilience.**

This Component aims to address the gap in critical infrastructure for climate resilience and catchment management, and to establish a strong institutional framework that incorporates climate considerations into the planning, implementation, and operation and maintenance of infrastructure and catchments. In Malawi, this component will adopt two implementation approaches. The first at basin level and the second at a district level. At both scales, this component will finance activities to strengthen the construction and catchment management and regulatory systems to ensure construction and land restoration works are of better quality and standards to withstand recurring weather events.

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<sup>1</sup> The FMU was established in February 2023 with support from USAID.

Sub-component 2.1. Basin-Level Infrastructure Development: This sub-component focuses on the identification, design, and implementation of key infrastructure. The strategic interventions will incorporate improved design standards, risk responsive design, network redundancy, and coordinated planning. The activities will include two main approaches:

*Rapid reconstruction and rehabilitation of critical connectivity (roads/bridges) and critical hydraulic infrastructure in disaster affected regions.* This rapid reconstruction will be financed with CRW resources. An initial pipeline of required investments has been identified to expediate commencement of implementation. The needs will likely exceed the funds available under the project. Therefore, priority will be given to restoring critical structures and connectivity in the Shire Basin and Blantyre City, which were greatly affected by Tropical cyclone Freddy; and

*New hydraulic infrastructure development.* Construction of longer-term flood resilient hydraulic infrastructure (i.e., river training, riverbank protection, drainage, dykes etc.) that will be informed by the integrated flood risk management plan for key national basins, and with a particular focus on the Shire Basin.<sup>2</sup> An initial pipeline investment pipeline will be identified by an ongoing assessment funded under Malawi Resilience and Disaster Risk Management Project.

Within this component, design services will also include activities beyond the RCRP-2 project financing, to build an investment pipeline for future programs in climate resilience.

Sub-component 2.2. District-Led Resilience Building: The component consists of interconnected parts that target service delivery bottlenecks at national and local levels. At the local-level, the initiative employs a results-driven strategy to enhance infrastructure and landscape management across Malawi's twenty-eight district Local Authorities (LAs). It aims to encourage efficient and responsible performance on climate resilience by LAs in main areas: (a) executing high quality resilience projects that cater to local needs, (b) enhancing the planning, design, execution, and maintenance of vital infrastructure and spatial measures; (c) effective management of district technical and frontline extension service delivery staff; and (d) restoration of degraded forest and land in Malawi. This will be accomplished through Performance-Based Grants (PBGs), which will align with intergovernmental fiscal transfers, substantially increasing funding for development projects outlined in District Development Plans (DDPs). The amount of funding will correspond to each LA's particular risk profile (with larger corresponding PBG amounts expected for high flood risk areas within the Shire Basin), technical capacity for implementation determined through an annual performance assessment, and investment readiness.

The PBGs will operate through Government systems, with the Project introducing standards, guidelines, manuals and third party assistance to strengthen existing national and local Government systems. Similar to and aligned with the Governance to Enable Service Delivery (GESD) framework, the PBGs will complement and amplify the government-funded District Development Fund (DDF). The sub-component will finance PBGs for (a) development of flood hazard maps and flood zoning in support of physical development planning, and Village Level Action Plan development for areas with planned interventions; (b) capital investment projects aligned with LA DDP and Annual Investment Plans (AIP) and in accordance with the agreed investment menu, and (c) execution of O&M plans, seasonal and preventive repairs. The sub-component will be led by National Local Government Finance Committee, supported by relevant Departments, and will be complemented by a robust Technical Assistance engagement during the period of implementation. The component will be fully aligned with the GESD and Social Support for Resilience

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<sup>2</sup> The assessment for the Shire Basin is currently ongoing.

Livelihood Project and function as a platform for coordination, further strengthening joint Project outcomes, through overall district capacity improvements in spatial planning, service delivery and infrastructure management.

The selection and prioritization of investment interventions will be guided by the District Development Plans (DDPs) and pre-agreed menu of resilience interventions<sup>3</sup>. Based on strategic catchment management strategies, the thematic interventions will be identified and prioritized at the basin-level. District priority interventions are identified within the DDP and VLAP, which are informed by the larger strategic catchment management strategy as and when available. Landscape restoration activities will be prioritized by methodology following the NFLS and the National Catchment Management Guidelines.

Access to the PBGs will depend on the capacity of the districts to plan, implement, and monitor infrastructure and catchment management interventions. The first criterion is the need to have adequate technical staffing at district level. During the project implementation timeline, it is expected that the high vacancy rate for technical and extension staff is decreased to a sustainable level. To ensure that investment interventions are implemented in accordance with good practice, the PBGs will be accessible to districts with sufficient capacity for implementation, including technical and engineering, fiduciary, and E&S safeguards. Towards this end, the project will finance filling engineering positions at district level during the first year of implementation. The project will also carry out on-the-job training program for district staff, local contractors and unskilled laborers engaged in the activities. Investment proposals will undergo quality assurance processes through the Project Coordination Unit's clearing house and national guidelines where available, in consultation with the district level staff.

The second criterion is the development of implementable spatial plans and necessary flood maps that will ensure the necessary quality assurance and control mechanisms are in place. Development planning and community engagement at the District-level will be strengthened through structured assessments and planning exercises. The supported Districts will maintain an updated DDP outlining proposed investments and facilitate the inclusion of strategic investments, as well as community consultation. Based on strategic planning, restoration and flood-risk mapping, the local authority will develop fit for purpose plan. The preparation of the plans will allow for enhanced enforcement of flood zones, conservation areas and physical plans for efficient development. The project will develop a positive list of investments, including design procedures, standard designs, drawings and BoQs, typical OHS and E&S safeguards checklists, and O&M arrangements including incorporating these into Foreman training at National Construction Industry Council (NCIC). Infrastructure interventions will implement robust works standards and designs and operationalize good practice O&M for asset management, to embed flood resilient considerations into the siting, design, construction, and operation.

The menu of interventions will ensure focus, quality and manageability of district-level interventions and will broadly include activities that will (i) create space for the river and promote the concept of living with floods. Specific interventions will include, construction or rehabilitation of small flood dykes with safe spillways; expansion of flood bunds and barriers; clearing flood stream or flood plain obstacles; improving storm water drainage; elevating evacuation routes; strengthening river bank; river training, nature-based solutions for flood protection etc.; (ii) improve conservation, reduce sedimentation and flood peak-flows. The interventions will include construction of check dams and flood retention reservoirs, and rehabilitation of degraded landscape, and (iii) strengthen infrastructure and provide sustainable solutions

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<sup>3</sup> Initial menu provided below.

through structured interventions, including construction and rehabilitation of drainage systems, access roads, evacuation centers etc.

*Allocation Formula between ‘determined needs’ and annual performance.* To ensure that LAs receive allocations that reflect their relative needs and incentivize performance in delivery, the allocation formula for the PBG has two elements. The first element is allocated through application of a basic equitable needs-based formula. The design of the formula will be kept simple to promote transparency.

**Component 3. Adaptive Climate Services for Resilient Communities.** This Component aims to enhance community preparedness, engagement and mainstreaming the climate dimension in social protection policy design, operational and budgetary planning.

Sub-component 3.1 Expanding Social Registry in Urban Areas and Piloting Social Protection Public Works. In Malawi, the activities will focus on introducing urban social registry in the Central and Southern Regions (including in the transboundary Shire Basin), to include vulnerable urban populations in social protection programs. This sub-component will finance the design and development of guidelines and training materials for a new urban public works program and will run a small pilot. The guidelines and training materials will then be used to scale up climate smart social protection in urban areas and raise community awareness of climate resilience risks and community level adaptation works. The activity will aim to integrate urban public works social protection programs with regular and seasonal O&M needs of cities to devise a more sustainable and cost-effective approaches for maintaining optimal operations of urban infrastructure.

**Component 4. Project Management.** The project will be coordinated by a Project Coordination Unit (PCU), established under Economic Planning and Development department within the Ministry of Finance to ensure proper coordination between line ministries and between national and district level administrations. This component will finance all project management activities, including equipment and materials, technical assistance and compliance with fiduciary, procurement, and environmental and social risk management requirements, security planning and management, remote supervision, monitoring and evaluation (M&E), impact assessment, and knowledge management and communication, and support to technical activities. This component will also finance the participation of Malawi in the RCRP Regional Steering Committee (RSC) that has been established under RCRP-1 to increase coordination across the region, primarily on the learning and knowledge program; and in other learning events.

**Component 5. Contingent Emergency Response Component.** This component will allow DODMA to respond to any eligible crisis or emergency in a timely manner.

*Table 3 Indicative list of subprojects*

Component / Subcomponent	Type of Activity	Technical Complexity
<b>Component 1. Risk Management and Climate Financing</b>		
	TA to support integrated management strategy	Low

<u>Sub-component</u> <u>1.1. Strategy development</u>	TA for Land and Forest restoration planning	Low
	TA for flood risk mapping	Low
<u>Sub-component</u> <u>1.2. Early Warning Systems (EWS)</u>	TA to improve early warning system and collection of hydromet data	Low
<u>Sub-component</u> <u>1.3. National Monitoring, Reporting, and Verification (MRV) system</u>	TA to support foundations for MRV system	Low
<b>Component 2. Infrastructure Investments and Sustainable Asset Management for Climate Resilience.</b>		
<u>Sub-component</u> <u>2.1. Basin-Level Infrastructure Development</u>	Reconstruction and rehabilitation of critical connectivity (roads/bridges, culverts) and critical hydraulic infrastructure	High
	Construction of longer-term flood resilient hydraulic infrastructure (i.e., river training, riverbank protection, drainage, dykes etc.)	High
<u>Sub-component</u> <u>2.2. District-Led Resilience Building</u>	Development of flood hazard maps and flood zoning in support of physical development planning, and Village Level Action Plan development for areas with planned interventions;	Low
	Execution of O&M plans, seasonal and preventive repairs.	Medium
	Construction or rehabilitation of small flood dykes with safe spillways	Medium
	Expansion of flood bunds and barriers; clearing flood stream or flood plain obstacles; improving storm water drainage; elevating evacuation routes; strengthening riverbank; river training, nature-based solutions for flood protection etc.;	Medium
	Improve conservation, reduce sedimentation and flood peak-flows, including construction of check dams and flood retention reservoirs, and rehabilitation of degraded landscape	Medium
	Strengthen infrastructure and provide sustainable solutions through structured interventions, including construction and rehabilitation of drainage systems, access roads, evacuation centers etc.	High
<b>Component 3. Adaptive Climate Services for Resilient Communities</b>		
	Expanding the urban social registry	Low

<u>Sub-component 3.1</u> <u>Expanding Social</u> <u>Registry in Urban</u> <u>Areas and Piloting</u> <u>Social Protection</u> <u>Public Works.</u>	TA for Guidelines and training	Low
<b>Component 4. Project Management</b>		
	Project management, including E&S risk mitigation	Low
	Participation of Malawi in the RSC	Low

**Menu of Interventions for District-Level Resilience Building under Sub-Component 2.2.**

**A: Creating space to live with floods:**

- Build/Repair Dykes around villages and other critical infrastructure (living with floods)
- Labor intensive low flood bunds (less than 1m high around settlement)
- Build safe crossings/spillways on dykes to enhance structural integrity in case of larger floods
- Moving dykes and embankments off the floodplain
- Lowering small-flood-dykes to makes space for large floods
- Remove flood stream obstacles (increase capacity of culverts and bridges)
- Build resilient drifts/Irish bridges instead of culverts on secondary roads (non-emergency access)
- Create “green rivers” – safe large flood storage/flow branches.
- Storm water drainage channel connected to dykes
- Elevating evacuation routes
- River Bank Sloping and Strengthening, river training (green measures, gabions/reno, cribs)
- Critical infrastructure protection with landscape measures (bunds/elevation/afforestation)
- Increasing natural storage in flood plain (raising outlets in selected natural depressions)
- Evacuation centers for >1:25 year floods

**B: Improving conservation, reducing sedimentation and flood peaks**

- Groundwater recharge swales
- Check dams and retention reservoirs (upstream)
- Environmentally friendly road construction/erosion prevention on roadsides

**C: Menu of non-structural measures:**

- Develop Flood Risk Maps and Flood Zoning with different hazards/flood frequency
- Marking flood plains (1:5 line, 1:50 line, 1:100 line) for land use planning clarity – with priority around settlements.
- Culvert cleaning
- Cutting back banks on smaller streams and drains/remove constrictions
- Catchment conservation (contour ridging, bunds, vegetation, grazing enclosures)
- Wetland protection for flood absorption
- Annual preventive maintenance

- Readiness: stock up bailey bridge parts and passenger ferry for island/Ruo access
- Non-structural: Trainings and awareness raising to strengthen Early Warning System and Response

## 2.2 Program Implementation / Institutional Arrangements

The project will be implemented by a Project Coordination Unit (PCU) located in the Ministry of Finance, Economic Planning, and Development. The PCU will be led by a Project Coordinator and will be responsible for the implementation of Components 1, 3, 4, and Sub-Component 2.1 (b); and the coordination of Component 2. The PCU will consist of an Operations Team (2 Procurement Specialists, Financial Management Specialist; 2 Environmental Safeguards Specialists; 2 Social Safeguards Specialists; 1 OHS Specialist, 2 Engineers, 1 M&E Specialist; 1 Communications Specialist; and 1 Project Admin Assistant) and a Technical Team (Technical Coordinator for District Level Investments; Technical Coordinator for Infrastructure; Technical Coordinator for Catchment & Water Res. Management; and Technical Coordinator for Disaster Risk Management). The PCU will also manage the contracting and supervision of all third-party firms hired under the Project.

Project Implementation Units (PIUs): A PIU located in the Roads Agency in the Ministry of Transport and Public Works and led by a Deputy Project Coordinator will be responsible for the Roads Funds Administration, Sub-Component 2.1 (a). It will consist of an Operations Team (Procurement Specialist, Financial Management Specialist, Environmental Safeguards Specialist, Social Safeguards Specialist, and an OHS Specialist and a GBV Service Provider) and a Technical Team (Transport / Civil Engineer, Technician/Surveyor, other technical positions). A second PIU will be located in the National Local Government Finance Committee (NLGFC) in the Ministry of Local Government and Rural Development. It will be led by a Deputy Project Coordinator and will be responsible for the 28 district councils and the implementation of Sub-component 2.2. It will include a RCRP Team at the District level (supporting on technical and safeguards) and a GESD enabled Team at District level (Directors of Finance and Accounting Officers).

## 2.3 Scope and Nature of Resettlement Impacts

Involuntary resettlement, arising from development projects, often gives rise to severe economic, social and environmental hardships. The hardships stem from the following reasons among others:

- i* Loss of land
- ii* Loss of structures including community assets / structures
- iii* Disruption of production and income generating systems;
- iv* Affected persons' skills being rendered inapplicable in new environments;
- v* Increased competition for resources;
- vi* Weakening of community and social fabric and networks;
- vii* Dispersion of kin groups; and
- viii* Loss of cultural identity.

The Project will develop and apply a transparent targeting methodology in dialogue with stakeholders to identify and support interventions at the level of sub-projects.



## 2.4. Displacement Implications

Table 4 Summary of relevant activities and displacement implications

Relevant Activities	Potential Impacts
<p><u>Sub-component 2.1. Basin-Level Infrastructure Development</u></p> <p>Reconstruction and rehabilitation of critical connectivity (roads/bridges, culverts) and critical hydraulic infrastructure</p> <p>Construction of longer-term flood resilient hydraulic infrastructure (i.e., river training, riverbank protection, drainage, dykes etc.)</p>	<ul style="list-style-type: none"> <li>• Permanent loss of land due to permanent land acquisition for construction of roads, bridges and culverts, dykes, etc...</li> <li>• Temporary loss of land due to construction and rehabilitation activities.</li> <li>• Permanent loss of residential structures, especially in more urban sites along the river, or in smaller settlements that are built in close proximity to the river.</li> <li>• Permanent loss of other structures, such as water canals or water pumps, or wells as they are located in close proximity to the river.</li> <li>• Permanent loss of access to livelihoods (e.g. sand in the river, fishing) through rehabilitation and construction activities.</li> <li>• Temporary loss of access to livelihoods during construction activities.</li> <li>• Loss of assets, sources of income or means of livelihoods through rehabilitation and construction activities, for example where crops or fruit trees have to be removed.</li> <li>• Loss of irrigation water</li> <li>• Potential for conflict over water resources or land and property by different groups. Land ownership may be contested</li> <li>• Displacements in areas where construction materials are sourced and extracted.</li> <li>• Temporary or permanent loss of / loss of access to community structures/assets such as wells, graves etc.</li> </ul>

Sub-component 2.2. District-Led Resilience Building

Creating space to live with floods: Build/Repair dykes around villages and other critical infrastructure; Labor-intensive low flood bunds (less than 1m high around settlement); Construction of safe crossings/spillways; Moving dykes and embankments off the floodplain; Lowering small-flood-dykes to make space for large floods; Remove flood stream obstacles (increase capacity of culverts and bridges); Build resilient drifts/Irish bridges; Create “green rivers” – safe large flood storage/flow branches; Storm water drainage channel connected to dykes; Elevating of evacuation routes; River Bank Sloping and Strengthening, river training (green measures, gabions/reno, cribs); Critical infrastructure protection with landscape measures (bunds/elevation/afforestation); Increasing natural storage in flood plain (raising outlets in selected natural depressions); Evacuation centers for >1:25 year floods

Improving conservation, reducing sedimentations and flood peaks: Groundwater recharge swales; Check dams and retention reservoirs (upstream); Environmentally friendly road construction/erosion prevention on roadsides

Non-structural measures: Develop Flood Risk Maps and Flood Zoning; Marking flood plains; Culvert cleaning; Cutting back banks on smaller streams and drains/remove constrictions; Catchment conservation (contour ridging, bunds, vegetation, grazing enclosures); Wetland protection for flood absorption; Annual preventive maintenance; Stock up bailey bridge parts and passenger ferry for island/Ruo access

- Permanent loss of land due to permanent land acquisition for construction of dykes, flood bunds, drainage channels, gabions, roads, etc...
- Temporary loss of land due to construction and rehabilitation activities
- Permanent loss of residential structures, especially in more urban sites along the river, or in smaller settlements that are built in close proximity to the river.
- Permanent loss of other structures, such as water canals or water pumps, or wells as they are located in close proximity to the river.
- Permanent loss of access to livelihoods (e.g. sand in the river, fishing) through rehabilitation and construction activities.
- Temporary loss of access to livelihoods during construction activities.
- Loss of assets, sources of income or means of livelihoods through rehabilitation and construction activities, for example where crops or fruit trees have to be removed.
- Loss of irrigation water
- Potential for conflict over water resources or land and property by different groups. Land ownership may be contested
- Displacements in areas where construction materials are sourced and extracted.
- Temporary or permanent loss of / loss of access to community structures/assets such as wells, graves etc.

The main land-related risks and impacts are expected under Component 2, specifically in regard to the construction of roads, bridges or culverts and river training, riverbank protection, drainage, dykes, under sub-component 2.1. and the building of dykes, flood bunds, crossings/spillways, drainage channels, gabions, critical infrastructure protection with landscape measures (bunds, elevation, and afforestation), and evacuation centers. Since most infrastructure will be built along the river, the requirements for involuntary land acquisitions may be limited. Embankments or dykes may require small amounts of land along the respective rivers. For example, depending on the design of the embankment, some 10-15 meters of land along the river may be required at the selected location for the embankment. Similarly, bridges, culverts and river training, flood bunds, crossings/spillways, drainage channels, gabions may require small amounts of land. Landscaping measures, such as afforestation may need to be undertaken on privately owned land. Infrastructure activities are likely to be implemented in both urban and rural areas.

In some cases, residential structures may be affected, especially in more urban sites along the river, or in smaller settlements built in close proximity to the river. In such cases, it is possible that residential structures have to be removed for the construction of dykes, drainage channels, gabions etc.... Other structures, such as water canals, water pumps or wells can be affected if they are located in close proximity to the river where permanent fixtures are undertaken. The Project, however, will aim to avoid significant impacts in this regard by identifying alternative sites along the river with less significant impacts if available.

Farmers may have planted crops close to the river shore, or maintain and harvest fruit trees along the river. Crops and trees may be impacted by the space required for the construction of dykes, drainages or other fixtures.

Where communities rely on fishing, their livelihoods may be affected temporarily rehabilitation works or construction, or long-term where access to the river is made difficult. Other impacts on livelihoods may include instances where people extract resources from the river, such as sand for construction. Subprojects may therefore create restrictions on access to livelihoods.

Land and resettlement questions may also occur in places where construction materials are sourced and extracted.

Some individuals or households could be vulnerable, for example where they include women, girls, women- or child- headed households, youth, children, PWD, or persons living with HIV/AIDS. Most land-related decisions are taken by community leaders and local authorities, who are likely to be men. This can put women into a particularly vulnerable position with regard to land and resettlement matters. The program will pay attention to gender inequalities and other vulnerabilities in land acquisition matters and will generally provide special support to vulnerable groups in compensation and resettlement processes.

### 3. Stakeholder Consultations Conducted to Date

Preliminary consultations were undertaken from 5 to 9 June 2023 to define the concept of the Project, including its development objective, components and activities, as well as implementation arrangements, timeline and roadmap for preparations, and necessary analytical work in support of integrated approaches to floods, catchment and basin climate resilience. Consulted stakeholders included officials

from the Ministry of Finance and Economic Affairs (MoFEA), the Ministry of Water and Sanitation (MoWS), Department of Disaster Management Affairs (DODMA), Ministry of Natural Resources and Climate Change (MoNRCC), Ministry of Agriculture (MoA), and from the Ministry of Transport and Public Works and Roads Authority (see Annex 4). Considering that stakeholders engagement is a continuous process, consultations will continue to be done throughout the project cycle.

Consultations clarified the required rationale of the Project. Stakeholders pointed out that Malawi is exposed to several hydro-meteorological hazards including floods, droughts, hailstorms, strong winds and landslides, and geo-hazards, notably earthquakes. Between 1980 to 2017, Malawi experienced eight major droughts and 33 floods. The drought in 2016 affected 6.5 million people, which is over a third of the total population. Since the devastating 2015 cyclone Chedza, the country has experienced Cyclones Idai (2019), Ana, Gombe (2022) and most recently, Tropical Storm Freddy (2023), all of which have led to significant loss of life, loss of livelihoods, and damage to infrastructure. Given these trends there is an urgent need to develop a program, breaking the cycle of recurrent reconstruction projects, blending needed critical infrastructure and cyclone recovery with a longer-term resilience and institutional strengthening agenda.

It was further decided that the proposed operations will build on foundation laid by the Shire River Basin Management Program (SRBMP – P117617 - closed) and Malawi Flood Emergency and Recovery Project (MFERP - 154803) on basin planning, hydromet services improvement and flood Management. The Project will further coordinate with Malawi Watershed Improvement Project (MWASIP - 167860) and Malawi Resilient and Disaster Risk Management Project (MRDRMP - 161392). Flow of resources to District Council will follow Governance to Enable Service Delivery (GESD – P164961) approach.

Key principles of engagement discussed for the Project included that with increased climate volatility, as well as mounting land use pressures, limited progress in reducing vulnerability, the frequency and intensity of water-related disasters, and associated recovery and reconstruction needs have increased over the years, so much so that a “new normal” has been created. The aim for this Project is to respond to the current cyclonic event, while also zooming out and providing a reset in the way disasters are anticipated, managed, and averted. Based on experience of the last decade, the planned interventions, as well as the implementation arrangements, are designed to: a) Advance a vision of “Living with floods”: Bring back a coherent vision for natural resources management/water resources management and flood risk management for the Shire Basin and indeed the country as a whole. This vision should integrate spatially different functions, needs and risks of natural resource use and flood risk management; b) Design a “GESD for climate resilience”: Decentralize implementation and accountability to communities at risk and embed climate resilience capacity within districts, building on other project experience; c) Integrate “Performance-based lending”: Reward performance and pay for results (within the World Bank IPF) and build capacity for increased performance-based lending; d) Establish “Rules of the game”: Focus on enforcement of rules (e.g., flood zoning), and sustainable O&M; and d) Secure “High level commitment”: A series of investments without accompanying policy and commitment to enforcement will not bring desired results. Prior to appraisal, high level endorsement of policy and performance criteria will be sought.

The Project team has prepared a Project-level Stakeholder Engagement Plan (SEP), which lays out all further stakeholder engagements throughout project preparation and implementation. The SEP maps applicable stakeholders, including vulnerable groups in the Project region. It further lays out modalities through which these stakeholders can be reach in order to disseminate project-relevant information and to ensure continuous consultations on Project details as well as E&S measures.

Further stakeholder consultations were undertaken at the local level, including with District Councils and NGOs in September 2023. Consultations were held in the southern regions, central region and northern region (see Annex 2 for stakeholder details). A summary of the issues raised during the consultations and the responses from the Project preparation team are listed in the table below.

Stakeholder consultations with community groups, specifically vulnerable groups, will be conducted in preparation of site-specific subprojects, results will be included in the site-specific E&S instruments.

Table 5 Local stakeholder consultation inputs

	<b>Main issues raised Comment</b>	<b>Response</b>	<b>Institution that raised the issue or comment</b>
1	There is need to provide clarity on whether the financial resources for project implementation are a loan or grant or both.	The project is a grant.	Chiradzulu District Council
2	It is proposed that through this Project, District Councils should be capacitated to respond to disasters as quickly as possible. In addition, other institutions, like Malawi Defense Force should also be assisted so that it is able to respond to disasters as well.	This proposal has been noted. Under the project, there is a component to promote an early warning system that can also assist councils to timely respond to disasters, especially floods.	Phalombe District Council
3	Some districts, like Phalombe, are prone to disasters caused by landslides. There is a need to conduct studies on the geology of such districts so that people are well informed to take precautionary measures.	This request is noted. The studies however will depend on the availability of resources and time.	Phalombe District Council
4	One of the reasons why most of the infrastructure in District Councils does not withstand disasters, such as floods is the poor workmanship. As the rehabilitation of infrastructure affected by Cyclone Freddy will be carried out, there will be a need to ensure that well-qualified engineers have been engaged. In addition, there is a need to ensure that affected District Councils have qualified engineers to supervise the works. The government, through District Councils, should find a way of providing incentives to engineers so that they can work in councils and rural areas.	Contractors who will be hired to rebuild or rehabilitate damaged infrastructure will have requisite qualifications and experience. Likewise, supervising engineers will have the required experience and qualifications.	Kaume DPD
5	One of the proposed activities under the RCRP is carrying out GIS mapping of the flood-prone areas in the districts. This will assist Councils to come up with proper settlement plans. Without this mapping, people will be constructing houses in flood-prone areas.	This has been noted. There is, however, a need to come up with a proper justification to ensure that the proposed activity is in line with the Project Development Objective (PDO).	Blantyre District Council
6	District Councils need guidance on how much resources will be allocated to them. This information will assist Councils in coming up with activities.	The amount that will be allocated to Councils will depend on the cost of rehabilitation of damaged infrastructure after assessments.	Ganzani Nkhwazi
7	Most of the District Councils in Malawi do not have Environmental District Officers. The government should therefore assist in the recruitment of Environmental District Officers to ensure that applicable environmental and social standards are	This is noted. RCRP will have a management unit that will engage an Environmental Safeguards Specialist who will work with District Councils to ensure that applicable environmental and social standards are being	Rumphi District Council

	<b>Main issues raised Comment</b>	<b>Response</b>	<b>Institution that raised the issue or comment</b>
	being followed during project implementation.	followed during project implementation.	
8	Extension workers in District Councils that will be implementing infrastructure projects under RCRP should be assisted with motorcycles to ease mobility challenges.	This will depend on the availability of resources.	Rumphi District Council
9	One of the proposed activities under the project is the development of ' <i>District Development Plans</i> '. This will ensure that infrastructure is resilient to floods and other disasters such as earthquakes	This has been noted. There is a need however to come up with proper justification to ensure that the proposed activity is in line with the Project Development Objectives (PDO).	Mzimba District Council
10	The development of the Environmental and Social Framework (ESMF) is critical to the successful implementation of the project. As such respective District Councils should be engaged more so that they have input in its development.	Consultations with various stakeholders during the preparation of safeguard instruments including ESMF is an ongoing process. Engagement with stakeholders, including district councils and beneficiary communities will continue till the instruments are finalized.	Chitipa District Council
11	Forest Landscape Restoration Plan. How can this be integrated into the RCRP?		Mzimba District Council
12	The implementation of the RCRP should also take into consideration the cultural aspect of the beneficiary communities.	During project implementation, cultural aspects of beneficiary communities will be considered. Issues of culture will also be covered in the code of conduct that will be signed by workers including migrant workers under the project.	Kasungu District Council
13	During cyclone Freddy some people were displaced. Will these be compensated under the RCRP?	RCRP will mainly rehabilitate infrastructure damaged by Cyclone Freddy. However, issues of resettlement or compensation under the project will be guided by the Resettlement Policy Framework that has been developed under the project.	Rumphi District Council
14	Will the allocation of financial resources for RCRP depend on the size of the district?	The financial resources that will be allocated per district will be dependent on the amount of money that will be required to repair, rehabilitate rebuild infrastructure that was damaged by Cyclone Freddy.	Chitipa District Council
15	Are councils going to be given ceilings?	There will be no ceilings provided. Councils should submit their prioritized initiatives for enhancing resilience and recovery. Resources to be allocated on a need basis	Mwanza District Council

	<b>Main issues raised Comment</b>	<b>Response</b>	<b>Institution that raised the issue or comment</b>
16	Is the template going to be provided to guide the submissions?	A template will be circulated on the DPD's mailing list to guide the submissions,	Salima District Council
17	Some disasters are periodic and tricky. How is this going to be taken into account?	Councils are free to make proposals. In Chikwawa for example, Ministry of Lands piloted a District Development Plan and Local Land Use Plans to ensure coordinated land use and sustainable development incorporating periodic disasters	Ntcheu District Council
18	Are all Councils going to examine the three components presented?	Councils affected by Freddy will implement activities for recovery but also enhancing resilience to shocks. The other Councils will only focus on resilience building	Lilongwe District Council



## 4. Legal, Institutional and Policy Framework

This chapter reviews the policy and legal framework on resettlement and land-related issues.

### 4.1 Policy Framework

**The Malawi National Land Policy (2002)** The Malawi National Land Policy focuses on land as a basic resource common to all people of Malawi for enhancement of socio-economic development. Section 4.11 affirms equitable access to land to all citizens of Malawi. The policy recognizes human settlement and agriculture as the major benefactor of land use. As such, the policy advocates for orderly resettlements of villages or households especially in rich agricultural zones. Furthermore, the policy guarantees full legal protection to customary land tenure to the people of Malawi to enable the ordinary Malawians adequately participate in subsistence farming and socio-economic development activities. The Malawi National Land Policy of 2002 also advocates for fair compensation on open market value to local people on all classes of land (whether held under customary land tenure or leasehold) in case such land is acquired for public interest or for development of public infrastructure. In reference to relocation of displaced people, the policy advocates adequate consultations with the affected people so that their interests are taken care of. Such provisions will be made in the project for consideration of acquisition of land for some selected infrastructure.

**Malawi National Gender Policy (2015):** The Policy appreciates that gender inequality is a significant constraint to socio-economic growth and poverty reduction. The policy specifies that Government has a responsibility to integrate gender into the development, design, implementation, and monitoring of different development programs. According to this Policy, Government of Malawi is expected to implement a constitutional obligation of building a society where men, women, boys and girls equally and effectively participate in and benefit from different development processes.

**Malawi National HIV and AIDS Policy (2016):** The Malawi National HIV and AIDS policy was adopted by the Government in 2003 to prevent HIV infections, reduce vulnerability to HIV, improve the provision of treatment, care and support for people living with HIV and AIDS and mitigate the socioeconomic impact of HIV and AIDS on individuals, families, communities and the nation. Chapter 7 of the Policy observes that in workplaces unfair discrimination against people living with HIV and AIDS has been perpetuated through practices such as pre-employment HIV and AIDS testing, dismissal for being HIV and AIDS positive and the denial of employee benefits if known to be infected. HIV and AIDS affects every workplace. Absenteeism and death impact on productivity, employee benefits, production costs and workplace morale.

**National Youth Policy (2013).** The policy seeks to promote a sense of individual responsibility among Malawian youth towards their communities. It also stipulates principles and values, including active involvement of the youth in decision-making and national development programs and policy debates.

**National Policy on Equalization of Opportunities for Persons with Disabilities (2006).** The policy aims to promote inclusivity and equal rights for individuals with disabilities. The policy addresses various aspects, including accessibility to education, healthcare, employment, and social services. It emphasizes the removal of barriers and discrimination, as well as participation of people with disabilities in society.

**National Social Support Policy (2012):** The policy aims to provide a safety net for vulnerable populations. It focuses on improving the living conditions of marginalized groups, including orphans, elderly, and people with disabilities through various social support programs. It emphasizes access to basic needs like food, healthcare, and education, while also promoting economic empowerment and community-based initiatives.

## 4.2 Legal Framework

**The Constitution of the Republic of Malawi (1995)** is the supreme law of the land. All other pieces of legislation or acts of government are valid to the extent of their consistency with the Constitution.

According to section 5 of the Constitution, “Any Act of Government or any law that is inconsistent with the provisions of this Constitution shall, to the extent of such inconsistency, be invalid”. It is therefore, imperative that the project complies with this and any other relevant laws. Under Section 13 of the Constitution, the State has the responsibility to ensure gender equality, through the full participation of women in all spheres of Malawian society on the basis of equality with men, implementation of the principles of non-discrimination, the implementation of policies to address social issues that include lack of economic exploitation and rights to property.

Section 13 (d) provides for the State to manage the environment responsibly in order to prevent the degradation of the environment, provide a healthy living and working environment for the people of Malawi, accord full recognition to the rights of future generations by means of environmental protection and the sustainable development of natural resources; and conserve and enhance the biological diversity of Malawi. Section 30 provides for the State to take all necessary measures for the realization of the right to development. The State shall take measures to introduce reforms aimed at eradicating social injustices and inequalities.

In terms of equality, generally, Section 20 of the Constitution prohibits discrimination of any form and on account of any status. Women have special protection under section 24 of the Constitution in that “Women have the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status which includes (a) to be accorded the same rights as men in civil law, including equal capacity to (i) enter into contracts, (ii) acquire and maintain rights in property, independently or in association with others, regardless of their marital status...and any law that discriminates against women on the basis of gender or marital status is invalid...” Special recognition of women’s rights under the project is therefore necessary where applicable. Cultural practices that tend to discriminate against women need to be handled cautiously under the project.

Regarding protection of property rights, the Constitution has three key sections on the subject (Section 28, 24 and 44). Section 24 concerns women’s rights as discussed above. On the other hand, Section 28 entrenches the right to property. It provides that “Every person shall be able to acquire property alone or in association with others, and that no person shall be arbitrarily deprived of property. According to Section 44(2) “expropriation of property shall be permissible only when done for public utility and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law”. In Malawi, the courts have held that this constitutional protection of property rights avails to customary and registered land alike.

The same Constitution in section 44(1) says that no restriction or limitation may be placed on any constitutional rights unless such restriction is prescribed by law, is reasonable, is recognized by international human rights standards and is necessary in an open and democratic society. It needs to be noted that this criterion is cumulative.

**The Land Act 2016:** is the principal legislation dealing with land tenure and land use. It repealed the Land Act 1965. Sections 6 and 8 of the Land Act reiterate the Constitutional provisions that all land is vested in perpetuity in the Republic. The Act provides that all land is administered by the Commissioner of Lands on behalf of the Republic and the Minister responsible for land matters, who may delegate any of the powers and duties conferred on him to the Commissioner. Section 7 of the Act recognizes two categories of land namely; public land and private land.

**Land Tenure Regimes in Malawi:** Malawi embraces capitalistic ideals with regard to land ownership. There are six distinct land tenure classes existing in Malawi. The implementation of the Project will likely involve land access to any one of the classes. Furthermore, cases of construction of new subprojects within selected sites would trigger land tenure and access changes. The description and extents of the classes of land in Malawi are as follows:

Customary Land: This is land held in trust for all people of Malawi by the State President, who delegates his authority to traditional chiefs. This constitutes about 75% of the total 9.5 million hectares of land. The land is commonly held and distributed to the people by local chiefs. Although each person has recognized ownership to a piece of land, he or she cannot trade it as the land can be reassigned to other people in case the chiefs deem it fit. A coherent system in the distribution of land exists in both patrilineal and matrilineal societies. This system has allowed smallholder agriculture to survive without access to bank loans.

Leasehold Land: This is part of private land that is leased by individuals or other legal residents. The lease period varies according to type of use that someone has applied for. Currently these falls into three groups of 3 to 21 years old leases for agricultural uses, 33 to 99 years old for property and infrastructure development, and more than 99-year leases for those who would wish to sublease to tenants of 99 years. About 8% of the land in Malawi is in this category.

Registered Land: This is grouped into two classes called customary registered and adjudicated land. The first exists in Lilongwe District only. This land is registered in the family leader name with all family names in that area registered including the size of their land holdings. Their implicit freehold status as the families can trade its holding by leasing out or selling bits of it with groups consent. Loans can therefore be obtained on strength of their certificates to the land. The second class is a simplified leasehold system, which allows owners to have certificates for their pieces of land based on survey and registration number. This is common in the urban areas, but has been applied in rural areas for agricultural, commercial and residential uses.

Freehold Land: This is land, which has been granted to persons for perpetuity. The government has no specific control on transactions except on planning permission on uses. This lease is now limited to Malawian citizenship only. It is difficult to enforce conservation measures on this land because of the exclusivity, which the persons enjoy.

Government Land: The land which is owned and used by government for public utilities, schools, hospitals, government offices and other properties, markets, government farms and other public goods throughout the country.

Public Land: Land managed by agencies of the government and traditional leaders in trusts for the people of Malawi, openly used or accessible to the public at large. This includes catchment areas, protected forest reserves, national parks, game reserves, dambos (flood plains), community forests, river lines, flood plains, wet lands, military sites and others. The Act defines public land as land held in trust for the people of Malawi and managed by Government, a local government authority and a Traditional Authority. Public land includes any land held by Government or a local government authority consequent upon a reversion thereof to the Government or local government authority on the termination, surrender or falling in of any freehold or leasehold estate therein pursuant to any covenant or by operation of law; Land acquired and privately owned by Government or a local government authority used for dedicated purposes such as Government buildings, schools, hospitals and public infrastructure; Land gazetted for national parks, recreation areas, forest reserves, conservation areas, historic and cultural sites; Land vested in Government as a result of uncertain ownership, abandonment or land that cannot be used for any purposes; and unallocated and communal land within the boundaries of a Traditional Land Management Area.

Private Land is defined as all land which is owned, held or occupied under a freehold title, leasehold title or as a customary estate or which is registered as private land under the registered Land Act. Customary estate means any customary land which is owned, held or occupied as private land within a traditional land management area, and which is registered as private land under the registered Land Act. Customary land means all land used for the benefit of the community and includes unallocated customary land within the boundaries of a traditional land management area. Freehold is defined as an estate which is held in perpetuity and a lease includes an agreement for lease.

### ***Relevant Provisions***

Section 12 of the Act empowers the Minister responsible for lands to make and execute grants, leases or other dispositions of public land classified as Government land for any such estates, interests or terms and for such purposes and on such terms as and conditions as he may think fit. Section 21 of the Act enables the Minister, upon application by any person in a prescribed manner, to grant or allocate leasehold or customary estate on terms and conditions as he may determine, however according to Section 22 he cannot grant freehold title.

Section 36 places restrictions on a person to sell or otherwise to convey, lease, transfer or assign any private land without prior written consent of the Minister or local government authority to sell, convey, lease, transfer or assign the land. The granting or refusal of consent must be communicated to the person who intends to sell within 30 days of receipt of the written notice. The provisions of this section do not apply to sale, conveyance, lease, transfer or assignment by or direct to the Government, any agreement to lease for a non-renewable term of not more than 3 years, a sale pursuant to an order of court by any officer in the public service acting in his official capacity and pursuant to any written law and any mortgage or other hypothecation for repayment of money lent in good faith.

Section 39 provides that where a holder of private land under freehold title has not developed the land and not shown his intention to develop or dispose of it within 2 years from the date of registration the Minister may in writing demand voluntary surrender of that land to the Government and if there is no

voluntary surrender the Minister may acquire the land under the Lands Acquisition Act and its 2016 Amendment or exercise powers under section 64 of the Physical Planning Act 2016.

Part VII deals with trespass or encroachment upon, or unlawful occupation of, land. Section 45 enables a magistrate with relevant jurisdiction, upon complaint by a person claiming to have lawful title to the land, to issue summons against an alleged trespasser, encroacher, or unlawful user or occupier (defendant) requiring him to attend court. If the magistrate is satisfied that the defendant has trespassed, encroached or unlawfully occupied the said land, the magistrate may make an order requiring the defendant to vacate land within 7 days or longer. The number of days to vacate land depends on a number of factors including; how long it would take the defendant to take down or remove structures, buildings, fences or improvements of any kind erected on the land; how long it will take the defendant to harvest, collect, take in or remove crops, plants, trees and shrubs and to how long it will take the defendant to remove any chattels belonging to him. Failure to comply with the Court order could lead to forced removal from the land by an authorized officer, police officer or officer of the court. The Land Act emphasizes the fact that procedures under Part VII must be in accordance with the Courts Act.

Section 17 enables the Minister to acquire unallocated customary land for public utility purposes. The section provides that where it appears to the Minister that unallocated customary land is needed for public utility, the Minister shall serve notice upon the Traditional Authority within whose traditional land management area the customary land is situated. Section 18 provides that any person who suffers disturbance of, or loss or damage to any interest which he may have or may have had in such land because of the land being acquired for public utility purposes, under Section 17, should be paid such compensation for such disturbance, loss or damage as is reasonable.

**The Lands Acquisition and Compensation Act No. 9 of 2017** has amended some provisions of the Lands Acquisition Act, the main one being that the Amendment Act now provides for the acquisition and compensation of land in the citation.

Section 3 of the Act read with the Amendment Act, empowers the Minister responsible for lands whenever he is of the opinion that it is desirable or expedient in the interests of Malawi, to acquire land for public utility, either compulsorily or by agreement, and pay compensation as may be agreed or determined under the Act.

Sections 5-7 of the Act provide for the issuing of notices upon the persons who are possessed of an interest in the land. According to section 12 of the Amended Act when a notice to acquire land has been issued and published, the land shall revert to the Government as public land within 2 months of the publication of the notice.

Section 9 as amended provides for the payment of compensation. It provides that where any land is acquired by the Minister under this Act the Minister shall pay in respect thereof appropriate compensation agreed or determined in accordance with the provisions of this Act. The Amendment Act further provides that compensation shall be paid in one lump sum; therefore, the assumption is that compensation shall only be monetary.

Amended provisions relating to assessment of appropriate compensation provide that an assessment is to be done by an independent valuer appointed by the Minister, unless the parties agree otherwise. The Amendment to the Act also provides information on the grounds on which compensation can be calculated which include; loss of occupational rights, loss of land, costs of professional advice and

disturbances which are a natural and reasonable consequence of the disposition of land. The Amendment has inserted substantive provisions on matters to be taken into consideration in assessing compensation for alienated land under section 10A.

Section 11 of the Act deals with the effect of payment of the compensation and states that a person who has been paid compensation for land cannot make further claims in respect of the land. However, this does not prevent any subsequent proceedings against the person to whom the same was awarded by any person claiming to have a better right to the compensation or the right to a share thereof.

**The Registered Land Act (2016):** The Act makes provision for the registration of title to land and for dealings in land that has been registered. The Act has been amended several times since 1967 with the most current amendments passed in 2016. The Amendment Act amends some provisions in the Registered Land Act including new definitions of customary estate and land to ensure conformity with the Land Act, 2016.

**The Customary Land Act 2016** provides for the management and administration of customary land and for matters connected therewith and incidental thereto. Customary land means all land used for the benefit of the community as a whole and includes unallocated customary land within the boundaries of a traditional land management area, including:

- a) Land within the boundaries of a Traditional Land Management Area other than Government or reserved land;
- b) Land designated as customary land under the Land Act, 2016;
- c) Land and boundaries demarcated as customary land under any written law or administrative procedure in force at any time before this Act came into operation whether that demarcation has been formally approved or published in the gazette;
- d) Land, the boundaries of which have been agreed upon by a land committee claiming jurisdiction over that land.

The Act establishes “customary estates”, which is customary land owned, held or occupied as private land within a traditional land management area and which is registered as private land under the Registered Land Act 2016. As such, customary land will no longer be treated as valueless commodity, but will be given equal value as any privately-owned land such as leasehold or freehold (Government of Malawi, 2017).

In terms of operation, the Customary Land Act 2016 creates customary land committees (CLCs) at group village headman (GVH) level to manage land within a Traditional Land Management Area (TLMA). The CLC will be chaired by a GVH and will have six elected members from the community, three of which will be women. In discharging its duties, the CLC shall, among others, have regard for the principle of sustainable development and the relationship between land use, natural resources and the environment contiguous to the customary land; seek and consider views of other local government authorities having jurisdiction in the TLMA; and not allocate land or grant a customary estate without the prior approval of the relevant Traditional Authority. Local government authorities shall provide advice and guidance based on the same being originating from the Commissioner of Lands. Local government authorities will oversee the operations of the CLCs (Government of Malawi, 2017).

The Customary Land Act 2016 defines the terms for customary land in a Traditional Land Management Area transfer to Government or reserve land for public interest. It also focuses on the Declaration of

Hazardous Land, on grant and management of customary estates, on adjudication of interest in customary land and on dispute settlement.

The essence of community ownership and control is that all members of a particular community have access to land and all its products without exception and that the role of chiefs is to ensure not only political protection for the community but, essentially, a more equitable distribution of that land among current members of the community and future generations.

**The Land Survey Act (2016)** provides for land surveys, the establishment of the Land Surveyors Registration Board, the licensing and control of land surveys, survey marks and boundaries and the establishment of the Malawi Geographic Information Council.

**The Physical Planning Act (2016):** The Act repeals the Town and Country Planning Act. It provides for physical planning and the orderly and progressive development of land in both rural and urban areas and for issues relating to the grant of permission to develop land and for other powers of control over the use of land. The Act is administered by the Commissioner for Physical Planning and also provides for the establishment of the Physical Planning Council. The Act provides for development permission including application forms, processing and revocation. Section 54 provides that a person shall not commence the development of any subdivision of any land unless he first obtains a grant of development permission. In addition, a person applying for the registration of any land under the Registered Land Act must attach a copy of the grant of development permission in order for his documents to be considered.

Part VII of the Act deals with acquisition of land and compensation. The section provides that the Minister may acquire any land, either compulsorily or by agreement if it is considered desirable or expedient in the interests of the implementation of any plan of the proper control and furtherance of development of any land under the Act. Compensation will be paid in accordance with the Lands Acquisition Act as amended. Section 68 of the Act provides for occasions when compensation is payable for planning actions, section 69 deals with how compensation can be assessed and section 70 provides for how a claim for compensation can be made. The Second Schedule of the Act is on the calculation of compensation under section 68.

The Act provides for circumstances when an appeal can be made and the fact that an appeal can be made to the Council. A person aggrieved by a decision of the Council may apply to the High Court for judicial review.

**The Local Government Amendment Act (2017)** consolidates the law relating to local Government. Section 34 of the 1998 Act, provides for the acquisition of land by Agreement. It states that for the purpose of (a) any of its functions under this Act or any other written law; or (b) the benefit, improvement or development of its area, the Assembly may acquire whether by way of purchase, lease, exchange or gift, any land, whether situated inside or outside its area. Subsection 2 of Section 34 of the 1998 Act has been deleted and substituted with a new Subsection 2 that provides that subject to the provisions of the Land Acquisition Act, the Council may acquire land to be used for any of the Council's functions.

The Amendment Act also amends the principal Act by providing that the Council may dispose of land held by it in accordance with the Land Act 2016 and the Registered Land Act 2016.

The Public Roads Act of 1962 as amended (2017) was enacted to consolidate and amend the law relating to Public Roads. In this Act the highway authority is assigned responsibilities for the construction, care and maintenance of any road or class of road in accordance with the Act.

The Public Roads Act provides for various instances when compensation may or may not be paid. Sections 44-50 of the Act provide for issues relating to compensation including assessment of compensation generally and for surface rights, compensation for land which becomes public land, matters to be taken into consideration in assessing compensation for alienated land and claims for compensation. The part also provides for procedures to be followed before a Land Tribunal and the right to apply to the High Court for judicial review if the claimant of highway authority is unhappy with a decision of the Land Tribunal.

**The Environment Management Act No.23 of 1996 (EMA)** was enacted to make provision for the protection and management of the environment and the conservation and sustainable utilization of natural resources. The Act provides for Environmental Impact Assessment to be done in certain circumstances. Malawi has developed Guidelines for Environmental Impact Assessment (EIA). The purpose of these Guidelines is to facilitate compliance with Malawi's EIA requirements by Government, project developers, donor partners and the general public. The guidelines help to integrate environmental concerns in national development and will be applicable to all types of projects in the public and private sectors for which EIA studies may be or are required.

**The Forestry (Amendment) Act (2017):** The principal legislation that governs forestry matters in Malawi is the Forestry Act No. 11 of 1997, which provides for participatory forestry, forest management, forestry research, forestry education, forest industries, protection and rehabilitation of environmentally fragile areas and international cooperation in forestry and for matters incidental thereto or connected therewith.

The purposes of the Act include; promoting community involvement in the conservation of trees and forests in forest reserves and protected forest areas and protection of fragile areas such as steep slopes, river banks, water catchment and to conserve and enhance biodiversity.

The Forestry (Amendment) Act amends some provisions in the Forestry Act of 1997 including the inclusion of a new definition of customary land committee which is in accordance with the Customary Land Act, 2016. The Amendment Act also amends section 30 of the Forestry Act so that it provides that 'any customary land committee may, with the advice of the Director of Forestry, demarcate on unallocated customary land a village forest area which shall be forest areas protected and managed in the prescribed manner for the benefit of that village community.

**The Gender Equality Act (2012):** An Act to promote gender equality, equal integration, influence empowerment, dignity and opportunities, for men and women in all functions of society, to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment, to provide for public awareness on promotion of gender equality and to provide for connected matters. Section 6(1) of the Act states that a person who commits an act of harassment if he or she engages in in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature in circumstances, would have anticipated that the other person would be offended, humiliated or intimidated, and (2) a person who sexually harasses another in terms of the foregoing subsection is liable to a fines and imprisonment specified under subsection (2).



Section (7) of the Act makes provision for Government to take active measures to ensure that employees have developed and are implementing appropriate policy and procedures aimed at eliminating sexual harassment in the workplace.

**The Disability Act (2012):** The Act was developed to protect the rights and promote the inclusion of persons with disabilities in society. It aims to eliminate discrimination, ensure equal opportunities, and enhance accessibility to various services and facilities for individuals with disabilities. The act outlines provisions related to education, employment, accessibility, and social services, with the goal of fostering a more inclusive and supportive environment.

**Public Health Act:** The Act governs public health matters in Malawi. It covers various aspects of public health, including disease control, environmental health and sanitation – all of which are relevant during potential resettlement activities. The act empowers health authorities to take measures to prevent and control the spread of diseases, ensure food safety, and maintain public health standards. It also outlines regulations related to healthcare facilities, vaccinations, and the reporting of infectious diseases.

## 4.2 World Bank Environmental and Social Standards

The Environmental and Social Framework (ESF) sets out the World Bank's commitment to sustainable development through a Bank Policy and a set of Environmental and Social Standards (ESSs) that are designed to support borrowers' programs with the aim of ending extreme poverty and promoting shared prosperity.

**ESS5 – Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement.** ESS5 recognizes that program-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Program-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

Experience and research indicate that physical and economic displacement, if unmitigated, may give rise to severe economic, social and environmental risks: production systems may be dismantled; people face impoverishment if their productive resources or other income sources are lost; people may be relocated to environments where their productive skills are less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help may be diminished or lost. For these reasons, involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

Given that Malawi has provisions for customary land rights, ESS5 also applies, where 'restrictions on land use and access to natural resources that cause a community or groups within a community to lose access

to resource usage where they have traditional or customary tenure, or recognizable usage rights.<sup>4</sup> It further applies in cases of ‘restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas’<sup>5</sup>.

In addition, communal decision on customary land should be taken with evidence that the ‘community decision making process is adequate and reflects voluntary, informed consensus, and that appropriate measures have been agreed and put in place to mitigate adverse impacts, if any, on the vulnerable members of the community.’<sup>6</sup>

ESS5 outlines three categories of Project-Affected Persons (PAPs), those:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

### 4.3 Gaps Analysis between the ESS5 and Malawi’s Legislation on Resettlement

Gaps between the World Bank’s ESS5 and Malawi’s legislation on Resettlement exist in the following areas:

- a) Extent of entitlement: World Bank ESS5 includes affected parties with non-formal property rights, while this does not apply in all instances in Malawi.
- b) Timing of payments: World Bank ESS5 requires payment before loss of assets, while the Malawi legislation does not have this requirement.
- c) Relocation and resettlement: World Bank ESS5 requires additional assistance with resettlement (such as establishment of new sites) while this is not provided in Malawi’s laws.
- d) Livelihood restoration: The World Bank ESS5 requires that livelihoods are improved or at least restored, while the Malawi’s laws contains no requirements for livelihood restoration.
- e) Grievance mechanisms: World Bank ESS10 requires that a grievance mechanism is established as early as possible in the project development phase, while the Malawi legislation provides for dispute resolution mechanisms in the form of land tribunals and the court system requires.

The following Tables analyze gaps between ESS5 and Malawi’s legislation on resettlement and identify how the gaps will be addressed in Project implementation. In case of further discrepancies between the two, the more stringent will prevail.

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<sup>4</sup> The World Bank, Environmental and Social Framework (ESF), ESS 5, 2018, p. 54

<sup>5</sup> The World Bank, Environmental and Social Framework (ESF), ESS 5, 2018, p. 54

<sup>6</sup> The World Bank, Environmental and Social Framework (ESF), ESS 5, 2018, p. 54

Table 6: Gap analysis of Malawi legislation and ESS5

Key Resettlement Aspect	Relevant Provision of ESS	National Legislation	Recommended Action
Consultation and Participation	Requirement for the disclosure of relevant information; meaningful consultations with affected persons communities, and other stakeholders; consultations must be ongoing and inclusive.	Environment Management Act (1996) and the Environmental Impact Assessment Guidelines stipulate consultation of PAPs and other stakeholders	All relevant stakeholders will be consulted during the preparation of RAPs and implementation. RAPs will be disclosed publicly.
Impacts Considered	Impacts include loss of assets, disturbance costs and associated expenses, loss of access to resources, and broader socio and economic consequences (physical and economic displacement)	<p>The Lands Acquisition and Compensation Act No. 9 of 2017 defines impacts such as loss of occupational rights, loss of land, costs of professional advice and disturbances which are a natural and reasonable consequence of the disposition of land.</p> <p>The Environment Management Act of 1996 and the Environmental Impact Assessment Guidelines require a social-economic and environmental assessment to be conducted on the impacts of the proposed project. This can include determination of eligibility for compensation.</p>	Socio-economic assessments will be conducted to assess impacts as defined under all national regulations and ESS5.
Physical Displacement	Assist displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.		The Project will assist displaced persons through the RAPs and in compliance with ESS5
Eligibility for Compensation	<p>ESS5 advocates identification of persons who will be affected by the project to determine who will be eligible for assistance and to discourage inflow of people who will be ineligible</p> <p>Compensation provided for temporary acquisition or restrictions on use of land</p>	Public Roads (Amendment Act) 2017 stipulates payment of compensation based on loss or damage suffered by the claimant arising from the damage to or destruction of his interest in the surface rights on such land	<p>Compensation of land for land to PAPs will be the priority. Compensation of money for land to PAPs in cases of lack of alternative suitable land.</p> <p>Compensation of all structures at full replacement costs and labor costs prior to displacement</p>

	<p>Recommended option is compensation of land for land. Other losses to be compensated at replacement costs.</p> <p>Temporary structures or buildings are entitled for compensation for loss of assets other than land or cash compensation at full replacement costs include, relocation expenses prior to displacement, providing labor and relocation expenses prior to displacement</p> <p>Land owners are entitled to compensation of land, compensation of building on replacement costs, expenses on labor</p> <p>Owners of buildings built illegally are entitled to compensation for loss of assets other than land at full replacement costs including labor costs prior to displacement.</p> <p>Land owners are entitled to compensation for crops</p> <p>Persons are entitled to compensation regardless of the legal status of their structures or occupation of the land</p>	<p>This damage or loss includes; the damage sustained because of the severance of such land from his other land or other injurious matter affecting his other movable or immovable property and if the claimant is compelled to change his residence or place of business, the reasonable expenses incidental to such change</p> <p>The Act and its Amendment stipulate that for customary estate, land owners are entitled to reasonable compensation in respect of disturbance</p> <p>This compensation shall be assessed using open market value based on the loss suffered by the claimant arising from damage to or destruction of his interest in the land, and the surface rights on such land may include compensation for other disturbance</p> <ul style="list-style-type: none"> <li>✓ Where claimant should move his residence or place of business</li> <li>✓ Where alternative land cannot be made available to him and the land remaining to him for any purpose is not an economic unit</li> <li>✓ Where alternative land is made available to the claimant, and where in making the alternative land equally as fit for use as the land which he has been deprived of, is likely to involve a loss in terms of money, materials or work.</li> </ul>	<p>Compensations of crops and trees at market values.</p> <p>Resettlement assistance to project affected persons, including those who have encroached on the land and have no formal titles.</p>
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		<p>Land Act 2017: The Act states that any person who suffers disturbance of, or loss or damage to any interest which he may have or may have had in unallocated customary land because of the land being acquired for public utility purposes should be paid reasonable compensation for such disturbance, loss or damage</p> <p>The Act states that a court order can be issued against alleged trespassers, encroachers, or unlawful users or occupiers to vacate land within 7 days or longer. The number of days to vacate land depends on a on several factors including; how long it would take the defendant to take down or remove structures, buildings, fences or improvements of any kind erected on the land; how long it will take the defendant to harvest, collect, take in or remove crops, plants, trees and shrubs and to how long it will take the defendant to remove any chattels belonging to him. Failure to comply with the Court order could lead to forced removal from the land by an authorized officer, police officer or officer of the court.</p> <p>The Act states that any person who uses or occupies any public land without title commits an offence</p> <p>The Act is silent on compensation for alleged trespassers, encroachers, or unlawful users or occupiers</p> <p>Customary Land Act, 2016 states that customary land shall be transferred subject</p>	
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		<p>to payment of appropriate compensation assessed by a registered valuer and agreed upon by the land committee and the Commissioner or between a person or representative of group of persons under a customary estate or those with a derivative right to use the land and the Commissioner</p> <p>The Act gives priority to land for land compensation. It provides that if Government or reserved land is to be exchanged with the customary land which is the subject of the transfer, Government will identify an alternative piece of land to be transferred to the Traditional Land Management Area or the affected persons.</p>	
<p>Calculation of Compensation</p> <p>Replacement Housing</p>	<p>“Replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.</p> <p>If people living in the project area are required to move to another location, the Borrower will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and (b) provide relocation assistance suited to the needs of each group of displaced persons.</p>	<p>Lands Acquisition and Compensation Act 2017 stipulates that compensation will be based on an assessment done by an independent valuer appointed by the Minister.</p> <p>The Act and its amendment stipulate that compensation is given when land is acquired. The law stipulates that reasonable compensation should be given for loss of land by affected persons.</p> <p>The Act and its amendment stipulate that in assessing compensation the following matters should be taken into consideration the market value of the land, or interest therein of the claimant at the valuation date</p> <p>Environment Management Act of 1996 and the Environmental Impact Assessment</p>	<p>The Project adopts methods of calculation based on replacement costs. In view of agricultural land it will provide replacement of land first. The project will work with registered valuers.</p>

	New resettlement sites will offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher	Guidelines requires a social-economic and environmental assessment to be conducted on the impacts of the proposed project. This can include determination of eligibility for compensation.	
Livelihood Restoration	Livelihood restoration: ensure affected persons restore their income and livelihoods to pre-project levels  Livelihood and living standards are to be restored in real terms to pre displacement levels or better.	No provision	The Project will restore livelihoods through the adoption and implementation of Livelihood Restoration Plans either as part of a RAP or as a separate instrument.
Delays in accessing compensation	ESS5 stipulates that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project but does not specify the period for payment of compensation  On an exceptional basis, with prior agreement from the Bank, the Borrower may deposit compensation funds as required by the RAP (plus a reasonable amount for contingencies) into an interest-bearing escrow account or other deposit account and proceed with the relevant project activities.	No information of timing of compensation	The Project will comply with ESS5
Vulnerable PAPs and gender considerations	Particular attention should be paid to the needs of vulnerable groups. Consultations need to ensure perspectives of women or vulnerable groups are obtained and that their interests are factored into all aspects of resettlement planning and implementation.	Under Section 13 of the Constitution, the State has the responsibility to ensure gender equality, through the full participation of women in all spheres of Malawian society on the basis of equality with men, implementation of the principles of non-discrimination, the implementation of policies to address social issues that	Women and vulnerable groups will be consulted throughout project implementation.

		include lack of economic exploitation and rights to property.	
<i>Counselling of PAPs</i>	Assistance/counseling should be provided to PAPs on how to spend potential compensation in order to create new livelihoods or ensure the whole family benefits	Not provision	The RPF stipulates the provision of such assistance
<i>Loss of common property resources</i>	Where common or communal assets or resources will be impacted, communities, including different groups such as vulnerable groups need to be consulted on the loss of property. The community needs to agree on viable alternatives as well as on viable alternatives that are equivalent.	<b>The Customary Land Act 2016</b> provides for the management and administration of customary land and for matters connected therewith and incidental thereto. Customary land will no longer be treated as valueless commodity, but will be given equal value as any privately-owned land such as leasehold or freehold. The Customary Land Act 2016 creates customary land committees (CLCs) at group village headman (GVH) level to manage land within a Traditional Land Management Area (TLMA). The CLC will be chaired by a GVH and will have six elected members from the community, three of which will be women.	The Project will interact with the customary land committees, but will in addition also consult and seek agreement from the broader community, in particular vulnerable groups
Grievance Mechanism (GM)	Access to grievance mechanism required regarding any project related complaint, no time limit.	Customary Land Regulations (Customary Land Act 2016) Sets up dispute settlement procedures for land	Project GRM will adequately cover resettlement related grievances in a transparent and effective manner, as well as involvement of community and district level structures
Support during transition and M&E	Monitoring and evaluation system is required as part of the RAP; status of PAPs needs to be monitored and evaluated; transitional support provided to economically displaced as necessary.	No provision	The RPF provides for M&E and support during transitions
Cut-off date	In conjunction with the census, the Borrower will establish a cut-off-date for eligibility. Per ESS5, the Borrower will give a notification period for displacement.	No provision	The Cut-off date is the date when the census and compiling an inventory of the PAPs and their property in a sub-project area is finalized. Information regarding the cut-off date will be documented and disseminated



			throughout the sub-project area and in relevant local languages. This will include posted warnings that persons settling in the sub-project area after the cut-off date may be subject to removal.
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## 5. Principles of Resettlement Plans, Preparation and Implementation

The procedures will be carried out throughout preparation and implementation of sub-projects, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). When a sub-project or site-specific Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, which is based on ESS5 as well as the Malawi Land Acquisition Act.

The RPF ensures that any possible adverse impact of sub-project activities is addressed through appropriate mitigation measures, in particular, against potential social risks and impacts. Risks and impacts can generally be minimized by:

- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing the number of PAPs, to the extent possible;
- Holding extensive consultation with project beneficiaries and PAPs.
- Compensating for losses incurred and affected incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs' livelihoods and their wellbeing.

### 5.1 Basic Principles of Resettlement

The Project will aim to minimize displacement of people. Where acquisition of land is required, assessments will be undertaken for each sub-project to guide compensation of affected assets. In the case of customary land, as defined in the Customary Land Act No.19 of 2016, traditional leaders, customary land committees and respective district councils and the affected communities, including youths and women, will be party to any consensus to acquisition of land and the modalities envisaged.

The impacts due to involuntary resettlement from sub-projects, may trigger economic, social and environmental risks resulting in the disturbance of production systems, impoverishment when productive assets or income sources are lost and/or restricted, relocation to environments where productive skills may be less applicable and the competition of resources increases; weakening of community institutions and social networks; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help diminished or lost.

ESS5 is triggered when a person experiences an impact on its assets, a loss of income, or the project requires land acquisition, namely: a physical piece of land is needed and people may be affected because they own the land, they cultivate the land, they have buildings on the land, they use the land for water and grazing of animals, they access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people will need to be compensated for their loss (of land, property, access or assets). The principles of any resettlement are based on ESS5 as well the Malawi policies and legislation on resettlement. Details of the principles have been provided above. Implementation of resettlement activities will include the following:

**Stakeholder Consultation:** Community sensitization and consultation meetings will take place in all sub-project areas during the preparation of a Resettlement Action Plan (RAP). The community sensitization

and consultation process is divided into two principal phases. The first phase includes sub-project area reconnaissance, neighborhood identification and creation of awareness among community members. During this phase, neighborhoods in the sub-project area are identified for community meetings and their Chiefs and other prominent members will be identified for key informant interviews, and potential PAPs for Focus Group Discussions. A draft Resettlement Factsheet will be used as a reference document during stakeholder sensitization and consultation. In case resettlement, land acquisition or any other activity leading to adverse impacts is required for the implementation of a sub-project, the government will consider the views, rights and interests of the PAPs, including vulnerable and disadvantaged persons. In the event of the necessity of relocation of PAPs, stakeholder consultations and engagement will be undertaken with the host communities.

**Census and Asset Inventory and Cut-Off Date:** A team of experts comprising a Valuation Expert, Mapper/Cartographer/Surveyor, Regional Land Officer, and District Lands' Officer will be formed to conduct a census of the PAPs and their asset and prepare an inventory. The Grievance Redress Mechanism (GRM) as provided below, aligned with the Stakeholder Engagement Plan (SEP), will be in place before commencement of the census and asset inventory activities.

The census questionnaire will enumerate all PAPs in respect of household demography, gender, marital status, education, physical conditions (including indicating disability), occupation, assets (structures both affected and non-affected), land tenure and use, income and expenditure, vulnerability status, compensation choices and preference of compensation mode of payments. The Asset Inventory Form will be used to record details of the PAPs with respect to the assets within the sub-project area – trees, crops, structures and land. Information on: i) trees and crops by type and by stage of growth and ii) structures with all specifications of material used for construction will be recorded. The cut-off date will be the last day of the assessment in the proposed sub-project site. The cut-off date and the criteria for eligibility for compensation will be well documented and disseminated throughout the sub-project area at regular intervals in written and non-written form in the local language.

**Socio-Economic Survey:** The socio-economic survey questionnaire will be designed to capture the social and economic variables such as: demographic characteristics of the household members, sex, education, age, number of dependents (e.g., children), place of residence, type of marriage and ethnicity, income and expenditure, ownership of property and the types of property owned, economic activities, types of crops – cash versus food crops, division of labor and control of the agricultural produce, households services, household movable assets (ownership and control), fixed assets ownership and control, Livelihood improvements, social economic services available, social networks, coverage under government or NGO development schemes, level of indebtedness. The questionnaire will be conducted on a stratified sample size of about 30% of the affected households. The selection of affected households for the survey will consider the following criteria: gender assessment checklists will be developed to capture aspects such as gender, women-asset-ownership status, division of labour, women's sources of livelihoods, community perceptions on policies and traditional land holdings and lineage systems, anticipated impacts from compensation aftermath and suggested mitigations.

The household socio-economic survey instruments will be pre-tested in the sub-project area. During the pre-testing, the specialists will assess all the questions for consistency, comfort (ease) of the assessment assistants to enquire and the respondents' convenience to respond. Data collection tools will be modified to incorporate the feedback that will be obtained from the field testing.

**Asset valuation and computation of compensation packages:** The proposed sub-project will involve displacement of people and loss of livelihoods. Compensation whether in a form of money, replacement of land or structures will arise from:

- i. Land to be acquired for the different sub-project activities;
- ii. Structures falling within the proposed sub-project activities; and
- iii. Trees and crops falling under the proposed sub-project activities.

The details from the asset inventory exercise will be recorded for each PAP and will be grouped by District/TA/GV/VH or Neighborhood with PAP identification number, PAP name and Vulnerability Status. Approved rates will be inserted against each of the assets to be recorded to help compute the compensation and assistances payable to each PAP. The exercise will help to prepare with a Disclosure Sheet for all impacted assets, their applicable rates and amounts payable to each PAP.

As part of this process, PAPs will be consulted on the types of compensation offered and committees of PAP representatives (where there are a numerous affected PAPs) will be created so they can voice concerns from the PAPs collectively. Furthermore, the PAPs will be consulted on the entitlement matrix (prior to the development of the individual packages) so that any concerns around the matrix can be addressed. This will include details of additional measures for vulnerable PAPs.

**Disclosure and Compensation Signing** will involve compilation of all data that will be collected and its analysis towards report preparation and the signing off of compensation packages. A Disclosure database will be prepared using the database developed for the RAP with valuation data incorporated. Specifically, the data base will comprise the following:

- Data with Asset valuation – Valuation of different Asset of PAPs will be included like - number of trees, varieties of trees (Indigenous, Fruit, Exotic etc.) with sizes.
- Disclosure Database - Status of Ownership, area of plot, occupation, vulnerability status along with their signature will be included in the database apart from the valuation data for asset.

Details from these Disclosure Sheets will also be copied onto Compensation Agreement Form. The Compensation Agreement will be translated into Chichewa language and will be printed with all cells populated with payable amounts.

**Preparation of Report:** The RAP will be prepared including the analyzed data from the census and socio-economic survey. The Land Availability Assessment and Videography footage will be analyzed along with minutes of all meetings with communities and institutional stakeholders and will be appropriately documented in the report.

**RAP Approval Process:** The RAPs prepared for specific sub-projects will have to be approved by the Government of Malawi, through the Ministry of Lands, Housing and Urban Development. The Ministry, where necessary will deploy its staff to verify certain components of the projects to ascertain details of the RAPs. After this process the RAPs will be submitted to the World Bank for approval. Once approved, the Ministry of Finance will be informed of the compensation packages required for them to release funds for compensation. Annex 6 of this RPF gives a template of an outline for preparing a RAP.

**Disclosure of RPF and RAPs:** Subsequent to approval, the RPF/RAP will be disclosed to the communities and PAPs with translation into the relevant local language. The RPF/RAP will also be disclosed on the

World Bank external website. For any changes to the disclosed RPF/RAP the same approval/disclosure protocols will be followed.

**Provision of resettlement assistance:** PAPs will be provided with necessary support in case of relocation. The support will include provision of transport and basic services to the new sites of settlement.

**Negotiation for fair compensation options:** In case of resettlement, the Government will provide different compensation options for PAPs to choose from, all based on replacement values.

**Special consideration of vulnerable groups:** Compensation and resettlement assistance will cover all entitled categories of PAPs, including special assistance to vulnerable groups such as female-headed households, elderly, PWDs, persons living with HIV & AIDS, etc..

**Grievance Redress Mechanism (GRM):** A user-friendly and cost-effective mechanisms for addressing complaints from PAPs will be set up. The mechanism will include use of a local project committee.

**Compliance with relevant policies and laws:** Land acquisition and resettlement activities will be implemented in compliance with the World Bank ESS5 and Malawi policies and laws.

**Voluntary land donation:** land that is donated on a voluntary basis, without payment of full compensation. Such donation requires prior approval from the World Bank. Transparent records of all consultations and agreements reached must be kept.

## 5.2 The Screening Process

Given the diverse types of rehabilitation and construction activities under the Project and as a result different severity of impacts, every proposed sub-project will be screened by the PCU and classified according to its potential social, economic and environmental risks and impacts. The screening will be based on the defined area of impact, designs, maps and if available satellite images of the project area showing houses, farms, workplaces, industries, factories, commercial buildings, schools, health posts, places of worship and other individual and community assets. The screening form is included in the ESMF (see ESMF Annex 1).

If screening determines that resettlement impacts are likely, resettlement planning, consultation and the preparation of a RAP will be initiated. If the screening establishes that the sub-project will affect land and/or assets or livelihoods, the National Local Government Finance Committee (NLGFC) or the district government will make a written request to the Ministry of Lands of the intention for the acquisition of the identified area for the proposed sub-project land. The Ministry of Lands will inspect the land and grant approval for the land to be acquired for the implementation of the sub-project. With this approval, the NLGFC or district government shall then go ahead and make a written notification of the intention to acquire the identified land for public purposes.

This RPF proposes the constitution of a Resettlement and Compensation Committee (RCC), whose membership and function is described below. With this committee in place, the RAP process will commence. First, the RCC will begin by meeting with the affected communities to inform them about the potential sub-project and its possible impact on land and livelihoods. A RAP shall then be prepared by qualified consultants contracted by the NLGFC or the district government for the identified investment.

The consultants will work closely with the technical design team, PCU E&S safeguards team or NLGFC E&S Specialist and relevant Government Ministries, Departments and Agencies.

The following procedural guidelines will apply for a RAP:

- All affected individuals will be notified by their respective Councils directly in the presence of their local leaders;
- All potential PAPs will be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by a given project;
- The identified PAPs will be consulted on land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives;
- The PAPs will receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.
- The PAPs will be empowered to restore and preferably improve their living standards compared to pre-project ones.
- All PAPs will receive compensation prior to commencement of sub-project activities and/or relocation.

### 5.3 Preparation of a RAP

As soon as the sub-project is approved, the NLGFC or district government will initiate a consultative and participatory process for preparing the RAP as follows:

- A socio-economic census will be completed to determine scope and nature of resettlement impacts including the number of PAPs, the number and size of the assets, the economic activities, the other socio-economic data, and productive assets to be affected, status of vulnerability, *inter alia*.
- The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihoods, the local participation process, socio-cultural characteristics of the population. These together with the census will establish baseline information on livelihoods, income, landholding, etc.

Aside from the census and socioeconomic survey, which are the basis for collecting data and information on the PAPs and their assets, the following guidelines will be used when the RAP is being developed:

**Consultation and Participatory Approach:** A participatory approach will be adopted to initiate the compensation process. Consultations will start during the planning stage when the technical designs are developed, and at the selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census and socioeconomic study for identifying eligible PAPs and throughout the RAP preparation process. A strategy for consultation with displaced persons will be developed, following which a summary of views expressed will be provided including an indication as to how these views have been taken into account in preparing the RAP. The consultation process will consult women and men separately where necessary to ensure that the perspectives of women or other vulnerable groups are included.

**Notification:** All eligible PAPs will be informed about the sub-project and the RAP process. A cut-off date will be established as part of determining PAP eligibility, which is the date the census or the socioeconomic survey ends. In special cases where there are no clearly identifiable owners or users of the land or asset, the RCC must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organizations or NGOs; other government agencies; land valuers) – may help to identify eligible PAPs. The RCC will notify PAPs about the established cut-off date and its significance. They will be notified both in writing and by verbal notification delivered in the local language in the presence of all the relevant stakeholders.

**Documentation and Verification of Land and Assets:** The Ministry of Lands, together with a contracted registered valuer and the RCC, will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by a given investment/sub-project, the RAP preparation team will complete a Compensation form containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a report, and witnessed by an independent or locally acceptable body such as RCC or an NGO in the locality. The reports will be regularly updated and monitored.

**Compensation and Valuation:** All types of compensations will be clearly explained to the individual and households involved by consultant, the Ministry of Lands representative and the RCC. This will refer especially to the basis for valuing the land and other assets, which will always be done in the presence of the PAPs or their representatives. Once such valuation is established, the Ministry will produce, in the presence of the RCC, a Contract or Agreement that lists all property and assets that will be acquired by the project and the types of compensation selected. The below Table provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the PAPs and the community leaders. If cash compensation is the preferred choice of the PAPs, the means to provide such cash compensation will be decided by the PAPs, e.g., direct deposit to the PAPs account or direct payment in cash to PAPs.

From this point, the provisions of this RPF will be utilized up to payment of the compensation package including resettlement support where appropriate. The costs associated with resettlement or relocation will be included in the RAP budgets for all sub-projects.

**Payment:** The Government through the Project will provide funding to the Ministry of Finance, which is the overall implementing agency for the Project.

**GRM:** The establishment of a GRM will be one of the key requirements for every RAP. One of the key roles of the proposed RCC, under a sub-project investment will be to address grievances. All PAPs will be informed by the RCC and the PCU how to register grievances or complaints, including specific concerns about compensation and relocation as well as dispute regarding livelihood restoration measures. The PAPs will be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner.

The court system will provide an opportunity for appeal when a solution cannot be identified through the established local mechanisms. The court will deal with land and compensation related disputes. Alternative dispute resolution approaches will be given preference and based on customary rules, arbitration or third-party mediation.

**Consultations:** Following disclosure of all relevant information and the independent grievance mechanism, all sub-projects will provide for informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement.

**Gender Equality:** The project team will ensure that women are included in all handling of land and specifically, that valuation reports and other documentation are signed by both parties and that compensation is paid to both spouses jointly.

## 5.4 Approval of Resettlement Action Plans

**Approval of RAPs:** All RAPs developed for sub-project investments will be reviewed by the PCU and the Ministry of Lands, Housing and Urban Development, before submission for approval to the World Bank.

Once the individual RAPs are approved, they should be disclosed on the Project website and on the World Bank's website. In addition, each RAP should be available in the localities where the sub-project will be implemented. The entitlement section of each RAP and the entitlement matrix should be translated into the relevant local language and distributed among the affected communities.

## 5.5 Livelihood Restoration

ESS5 outlines additional livelihood improvement measures for PAPs to improve livelihoods or restore livelihoods to pre-project levels to reduce vulnerability and inequality. In the case where the sub-projects affect livelihoods or income generation, measures will be put in place to improve or at least restore livelihoods and income. Eligibility for livelihood restoration will pay particular attention to gender aspects and the needs of vulnerable groups. Some of the strategies that will be used to enhance livelihoods for the PAPs will include: provision of effective financial literacy training and sensitization; providing PAPs with construction related work that would enable them to supplement incomes; and inclusion into project activities. Livelihood restoration measures will be included in the sub-project where relevant as part of the development of site specific plans.

# 6. Socio-Economic Assessment

## 6.1 Socio-Economic Conditions

**Economic Outlook and Macroeconomic Performance:** Malawi is one of the poorest countries in the world, ranked 170 of 188 countries on the Human Development Index, by UNDP. More than 70 percent of the population lives below the international poverty line of USD 1.90 per capita per day and GDP per capita is just USD 372 (2015). Both inequality and poverty rates are high. About 20.7 percent of people are so poor that they cannot afford to eat a minimum daily recommended food intake, and at least 37 percent of children under five are chronically undernourished and stunted (low weight for age). Poverty



is also unequally distributed. The intra-regional variation is more pronounced in the south, where some districts have poverty rates over 80 percent and others under 20 percent.<sup>7</sup>

**Population:** According to the World Bank’s Environmental Country Analysis, over the past 20 years, Malawi has faced rapid population growth and steadily increasing population density.<sup>8</sup> The population is growing quickly. It has increased from just under 3 million in 1950 to over 18 million in 2017. It is anticipated that by 2050 the population will be over 40 million.<sup>9</sup> Population density has also grown. Apart from Rwanda and Burundi, Malawi has the highest population density in the region, currently over 180 people per square kilometer. The population is also very young with a median age of 16.5.<sup>10</sup> With the increase in child survival seen in recent decades and persistently high fertility, Malawi’s age structure is young.<sup>11</sup> However, adult survival in Malawi continues to improve, and current estimates suggest that 74 percent of 15-year-olds will survive until age 60.<sup>12</sup>

Malawi is urbanizing at a slower rate than other countries in the region. According to the 2020 Malawi Integrated Household Survey, the majority of the population (84.4%) are still rural based while only 15.6% are in urban areas. It is anticipated that only 20 percent of Malawi’s population will live in an urban environment by 2040.<sup>13</sup> 83 percent of Malawi’s poor live in rural parts of the country and these numbers are rising. Some regions face greater poverty issues than others and nearly half of Malawi’s poor population live in the southern part of the country.

**Education:** Literacy is defined as the ability to read and write. Specifically, this analysis classifies all those who can read and write in Chichewa or English or any other language as being literate. Among males, almost 76 percent are literate while half of females are literate. Education services are provided by the government. Free education has led to 88 percent net enrollment in primary schools. However, the completion rate of Primary School is just 33 percent. According to a UNICEF report, girls, children in urban areas and the wealthiest households have a better chance of completing primary school than boys, children in rural areas and children in poor households. Of children of lower secondary school age, only 12 percent attend the lower secondary school or a higher level.<sup>14</sup> Access to tertiary education has been increasing in the country, yet enrollment rates are among the lowest in the world. Between 2017 and 2018, enrollment in public higher education increased from 25,000 to 30,975.<sup>15</sup>

**Health:** The health situation in Malawi is characterized by a high prevalence of communicable diseases like HIV & AIDS, malaria, tuberculosis, cholera high incidence of maternal and child health problems. An increasing burden of non-communicable diseases including protein energy malnutrition, road traffic accidents, and hypertensive heart disease.<sup>16</sup> and resurgence of tropical diseases is also noted. Access to essential health care and essential medicines is also limited.

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<sup>7</sup> World Bank 2019.

<sup>8</sup> World Bank, Malawi: Environmental Country Analysis, January 2019.

<sup>9</sup> United Nations. 2017. World Population Prospects 2017.

<sup>10</sup> World Population Review. 2018. Malawi Population 2018.

<sup>11</sup> World Bank. Policy Brief: Demographic Challenges and Opportunities in Malawi, 2018.

<sup>12</sup> World Bank Group, Overcoming Challenges to Transforming Human Capital in Malawi. Human Capital Review Report, September 2022, p.47.

<sup>13</sup> World Bank. 2017(a). Malawi Economic Monitor: Harnessing the Urban Economy.

<sup>14</sup> UNICEF, School-Age Children, Quality Learning and Protection, 2022, accessed at: <https://www.unicef.org/malawi/school-age-children>

<sup>15</sup> World Bank Group, Overcoming Challenges to Transforming Human Capital in Malawi. Human Capital Review Report, September 2022, p.46.

<sup>16</sup> WHO, WHO Country Cooperation Strategy 2017-2022, Malawi.

The maternal mortality ratio is 347 deaths per 100,000 live births, which is lower than the sub-Saharan average (534 deaths per 100,000 live births), but it is higher than in the neighboring countries Mozambique and Zambia. A mix of supply-side (health systems) and demand-side factors increase the risk of obstetric complications leading to maternal mortality. Maternal and neonatal health services are provided in all 28 districts, but limited coverage and access to health services, essential equipment and medications, and socioeconomic factors contribute to maternal mortality. The direct cause of maternal mortality in Malawi is often obstetric complications compounded by limited access to health services.<sup>17</sup>

**Livelihoods and Poverty:** More than 20 percent of the population of Malawi is ‘ultra-poor’ and over 50 percent is considered moderately poor. The impacts of poverty are exacerbated by limited access to education, employment, and markets, as well as high prevalence of diseases such as malaria and HIV /AIDS. Natural resources are the main source of livelihood for most families. The majority of rural families depends heavily on natural resources for their livelihoods, in particular woodlands and forests, for the provision of wood fuel, enhancing soil fertility, generating cash income and supplying protein. Most Malawian households, including most of the poorest ones, are involved in agriculture, 85 percent of the population depend on farming.

The economy depends heavily on agriculture, which employs nearly 80 percent of the population, and 82.5 percent of the population resides in rural areas.<sup>18</sup> Its gross domestic product has historically been correlated with climate shocks.<sup>19</sup>

Malawi’s fisheries sector provides an important livelihood for many Malawians, and protein consumed through fish is particularly important for a lot of poor households. Figures for total landed catches are increasing and now stand at around 199,454 tons per year (2017), with a rapid increase since 2014. The reasons for this apparent increase are complex, reflecting changes in species composition of harvests, increasing fishing effort, and changes in the way in which fish stocks have been monitored.

Poverty is persistent and widespread in the Shire River Basin, with poverty rates exceeding 60 percent in several districts.<sup>20</sup> High population density and high poverty levels in the Basin lead to significant human pressure on its natural resource base. Unsustainable management of its natural resources has led to severe landscape degradation, which in turn increases flood incidences. Today, more than half a million people currently reside in areas adjacent to the river in the lower Shire, making them vulnerable to both droughts and floods.

**Gender Equality Dynamics:** Malawi has achieved gender parity with respect to primary school enrolments, which indicates an improvement in attitudes towards girls’ education. However, according to the World Bank’s Country Environmental Analysis, the majority of women in Malawi are informally employed in the natural resource sector, and their livelihood and food security are more likely to be adversely affected by deforestation, land degradation, and resource depletion. 90 percent of women above the age of 15 state they are reliant on natural resources for domestic activities (for example,

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<sup>17</sup> World Bank Group, *Overcoming Challenges to Transforming Human Capital in Malawi*. Human Capital Review Report, September 2022, p.31.

<sup>18</sup> World Bank, *Malawi Economic Monitor*, December 2021.

<sup>19</sup> World Bank, *Malawi and Southern Africa: Climate Variability and Economic Performance*, 2003.

<sup>20</sup> Caruso, G. and L. Cardona Sosa. 2022. “Poverty Persistence in Malawi: climate shocks, low agricultural productivity and slow structural transformation” *Malawi Poverty Assessment*. Washington, DC: World Bank Group. <https://documents1.worldbank.org/curated/en/099920006302215250/pdf/P174948072f3880690afb70c20973fe214d.pdf>.

collecting firewood, fetching water, and wild fruits for home consumption) in comparison to 24 percent of men. 24 percent of households in Malawi are female-headed. When resources are scarce, these households are disproportionately affected and more likely to fall into the poverty trap. Malawi ranks 145 of 188 countries on the United Nations Gender inequality Index and 116 of 153 on the Global Gender Gap Index.<sup>21</sup>

It is estimated that gender inequality in the agriculture sector alone is costing the country USD 100 million and 7.3 percent in crop production annually. Closing this gap has the potential to alleviate poverty for as many as 238,000 people.<sup>22</sup> The World Bank Gender Assessment in Malawi indicated that the total conditional gender gap in agricultural productivity is 31 percent. Drivers of the gender gap include: that women are less likely to farm cash crops; women farmers have less access to male labor; and women have less access to agricultural technology and mechanization – which is especially detrimental given women’s greater childcare and domestic responsibilities, which leave them in more need of labor-saving options. Women entrepreneurs’ sales are 46 percent less than those of male entrepreneurs because men are more likely to use their own agricultural savings as startup capital, reflecting their greater agricultural productivity which allows them to save, and to have workers and to pay them more. Women wage workers receive lower wages and are more likely than men to not be paid for their work, because women are more likely to have time constraints due to performing unpaid domestic and care work, and they are more likely to work in the informal sector due to lower educational attainment and skill levels.<sup>23</sup>

Furthermore, high levels of adolescent marriage and childbearing limit girls’ ability to obtain an education and gain skills needed to compete in the global market, which limits their economic opportunities and income.<sup>24</sup>

Women and girls are subject to high levels of Gender-Based Violence: 42 percent of girls in Malawi experience physical violence before the age of 18. 42 percent of women are married before the age of 18, and 9 percent are married before the age of 15. 38 percent of ever-partnered women aged 15-49 years experienced intimate partner violence at least once in their lifetime, and 24 percent in the last 12 months. This makes Malawi feature among the 20 countries in the world with the highest incidence of IPV. 1 in 5 women have experienced sexual violence, and 14 percent have experienced sexual violence in the past year. 49 percent of women who experienced physical or sexual violence have never sought help nor told anyone about it.<sup>25</sup>

## 6.2 Socio-Economic Assessment During RAP Preparation

During the preparation of RAPs, a socio-economic assessment of all PAPs will be undertaken.

Meetings with all PAPs will be arranged by the local government responsible for the socio-economic survey and determination of PAPs. The meetings will include local government authorities as well as community elders. **The assessment will include the following:**

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<sup>21</sup> UNDP 2019. Human Development Report 2019: Inequalities in Human Development in the 21st Century; WEF. 2020. Global Gender Gap Report 2020. See also: <https://evaw-global-database.unwomen.org/en/countries/africa/malawi>.

<sup>22</sup> World Bank. 2015. The Cost of the Gender Gap in Agricultural Productivity in Malawi, Tanzania, and Uganda.

<sup>23</sup> World Bank Group, Malawi Gender Assessment, Eastern and Southern Africa Gender platforms, 2022, p.10.

<sup>24</sup> World Bank Group, Overcoming Challenges to Transforming Human Capital in Malawi. Human Capital Review Report, September 2022, p.19.

<sup>25</sup> Malawi National Statistical Office (NSO ). Malawi Demographic and Health Survey 2015-2016.

1. Provide initial information on the scale of resettlement to be undertaken and areas targeted by the Project;
2. Provide information on the demographics of the population and specifically the PAPs
3. List household details (number of household members, age of household members, livelihood/income, access to water, literacy levels, employment, ownership of assets etc...)

This data will fill gaps in information and give an indication of further socio-economic research needed to quantify losses to be compensated and, if required, design appropriate development interventions; and establish indicators that can be measured later during monitoring and evaluation.

The socio-economic survey is conducted along with the Land Asset Inventory to determine the assets affected by the activity and determine which assets require compensation. The survey is based on data collected with the aim to identify the PAPs that will likely have to be displaced, and/or the PAPs that are eligible for compensation payments and other types of assistance. The data also provides exact information of the scale of the resettlement and displacement that is necessary for the implementation of the activity; helps identify gaps in information and point out any further socio-economic research that needs to quantify the losses; it helps prepare appropriate development interventions where necessary; it helps prepare indicators to assist in the monitoring & evaluation of the implementation of the RAP or LRPs.

The socio-economic survey is undertaken by the local government with assistance from the NLGFC where required. In addition, a rapid and secure survey methodology will be applied. The NLGFC will further liaise closely with the respective local government in order to obtain its agreement and willingness to support the RAP process. It then assist the local government in the defining of the number of PAPs affected by the activities, the vulnerable groups affected, implementation of the census and socio-economic survey of PAPs, the asset inventory, the proposed assistance to the PAPs, and the development of the options for compensation (including the calculation of compensation amounts, or the types of in-kind compensation, and determination of PAPs to receive compensation or other assistance).

## 7. Eligibility, Entitlement, Valuation and Compensation

This chapter is a summary description of the categories of affected groups under the Project and the potential types of impacts related to involuntary resettlement. In addition, this chapter describes entitlements for each type and category of impact and sets out the detailed requirements for determining the value of affected assets and outlining the process by which valuation will be undertaken. It also explains entitlement and compensation measures.

### 7.1 Category of Project Affected Persons (PAPs)

Affected groups and institutions under sub-project investments in this RPF will include:

**Affected Individuals** – An individual that suffers loss of land, property, structures, other assets or investments made on land, livelihood, and/or access to natural and/or economic resources as a result of the sub-project investments funded under the Project.

**Affected Households** – A household is affected if one or more of its members is affected by sub-projects, either by loss of property, land, structures, and access, or if their livelihoods are affected. They include: any members in the household, men, women, children, dependent relatives and friends, tenants; vulnerable individuals who may be too old or ill to farm along with the others; relatives who depend on one another for their daily existence.

**Vulnerable Groups and Households:** Vulnerable groups need special attention. There are several categories of vulnerability identified in relation to the Project activities. Each category of vulnerability indicates some type of circumstance for which the PAP requires special consideration and additional assistance. Details will be provided in the specific census survey that will be used to classify certain PAPs as vulnerable and to sub-categorize them based on the reasons for vulnerability. The following are definitions of possible categories of vulnerable heads of households.

- Female-headed and Child-headed households. These households are mainly dependent on women and children that are the sole breadwinners for household. In instances where the land is used by these households without formal rights or by households who are dependent on male relations for daily subsistence, the vulnerability of these households to resettlement related impacts is high. Resettlement considerations for these households should take into consideration the social networks and support systems. Compensation must consider all these factors
- People living with disabilities and the elderly: PWDs and elderly persons over the age of 60 are especially vulnerable as they are often dependent on the generosity of family, relatives, friends, and neighbors. Land and any form of asset loss could severely affect their livelihoods.
- Persons living with terminally illness: Relatively high percentages of the poor live with HIV or are terminally ill with AIDS. While many are beneficiaries of numerous health programs from government, international organizations, and NGOs, loss of assets could affect their livelihoods.
- Orphaned children: Due to the impacts of the HIV and AIDS crisis in Malawi, there are a considerable number of orphaned children whose parents have died from AIDS. These children fall into three categories of care: (i) those being looked after by relatives; (ii) those being looked after by the government, local authorities, or NGOs; and (iii) those living alone and providing for themselves and other siblings. These children tend to live in proximity to large towns and cities engaging in any form of economic activity to provide for themselves and their siblings, including selling paraffin or water, artisanal mining, and exploitative employment, among others. Many orphaned children also end up on the streets as street children. Should they be impacted by any subproject, consideration should be made for compensation in the form of rehabilitation and vocational training.
- PAPs below poverty line: These are PAPs that live on less than a dollar a day. These are people who may not meet their daily needs such as food, shelter and clothing.

Vulnerable PAPs will be eligible for additional support, which will help them to manage the resettlement process. Support to PAPs who are identified as vulnerable under the Project will be provided on an individual basis as needed. Additional monetary compensation for vulnerable PAPs will be considered in sub-project specific RAPS.

The livelihood restoration plan (LRP) as part of a RAP will define the nature and extent of additional assistance that will be provided to vulnerable PAPs. The LRP will align with NGOs and voluntary charitable services and other government projects to ensure sustainability of the livelihood interventions.

Monitoring the treatment of vulnerable people during the compensation and resettlement process will be done as a special, focused activity and preferably sub-contracted through a firm or more local NGOs or Community Based Organizations (CBOs). As with all aspects of the M&E system, care will be taken to keep it as simple as possible. This monitoring is to ensure that requirements are met, and that any shortfalls are identified and covered.

Vulnerable groups will be identified during the RAP preparation.

**A Vulnerable Groups Assistance Programme** will be developed for specific RAPs to provide a safety net for vulnerable households. The objective will be to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship, as part of the overall Livelihood Assistance Package for each household. Vulnerable persons will be specifically identified, registered, and tracked through the following means:

- Analysis of RAP socio-economic survey data and case work on household composition, assets, source of income, and food security
- Community identified households receiving charity
- Analysis of records or case work on each household being compensated

**Eligibility for Vulnerability Assistance** The identification of vulnerable households will be based on the following criteria:

- Predisposition to economic vulnerability;
- Age;
- Disability and Infirmity;
- Female-headed and child-headed households.

#### **Form of Assistance to Vulnerable Groups**

- Assistance may take the following forms, depending upon vulnerable persons' requests and needs:
- Assistance in the compensation payment procedure (e.g., specifically explain the process and procedures, make sure that documents are well understood);
- Assistance in the post-payment period to secure the compensation money and reduce risks of misuse/robbery;
- Additional cash to enable them restore their livelihood
- Counselling in matters such as family and health; and
- Ensuring that the vulnerable enjoy equal opportunity during employment procedures.

## 7.2 Eligibility for Compensation

The following are some of the categories of impacts eligible for compensation. The list may be expanded when a socio-economic study and census is undertaken for sub-projects under the Project, in case other types of impacts are identified.

- Residential land

- Structures / fixtures
- Standing crops and trees
- Livelihoods
- Access to resources
- Community assets (wells, boreholes, community halls, schools, health centers, woodlots, wetlands, playgrounds, graveyards)

All PAPs irrespective of their status or whether they have formal land titles, are eligible for assistance if they occupied the land before the cut-off date. The cut-off date refers the last day of conducting assessments in the proposed project site. The Table below summarizes the entitlements for each group of PAPs.

Table 7: Entitlements Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Less than 20% of land holding affected - Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
		Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
Agricultural land	Greater than 20% of land holding lost - Land does not remain economically viable	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice equal to replacement cost.
			Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.
			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
		Tenant/Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
Land users	Impact on livelihood	Landless, encroachers	Compensation to restore livelihood and ensure they will not be worse off as a result of the investments' activities.
Residential Land	Land used for residence partially affected, limited loss - Remaining land viable for present use.	Title holder	Cash compensation for affected land in line with market value for the specific residential area
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Land and assets used for residence severely affected - Remaining area insufficient for continuing use or	Title holder	Land for land replacement or compensation in cash according to PAP's choice, based on the replacement cost. Land for land replacement shall be of minimum plot of acceptable size under the zoning laws or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.



Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	become smaller than minimally accepted under zoning laws		When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.
			Transfer of the land to the PAP shall be free of taxes, registration, and other costs.
			Relocation assistance (costs of shifting + allowance)
	Land and assets used for residence severely affected - Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal
			Cash compensation equivalent to 3 months of lease/ rental fee
			Assistance in rental/ lease of alternative land/ property
Buildings, structures and fixtures	Structures are partially affected - Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets
		Rental/lease holder	Cash compensation to cover costs of restoration of the remaining structure
	Entire structures are affected or partially affected - Remaining structures not suitable for continued use	Owner	Cash compensation for affected assets (verifiable improvements to the property by the tenant).
			Disturbance compensation equivalent to two months rental costs
		Owner	Cash compensation for entire structure and other fixed assets without depreciation equal to replacement cost, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.
			Right to salvage materials without deduction from compensation
		Squatter/ informal dweller	Relocation assistance (costs of shifting + allowance)
			Cash compensation for affected structure without depreciation
Partial or complete loss of other property or secondary structure (i.e., fences, drainage channels, etc.)		Owners of structures (regardless if the land is owned or not)	Right to salvage materials without deduction from compensation
		Owners of structures (regardless if the	Replace or repair structure to original or better condition.
			Cash compensation for affected structure without depreciation
			Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		land is owned or not)	Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required assistance with job placement, skills training)
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re- establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop, plus the labor cost.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Loss of access to water sources	Loss of access to water for household use, for household plots, etc.	Affected households	Replace water access: Provide alternate access to water sources in the interim period. Ensure that the investments' design take into consideration different use and need for water and accommodate the users accordingly.
Loss of community properties such as burial grounds, sacred trees, irrigation facilities, water wells etc	Loss of access	Communities affected	Consultation: Undertake consultation with community/ users to determine appropriate arrangements (eg relocation of graves, traditional ceremonies etc). Compensation in kind: provision of replacement assets at agreed locations to re-provide asset/ service. Compensation in cash should be avoided for community assets.
	Temporarily or permanently, loss of investment made or damage to facility	Communities affected	
Loss of livelihoods (e.g. extraction of river sand, fishing)	Loss of means of livelihoods	Small dependent jobs on affected assets	Livelihood restoration measures- land or non-land based: Undertaken to help the affected persons restore their livelihood.
			Opportunity cost compensation equivalent to 2 months net income on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation or reinstatement for any assets affected (e. g. boundary wall demolished, trees removed)
Additional support to vulnerable people		PAP	An additional financial assistance of 20% on the base compensation amount payable.
			Provision of livelihood support if eligible as per criteria.
			Provision of financial literacy training as given to all PAPs
			This amount will be in addition to other compensation and assistance amounts given above per type of loss

### 7.3 Establishment of Resettlement and Compensation Committee (RCC)

For the purpose of this RPF, at every Ward level where sub-project activities are going to lead to resettlement, a Resettlement and Compensation Committee (RCC) will be established by the district council to ensure participation and inclusion of stakeholders as part of the Project GRM to address grievances during the resettlement process. The RCC will ensure effective communication with PAPs, the Ministry of Lands, the NGLFC, the district council and the PCU. The RCC will include representatives from Ministry of Lands, the district government, and PAPs from the ward level, among other members.

### 7.4 Method to Determine Cut-Off Dates

The Cut-off date is the date when the census and compiling an inventory of the PAPs and their property in a sub-project area is finalized. Information regarding the cut-off date will be documented and disseminated throughout the sub-project area and in relevant local languages. This will include posted warnings that persons settling in the sub-project area after the cut-off date may be subject to removal.

Census of the PAPs and their property is conducted in order to obtain pre-resettlement data and information regarding the PAPs that will be re-located in order to plan for their compensation and resettlement. The exercise involves a head count of the people and their property in the sub-project area. All heads of households who were not residents in the area prior to the cut-off date are not eligible for resettlement assistance and compensations.

### 7.5 Methods of Assets Valuation

Valuation is the process of determining the value of land or an asset that PAPs possesses or use. Compensation for all land use and assets in kind or cash will be required for the following:

- Land;
- Residential buildings, structures and fixtures;
- Standing crops (both cash and food crops) and trees;
- Loss of livelihood.

In addition, resettlement and economic rehabilitation assistance will be provided to the PAPs, as outlined in the Entitlement Matrix above. It is essential that if cash compensation is selected then replacement values are used to establish actual compensation for all projects funded under the Project. A registered valuer will undertake the valuation exercise, using existing market price, to establish replacement cost. This will be done as part of the preparation of each investment specific RAP.

Although the type of compensation will be the individual's choice, in-kind compensation will be preferred as cash payments raises issues regarding inflation and security. In addition, provision of cash does not ensure that the PAP's income will be restored. For payment of in kind compensation, the timing and alternative locations will have to be decided and agreed upon by each PAP, in consultation with the sub-project's RCC.

## 7.6 Valuation Process of Assets

This section describes the approach and methodology used in the valuation of project affected assets. It also describes how the asset inventory was conducted in the sub-project areas.

**Basis of Valuation Methods:** The valuation of assets in this sub-project is based on national laws and ESS5.

**Malawi National and Legal Provisions:** There are a number of legal provisions in Malawi that govern compensation in the event that an affected person's assets are affected. Section 28 of the *Constitution of Malawi* provides that every person shall be able to acquire property and that having acquired that property; no person shall be arbitrarily deprived of the property. Section 44 (4) further states that expropriation of property shall be permissible only when done for public utility and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law. The principal Act on Land Matters- *The Land Act 2016* - provides that any person who suffers any disturbance of, or loss or damage to any interest which he had shall be paid compensation for such disturbance, loss or damage as is reasonable. Additionally, the *Land Acquisition and Compensation Act 2016* provides the procedure for the assessment of appropriate compensation. It considers three steps as being necessary to arrive at an appropriate compensation, namely:

- a) The consideration which the person entitled to the land paid in acquiring it;
- b) The value of the unexhausted improvements to the land made at the expense of the person entitled thereto since the date of his acquisition thereof; and
- c) Any other appreciation in the value of the land since the date of such acquisition.

The 2002 Malawi National Land Policy (4:12, 16) carries the spirit with which valuations have to be conducted especially on customary lands. In part it says that land values shall be determined by open market procedures for customary lands acquired through compulsory acquisition by the government. It further notes that, "the inadequacy of compensation is always the direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation".

ESS5 defines involuntary resettlement as physical displacement (relocation, loss residential land or shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. Nonetheless, it is appreciated that ESS5 take precedence in the case where national practices are less stringent than those of ESS5. ESS5 states that replacement cost as a rate of compensation for lost assets must be calculated at market value plus transaction cost and other assistance as may be necessary to help improve or at least restore the standard of living or livelihoods. It further expects the Project to compensate affected people for loss of physical assets, revenue and income resulting from economic displacement or physical relocation regardless of whether these losses are temporary or permanent.

With regard to land and structures (buildings), the replacement cost is defined as follows:

- a. *Agricultural land:* The market value (MV) of land and the transaction cost of acquiring land of equal productive potential located in the vicinity of the affected land;
- b. *Urban Land:* The market value of the land of equal size and use and transaction cost of acquiring land with similar or improved public facilities and services located in the vicinity of the affected land;

- c. *Residential structures*: the cost of purchasing or building a new structure within the area, with land size and quality similar or better than those of the affected structure or of repairing a partially affected structure.

**Valuation Practice in Malawi:** Valuation in Malawi is undertaken by Real Estate professionals registered under the Land Economy Surveyors, Valuers, Estate Agents and Auctioneers' Act of 1989 (CAP:53.08) of the laws of Malawi. They are themselves members of the Surveyors Institute of Malawi (SIM). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council. As such, valuation of assets is done in accordance with Practice Statements and Guidance Notes published by the International Valuation Standards Council (IVSC). The IVSC (2009) defines Market Value as, '...the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion'.

**Valuation Methods Applied:** The method used in valuing the assets affected is dependent on the use, type and market conditions of the asset. Based on the knowledge of the asset impacted by the project, the appropriate methods used in the valuation of the affected asset are Cost approach, Investment approach and Comparison approach. The following categories of assets will be affected:

- Loss of land;
- Loss of structures/ buildings/fixtures;
- Loss of crops;
- Loss of trees (fruits, exotic and natural);
- Loss of access /damage on cultural heritage sites/burial grounds;
- Loss of livelihoods (farming, access to resources).

**Valuation for Loss of Assets:** The following methods of calculation will be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

**Valuation for Loss of Urban Land:** The compensation will be based on replacement cost, which will be the market price plus the cost of buying a new plot of land and the fees and taxes involved. This will take into account the different market price for land values across the city and differences in value of the land used for residential, industrial and commercial purposes.

**Valuation for Loss of Agricultural Land:** The Project will provide first replacement of land for any affected land. If receiving land as compensation, the affected party will then be compensated for the labor required to replant the crops. In the case where there is no alternative land available, cash compensation at full replacement value will be provided. This will be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality.

Any associated costs of purchasing the land i.e., taxes, registration fees will be included in the compensation. Compensation will also be done for any improvement made on the land with calculation made using current prevailing market rates for labor, equipment and materials. In cases where land lost is only a small fraction of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided will be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land). In addition, the PAPs will be compensated for any permanent improvements made to the land (for instance water distribution and supply lines). This will be calculated based on the

price of making the permanent improvement at current prevailing market rates for labor, equipment and materials.

Compensation for land is aimed at providing a farmer and land owners whose land is acquired and used for project purposes, with compensation for land labor and crop loss. The farmer's labor is one of the biggest investments he/she makes in producing a crop which is higher than all other inputs such as seed and fertilizer. As a result, compensation relating to land will cover the market price of labor invested as well as the market price of the crop lost.

**Valuation for Loss of Standing Crops:** The compensation of the crops will be paid at market rate for the production loss. This rate incorporates the value of crops and the value of the labor invested in preparing new land. Market value is equivalent to average of last 3 years market value for the mature and harvested crop. The value of the labor invested in preparing agricultural land and ploughing will be compensated at the average wage in the community for the same period of time.

**Crop Value Determination:** The value of each staple crop affected will be taken as the highest market price (over 3 years) reached during the year. This will be validated from current market prices of crops as kept by the Ministry of Agriculture. The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

**Valuation for Loss of Buildings, Structures and Fixtures:** Compensation will be paid by replacing structures such as houses, buildings, and fences on alternative land provided as an in-kind compensation. Cash compensation would be available as preferred option for structures lost, that are not the main house or house in which someone is living. The ongoing market prices for construction materials will be determined. Alternatively, compensation will be paid in kind for the replacement costs without depreciation of the structure. The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

- Measurements of structures and detail of materials used;
- Average replacement costs of different types of buildings and
- Structures based on collection of information on the numbers and types of materials used to construct and finish the different types of structures (e.g. poles, concrete blocks, steel frame, bricks, rafters, bundles of straw, corrugated, IBR iron sheets, wooden/steel/aluminum windows and doors etc.).
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/ replacement land or building site;
- Estimates of construction of new buildings including labor required;
- Any associated taxes, registration fees.

**Voluntary Land Donation:** For land donated voluntarily, a written consent must be undertaken by the owner of the land and also consented by the family of the owner and witnessed by the Chief / Councilor. An agreement will then be prepared by the lawyer, signed by the owner and witnessed by the Chief / Councilor.

The project will have to ensure that:

- (i) the potential donors have been appropriately informed and consulted about the project and the choices available to them,
- (ii) that the potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation,
- (iii) the donated land is minor and that the donation will not reduce the donors remaining land area below that required to maintain the donors' current livelihood level,
- (iv) the donor is expected to benefit directly from the project, and
- (v) no household relocation is involved.

Voluntary land donation should not be considered from households that are considered to be vulnerable or who have small plots of land as this is likely to increase vulnerability. For community or collective land, donation can only occur with the consent of individuals using or occupying the land.

**Compensation for Community Assets:** Community assets include community-owned assets such as water points or wells. Community assets will be identified through the project-specific census and enumeration. In the event that community assets are affected, in – kind, new facilities will be provided even if there are existing facilities at the new location, except if such assets are not needed in the new place. However, if community trees are affected, the community will be compensated through provision of new seedlings equivalent to the value of lost trees. Some community assets such as burial grounds in rare cases may need to be moved, therefore the cost of moving graves and related structures will be considered by the project.

**Compensation for Sacred Sites:** This RPF is conscious of the fact that valuation of sacred places is a difficult undertaking because of the complexity of placing monetary value on a cultural site. Additionally, most sacred sites belong not only to an individual but a family, village or community.

Under this RPF to the largest extent possible, the sacred sites and use of land that is defined to be cultural and/or sacred property under ESS5 will be avoided. Sacred sites will include but not restricted only to; museums, altars, initiation centers, ritual sites, ancestral tombs, trees, stones, and cemeteries which are considered sacred by the project affected persons. It will also include other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. However, if the impact on some cultural sites is unavoidable, utmost care will be taken to ensure that all related activities affecting such sites and compensation is culturally appropriate and acceptable to the involved community and that all the processes are done in a consultative manner and with full participation of the affected communities.

**Compensation for Vegetable Gardens and Beehives:** Most vegetable gardens form part of the residential space - though miniature in size, they make critical component of most family's food and nutritional supplement through provision of vegetables. Until a replacement garden starts to bear, the family displaced (economically or physically), will have to purchase vegetables in the market for daily use. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market. Beehives are placed in various locations in the bush by individuals specializing in honey gathering. If such hives will be disturbed by the project activities, or access to hives is denied, beekeepers will be free to move them, and hopefully the bees will adapt to the new locations. Beekeepers will be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

**Compensation for Trees:** Unlike the assessment of land, the tree assessment will be based on Malawi Government Gazette of 2010 form Department of Forestry. This provides different approaches for



assessment of trees for both commercial and domestic purposes. In view of this report which is the subject, assessment for commercial purposes has been considered to be more reasonable. An upward adjustment would be made to rate provided by the Forestry Department to cater for the prevailing market trends.

**Fruit Tree Assessment:** In terms of the assessment of fruit trees a consideration was made to use the average yield/tree/year, average current market price and expected productive life span. Fruit Compensation schedule attached and number of each claimant's fruit trees, the assessors obtained the compensation payable to each fruit tree owner basing on the current market. Considering the productive life only, the establishment cost was calculated by averaging the cost of a tree with the duration and longest duration to production. In calculating the yield per fruit tree and average prices, the assessor disregarded the size of the trees as is the case with forest tree above. Prices adopted are the highest that could be obtained in the market at the time of the research.

**Compensation for Loss of Profit:** Loss of profit refers to damages payable to the owner of the business whose business is to be shut down to give way for implementation of a certain project. Value for each type of loss of profit will be paid to the affected person. The appraisal will cover the type and number of such losses that individual will suffer, in addition to total compensation payable in loss of Land and improvement thereon. This shall be undertaken for both formal and informal business operators affected by the project.

**Disturbance Allowance:** Disturbance allowances shall be paid in addition to the compensation of value of land and exhausted improvements. A disturbance allowance is paid to a PAP as per Lands Acquisition and Compensation Act (2016).

**Compensation for Loss of Livelihoods:** For those who have small production and that production is a major part of their livelihoods, such as those working on land, sand collectors, fishers, earning an income, which is affected by any of sub-project investment. The RPF proposes full livelihood restoration and support to such vulnerable groups affected by the project activities. Further for wage earners (workers employees within shop/business/ industries) and persons engaging in non-farming who livelihoods are impacted negatively both permanently or temporarily, opportunity cost compensation equivalent to 2 months net wages on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher will be paid as compensation.

#### **Livelihood Restoration for Economically Displaced**

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;
- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, loss of wages for its employees, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment;
- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws;
- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date;
- Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels, and

standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; and ]

- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

For loss of Agricultural Income, the Project will focus on improving well-being and adaptation capabilities of the affected people, enhancing resilience and livelihood adaptation and ensuring natural resource sustainability. To generate alternative source of agricultural income, if PAPs will stay in the settlements and have sufficient land for cultivation (in case of unavailability of land, they can purchase by their cash compensation).

## 8. Institutional Arrangements for RAP Implementation

The Institutional responsibility for Resettlement Action Plan (RAPs) preparation and implementation, including delivery of entitlements, lies with the PCU.

The Project will be implemented by a PCU located in the Department of Economic Planning and Development, within the Ministry of Finance and Economic Affairs. The PCU will be comprised of Project management, fiduciary and engineering expertise. The PCU will additionally draw on a technical team of staff assigned from involved line ministries (Ministry of Water and Sanitation; Ministry of Transport/Roads Authority, Department of Disaster Management Affairs (DoDMA), the Department of Climate Change and Meteorological Services (DCCMS), Department of Land Resource Conservation, Ministry of Lands, Environmental Affairs Department) and Ministry of Agriculture (Department of Land Resources Conservation). The PCU will also manage the contracting and supervision of all third-party firms hired under the Project.

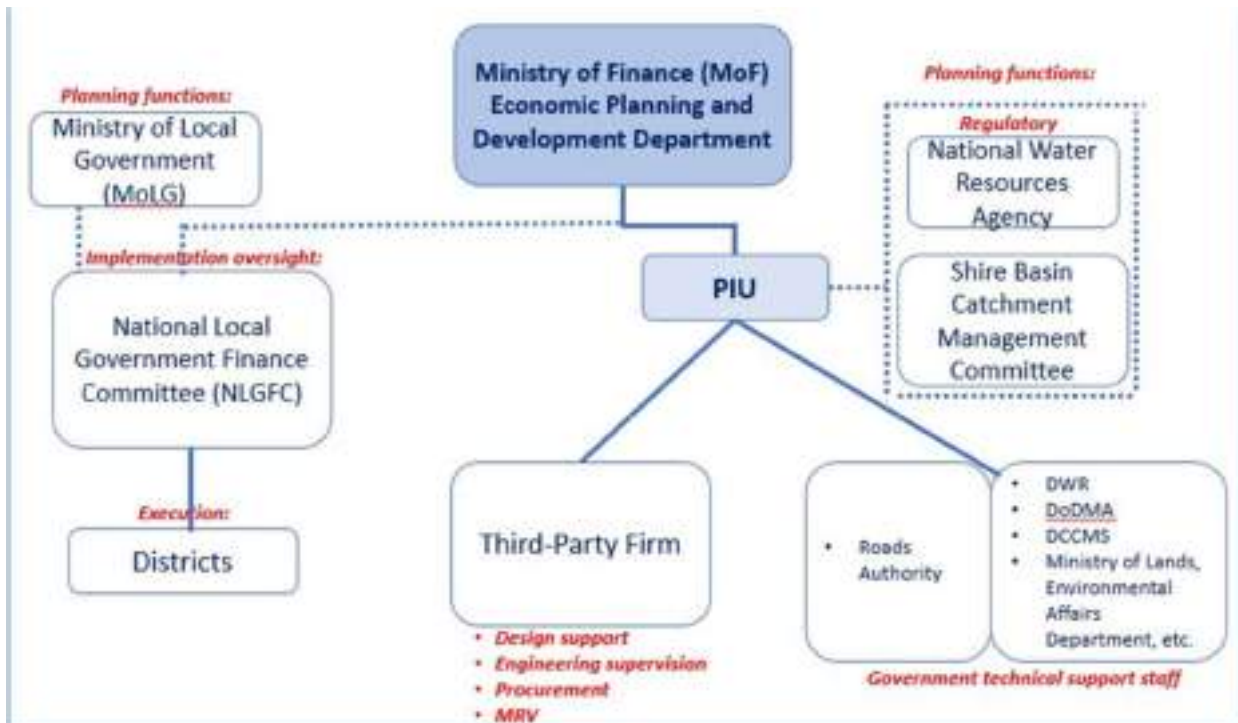


Figure 1 Project Implementation Arrangements

For the district level activities under Component 2, the Project will be implemented by the National Local Government Finance Committee (NLGFC) under the Ministry of Local Government. The NLGFC is a constitutional body mandated to facilitate fiscal decentralization, Financial Management and local development in local councils, with dual reporting lines to the Ministry of Local Government and the Ministry of Finance. The sub-component will be led by National Local Government Finance Committee, supported by relevant Departments, and will be complemented by a robust Technical Assistance engagement during the period of implementation.

The PCU will include qualified staff and resources to support the management of all E&S risks and impacts of the Project, including land and resettlement issues. For this purpose, the PCU will recruit one Environmental Safeguards Specialist, one Social Safeguards Specialist, one OHS Specialist, one Supervising Engineer, and one SEA/SH Specialist (collectively the Environmental and Social Specialists). All of them will be full time project staff. The Environmental and the Social Safeguards Specialists will be responsible for the monitoring of the compliance with this ESMF, the SEP, and the LMP and sub-project specific E&S instruments. The Social Safeguards Specialist will be responsible for the monitoring of the implementation of the RPF. Where necessary, the Specialists will discuss corrective measures with Project management and implementers where appropriate. A team of consultants recruited by the PCU will assist with the preparation of additional E&S instruments, such RAPs for sub-projects. The PCU will oversee the preparation of the instruments and be responsible to submit them to the World Bank for clearance.

The Environmental and Social Safeguards Specialists at the PCU will be responsible for the monitoring and supervision of the subproject-specific E&S instruments. They will assist in the preparation of bidding documents and ensure that all subproject-specific requirements are included in the bidding documents and that the construction companies have the respective capacity to implement the requirements. They will undertake field monitoring missions and review documentation in order to monitor the

implementation of the E&S requirements, and they will train ministerial staff at all relevant levels in the implementation and monitoring efforts, especially the staff of the NLGFC and district-level staff implementing Component 2.

The Environmental and Social Safeguards Specialists will receive monthly reports from construction companies and the NLGFC and will prepare the E&S inputs for the Project Quarterly Progress Report to the World Bank. The Social Safeguards Specialist will be responsible for any aspects regarding social issues, including land related issues, stakeholder consultations and the GRM.

The PCU staff will flag any performance concerns or non-compliance with the PCU leadership.

At the local level, the PCU staff will play a critical role in ensuring local governments are fully aware of the project and its activities. The staff at the local level will work closely with the PCU Environmental and Social Safeguards Specialists and will be trained in the monitoring of relevant E&S risk mitigation measures.

The PCU E&S Team will further work closely with the NLGFC and district governments to ensure compliance with all E&S mitigation measures under Sub-Component 2.2. The PBGs will operate through Government systems, with the Project introducing standards, guidelines, manuals and third-party assistance to strengthen existing national and local Government systems. Access to the PBGs will depend on the capacity of the districts to plan, implement, and monitor infrastructure and catchment management interventions. The first criterion is the need to have adequate technical staffing at district level. The PCU E&S team, specifically will be responsible for the provision of E&S training and capacity building at the District level as required. Training may be implemented through consultants recruited by the PCU.

The NLGFC will deploy an E&S Specialist responsible to work closely with the district governments in the preparation of proposals, the preparation of ESIA, ESMPs or RAPs where required, and the Specialist will be responsible for monitoring compliance of district governments and will report on the district governments' E&S performance to the PCU. Investment proposals will undergo quality assurance processes through the PCU's clearing house and national guidelines where available, in consultation with the district level staff. This process includes review of proposals and site-specific E&S instruments (ESIA, ESMPs, RAPs) through the PCU E&S Team.

In regards to handling processes laid out in this document, the PCU/NLGFC will be responsible for the following activities:

- Screening the sub-project activities for social impacts including for activities that will result in land acquisition and involuntary resettlement;
- Hiring consultants to prepare RAPs as needed;
- Facilitating various consultation activities;
- Disclosure of RAPs;
- Ensuring the interests of PAPs, particularly vulnerable groups, are taken into account and addressed within the RAPs;
- Ensuring RAPs clearance and approval;
- Ensuring functioning GRM and response towards resolving land-related issues; and
- Supervising and monitoring the progress in resettlement preparation and implementation including delivery of entitlements and regular progress reporting.

The Ministry of Finance and Economic Affairs (MoFEA), generally, is responsible for:

- Securing and channeling resources to the PCU for the project;
- Allocating financial resources including compensation funds.

The Ministry of Gender, Community Development and Social Welfare (MoGCDSW) will be responsible for reviewing RAPs to ensure consistency with the RPF – more specifically that compensation and enhancement measures are in place for vulnerable groups.

The Ministry of Lands is responsible for determining the requirements on land take and resettlement. They will provide guidance on the adherence of instruments under Malawi regulation; and review and approval of RAPs consistent with the RPF.

## 9. Implementation Schedule

Before any sub-project investment is implemented, PAPs will need to be fully compensated by the PCU/NLGFC in accordance with the RAPs. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include the provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the RPF and individual RAPs.

The schedule for the implementation of activities related to specific RAPs will be prepared based on the principles of this RPF, and must be agreed to by PAPs to give legitimacy to the whole process as outlined in the law.

The schedule will include the target dates for start and completion of civil works, the dates of the possession of land that PAPs will use, dates of the full compensation, dates of transfer of titles, and date of hand over of land to implementing agency. This schedule will be agreed upon by the PCU, the RCC and the PAPs. The consultation process will ensure that RAPs contain acceptable measures agreed upon among all stakeholders that link resettlement activity to civil works under each specific investment in compliance with this policy.

The timing of these measures will ensure that no individual or affected household will be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is completed by the consultant, the individual RAPs will be sent to the PCU and the World Bank for final review and approval.

The preparation of the implementing schedule will only be possible once the technical designs are complete and approved. Each investment will have an individual implementation schedule prepared by the PCU, which will be included in the sub-project RAP. Therefore, all RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan will include a target date when the expected benefits for resettled persons and hosts community, if relevant, will be achieved. Arrangements for monitoring of

implementation of the resettlement and evaluating its impact will be developed during the preparation of individual RAPs implementation schedules. The principles for preparation of monitoring and evaluation are discussed in the below section on Monitoring and Evaluation. Target dates for achievement of expected benefits to resettled persons and hosts will be set and the various forms of assistance to the resettled persons will be disseminated to them.

Planning and coordination of the tasks of the various actors involved in the RAP implementation will be key to successful RAP implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at individual project launching and at the commencement of every project investment identified to have adverse social impacts.

The workshops will focus on:

- Taking stock of the legal framework for compensation,
- Settling institutional arrangements and mechanisms for payment of compensation,
- Defining tasks and responsibilities of each stakeholder and
- Establishing a work plan for all in accordance to individual tasks in RAP
- Adherence to principles of RPF

The stakeholders will be requested to participate in the decision-making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule.

## 10. Grievance Redress Mechanism

Grievance procedures are required to ensure that PAPs can lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures should also ensure that the entitlements are effectively transferred to the intended beneficiaries. PAPs will be informed of the intention to implement the grievance mechanism, and the procedures will be communicated at the time of the preparation of investment-specific RAPs. The GRM will be aligned with the SEP.

Grievances may arise from members of communities who are dissatisfied with:

- The eligibility criteria;
- Valuation of assets and compensation, or
- Actual implementation of RAPs,
- Inadequate compensation;
- Objections to use of land;
- Encroachment and/or disputes on private land;
- Delayed compensation payments.

A key element of resettlement activities will be the development and implementation of a GRM in all sub-project areas. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances under each investment, ensuring that they are addressed in an appropriate and timely manner. The grievance procedure will be simple and will be administered, as far as possible, at the project level by the RCC.

The RCCs will be established at Ward level for each sub-project with land and resettlement impacts. However, the RCC will be different in size depending on the level of impact and specific circumstances of

the sub-project, but at the minimum will include a representative of the PCU or NLGFC, district government Ward administration, representative of the PAPs, land registrar, and a representative from the Ministry of Gender, Community Development, and Social Welfare. The PCU will ensure that there is gender and youth representation in the RCCs. Training of the RCCs will be undertaken to ensure that they understand their role and will be resourced to ensure that they appreciate the development.

The grievance procedure outlined in this RPF will not replace existing dispute and grievance redress in legal system in the country, which PAPs will be persuaded to use an option of last resort if they feel dissatisfied.

Based on consensus, the procedures will seek to resolve issues quickly to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions that may delay the implementation of a project. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

The overall process of grievance management will be as follows:

- During the initial stages of the valuation process, the PAPs will be given copies of grievance procedures as a guide on how to handle the grievances. This will include who to contact (a phone number, address, location and time) as well as type of grievances they can refer to this committee.
- The process of grievance redress will start with registration of the grievances to be addressed for reference at the locational level through RCC. In all instances, records will be kept to enable progress updates of the cases.
- Traditional local mechanisms will be used and will include local leaders and the affected persons trying to find a solution with the concerned parties.
- In cases where a solution cannot be found at the local level, reference will be made to the RCC.
- These will ensure transparency, fairness, consensus building across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
- The response time will depend on the issue to be addressed but all measures will be put in place to ensure efficiency,
- Once the grievance is addressed and agreement reached, the compensation will be paid to the PAPs.

Should a PAP refuse the compensation suggested, the individual PAP has the right to take his/her case to the civil court for litigation.

**Grievance Redress Process:** All grievances will be channeled to the RCC established at the ward level (see flow. A grievance log will be established by RCC and copies of the records kept to be used for monitoring of complaints.

The grievance redress mechanisms will be designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

If a complaint pattern emerges, the NLGFC and RCC will discuss possible remedial measures. The above institutions will be required to give advice concerning the need for revisions of procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. Implementing agencies, RCCs and the local leaders will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

The complainant will file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the RCC. The grievance note should be signed and dated by the complainant. The NLGFC will appoint an E&S Safeguards Specialist who will be the direct liaison with complainant.

The note should be embossed with complainant's signature or thumbprint. A sample grievance form is provided in Annex 4. A copy of this completed form should be submitted by the NLGFC E&S Safeguards Specialist to the RCC.

- The E&S Safeguards Specialist and the RCC will consult to determine the validity of claims. If valid, the Committee will notify the complainant that s/he will be assisted and a response will be given in the due time.
- The RCC will meet and respond within 14 days during which time any meetings and discussions to be held with the complainant will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, at the approval of RCC until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the complainant must be notified by E&S Safeguards Specialist that his/her complaint is being considered.
- If the complainant does not receive a response or is not satisfied with the outcome by the RCC within the agreed time, s/he may lodge his/her grievance to the Lands Office, also mandated to help resolve such matters. If requested, or deemed necessary by the PCU/NLGFC, will assist the complainant in this matter.
- Where the matter cannot be resolved through local routes, the grievance will be escalated to the Grievance Redress Committee established under the Project GRM, before it is referred to the courts. The RCC will provide assistance at all stages to the complainant to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

**Grievance Log:** The E&S Safeguards Specialist will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported;
- Date the grievance log was uploaded onto the project database;
- Date information on proposed corrective action sent to complainant (if appropriate);
- The date the complaint was closed out;
- Date response was sent to complainant; and
- Nature and type of grievances being raised

**Monitoring Complaints:** The E&S Safeguards Specialist will be responsible for:

- Providing the RCC with a weekly report detailing the number and status of complaints;
- Any outstanding issues to be addressed; and
- Monthly reports, including monitoring indicators in line with the SEP to monitor the overall efficiency of the GRM to allow for changes. Indicators shall also include number of complaints aggregate by gender, region and vulnerability, number of grievances escalated to the city or national level, resolution time of grievances, means used to log complaints.
- The analysis of the type of complaints, levels of complaints, and actions to reduce complaints.



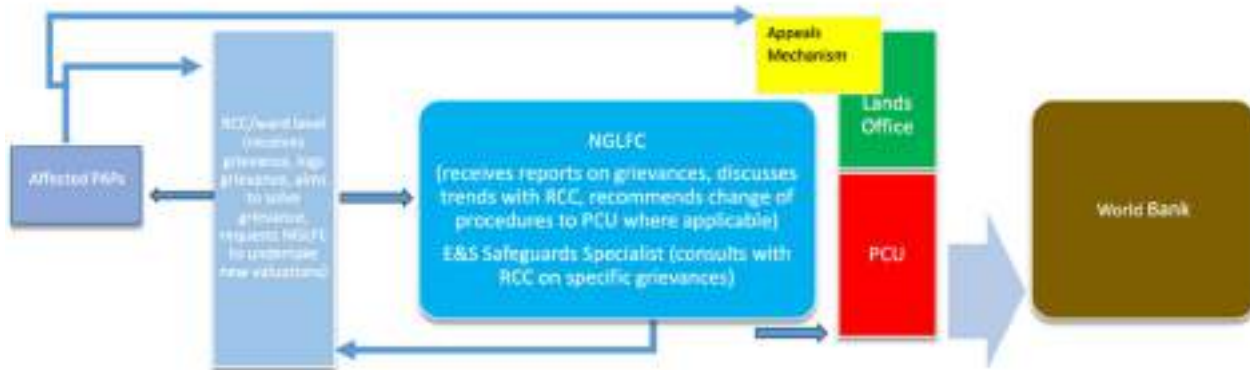


Figure 2 Flowchart GRM

## 11. Costs of Implementation

The actual cost of resettlement and compensation for each sub-project with land and resettlement impacts will be determined during each socio-economic study for the preparation of the individual RAPs. The Government of Malawi will finance all the resettlement and compensation costs. The total cost of resettlement under the Project will depend on the number of investments that will be made.

At this stage, it is not possible to estimate the exact number of people who may be affected under the project since the technical designs and details of all investments have not yet been finalized. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with sub-project implementation.

However, once locations are known, and after the conclusion of the site-specific socio-economic assessment, information on specific impacts, individual and household incomes, assets and numbers of affected people and other demographic data will be available, hence a detailed and accurate budget for each RAP will be prepared. The PCU together with the relevant implementer will prepare a detailed resettlement budget, to be financed by the Government of Malawi through the Ministry of Finance and Economic Affairs. Each RAP will include a detailed budget, using the following template.

Table 8: Illustrative Budget Template for the RAP

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
crops and economic tress			
Community infrastructure			
<b>Land Acquisition and Preparation</b>			
Land			
structures			
Crops areas and others			
Community infrastructure			
<b>Relocations</b>			
Transfer of possessions			
Installation costs			

<b>Economic Rehabilitation</b>			
Livelihoods restoration			
Training			
Capital Investments			
Technical Assistance			
NGO support			
Monitoring			
Contingency			

Table 9: Explanation of Assumptions on Indicative Budget

#	Item	Costs (in MK)*	Assumptions
1	Compensation for loss of land	/hectare	For land acquisition purposes, based on cost realized in projects involving similar issues in Malawi.
2	Compensation for loss of crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops as per methods described in this RPF.
3	Compensation for buildings and Structures and fixtures	/structure	This compensation would be in-kind or cash. These new residential buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage. Compensation for commercial/industrial would be based on full replacement cost.  Compensation for community structures will be in-kind only .
4	Compensation for loss of business income/profits	/month	Based on methods described in this RPF.
7	Compensation for Trees	/year/tree	Based on methods described in this RPF for compensation for trees.
8	Cost of Relocation Assistance/Expenses	/household	This cost is to facilitate transportation, etc.
9	Cost of Restoration of Individual Income	Say	Assumed to be higher than the GDP/capita.
10	Cost of Restoration of Household Income	Say	Through employment in Program Activities.
11	Cost of Training Farmers, pastoralists and other PAPS		This is a mitigation measure which seeks to involve those affected by the project activities. This figure represents a costs of around MK/person.
12	NGO support	Number/years	Administrative support to undertake livelihood restoration or monitoring and evaluation of RAPS implementation.
13	Cost of restoration of livelihood for vulnerable	/year/	Assumed to be higher than the GPP/capita.

The indicative budget for RPF implementation is shown in the Table below.

Table 10: Indicative RPF Budget for the Next 5 years

	Indicative Budgetary Item	No.	Unit cost (USD\$)	Total cost (USD\$)
1.	Stakeholders trainings/ consultation forums on RPF	10	3,000	30,000
2.	Monitoring and evaluation exercises on the implementation of RAPs	10	2,000	20,000
3.	Evaluation of Livelihood enhancement programs	10	10,000	100,000
4.	RAP consultations and other community engagements /	10	10,000	100,000
5	Resettlement Grievance Mechanisms	10	5,000	50,000
6.	Provision for special assistance to vulnerable PAPs	10	10,000	100,000
7.	RAP audits	10	10,000	100,000
			<b>Total</b>	<b>500,000</b>

Table 11 Assumptions for the RPF Budget

Item	Justification
Training for government institutions that will be involved in the implementation of RAPs	Implementers and other government institutions charged with compulsory acquisition will need to be trained in the principles and processes of this RPF. At the moment, it is not possible to estimate the number of meetings that may be needed. However, in the next 5 years there will be at least one meeting every year. The RPF will be adjusted accordingly depending on the need and changes occasioned by current constitutional reforms.
Monitoring and Evaluation of RAPs	To ensure compliance to the principles of RPF, it is expected that the PCU will carry out 6 independent studies assessing implemented RAP compliance with RPF principles of various sub-projects.
Evaluation of livelihood programs	As part of economic rehabilitation, the PCU will assess effectiveness of economic rehabilitation of RAPs implemented to ensure lesson learning and improvement of effectiveness of such programs over time.
Development of RPF – RAP implementation manual	There will be need to develop a RAP implementation manual that is line with RPF principles building on lessons learnt.
RPF audits	The PCU shall organize at least one annual meeting for RPF audit to review the compulsory acquisition procedures in line with lessons learnt built from previous resettlement program.
Grievance Redress Mechanisms	PCU to put in place grievance mechanisms at project and community levels.

## 12. Stakeholder Consultations for RAP Preparation and Implementation

Public consultations and participation are essential because they grant potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and implementing agencies. Effective and close consultations with PAPs is a prerequisite for sub-project success. In recognition of this, particular attention will be paid to public consultations with PAPs and households when resettlement and compensation concerns are involved.

Public consultations will take place at the inception of the planning stages of a sub-project, when the potential land areas are being considered. The information dissemination and consultation strategies will evolve around the provision of a full opportunity for involvement. Therefore, public consultations will be an ongoing activity taking place throughout the entire project cycle.

Consultations will take place through community meetings, radio broadcasts, and other tools as laid out in the SEP. These measures will take into account the low literacy levels prevalent in rural communities by allowing enough time for responses and feedback.

Particular attention will be given to consultation with vulnerable groups such as the landless, people living in informal settlements, and women to ensure that they are represented adequately in such processes.

Conflicts between hosts and resettled persons may develop as increased demands are placed on land, water, forests, services etc. To mitigate the resettlement impacts on host populations, they will be informed and consulted and included in the planning meetings for the resettlement exercise of affected persons and impact mitigation plan for the expansion of services. Any payments due to the hosts for land or other assets provided to resettled persons will be promptly made.

The objectives of consultations with PAPs are:

- To fully share sub-project information about the social-economic and environmental impacts of the project with the PAPs;
- To obtain information about the needs and priorities of the PAPs, as well as information about their reactions to proposed policies and activities;
- To inform PAPs about various options for livelihood restoration;
- To obtain the cooperation and participation of PAPs and related communities in activities required to be undertaken for RAP preparation and implementation;
- To discuss compensation rates and eligibility entitlement;
- To discuss choice of alternative location of land;
- To ensure transparency in all activities related to land acquisition, compensation and rehabilitation;
- To establish a clear, easily accessible and effective complaints and grievance procedure; and
- To establish mechanisms for monitoring and evaluation and for implementing corrective actions.

Consultations with PAPs: Three steps of information and consultation are being implemented:

- Initial information: Basic information will be provided to potentially affected people on the sub-project. This step took the form of public meetings.
- External stakeholder consultation: Other key stakeholders such as MoL, MoWS, MoGCDSW, traditional authorities, local political leaders have been consulted for their views, concerns and suggestions regarding RAP.
- Consultation on draft RAP: Once the RAP is available in draft form, it should be discussed with PAPs, MoL, MoGCDSW, RCC members and other relevant stakeholders whose comments shall be incorporated into final document.
- Disclosure: The RAP will then be disclosed on relevant websites for comments.

The RCC is expected to play an important role in the consultation process. It will be in close contact with the affected communities and in continuous communication with them about the sub-projects, their

impacts, resettlement and compensation processes, grievances management, among other things. They will also be the ones communicating the cut-off date and other project related issues to the PAPs.

**Data Collection Phase:** During the preparation of the RAPs, preliminary public consultations and socio-economic survey studies will be undertaken. It will involve active participation of all PAPs in provision of preliminary data. PAPs will be important information providers, enabling accurate and effective data. Information about proposed project will also be explained to PAPs in the local language that they understand. Besides, PAPs will be given the platform to ask questions about the project, identify impact of the proposed sub-projects, suggest mitigation measures and alternatives to be considered in the technical design that limit impacts. The consultant preparing the RAP will also provide the rationale for data collection, discuss data with PAPs and give PAPs feedback on the collected data.

**Disclosure of RAP:** Public disclosure of the RAP will be made to PAPs and other stakeholders for review and comments on entitlement matrix and other issues in the implementation of the RAP. The purpose of the disclosure will be to receive comments and suggestions from PAPs and incorporate appropriate suggestions. The RAPs will be disclosed in a form, manner and language comprehensible to PAPs and at a place accessible to the displaced population and other stakeholders for review and comments on entitlement measures. Except for the Entitlement Matrix, other sections of the RAP will be disclosed. The PCU will disclose and post any RAP on its website, local newspapers with wide circulation and receive comments. Comments and critiques made on any RAP by PAPs and other stakeholders will be taken by these agencies for consideration. The PCU/NLGFC will also conduct a half day workshop in the project area for the PAPs, stakeholders, representatives of civil society, and local leaders with the objective of disclosing project specific RAPs. The public disclosure of any RAP will be made in Chichewa and English. This will be done through the PCU or NLGFC; posting it in a range of publicly accessible places such as schools, churches, and local newspapers with wide circulation. This RPF also will be disclosed for input from civil societies, academics and other professionals as well.

**During implementation,** the PAPs will be informed about their rights and options, at which point they will air their views. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

**M&E:** The PAP representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other future projects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

## 13. Monitoring & Evaluation

This chapter sets out requirements for the monitoring of the implementation of the RAPs.

The arrangements for monitoring will fit the overall monitoring plan of the entire Project. Monitoring will be led by the PCU's M&E Specialist. All RAPs will set major socio-economic goals by which to evaluate their success which will include:

- Affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it,
- The local communities remaining supportive of the project and
- The absence or prevalence of conflicts
- PAPs reporting satisfaction with the resettlement operation. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The objective of the monitoring will be to determine:

- If affected people are satisfied with the actual resettlement process.
- If affected people have been paid in full, before implementation of any sub-project that is causing resettlement.
- If affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it.

The census and/or the socio-economic survey, which is the basis for the preparation of a sub-project RAP, will be used as the base line for the evaluation of the RAP.

**Indicators:** A number of indicators from the above studies will be used in order to determine the status of all affected people under the sub projects.

- Size of land being used compared to before the project;
- Standard of house compared to before the project;
- Status of income compared to before the project;
- Level of participation in project activities;
- Access to water, access to schools and health centers as it was before the project
- Status of vulnerable people compared to before the project.

Specific indicators may include the following, which would indicate a change:

- Access/ distance/ quality of agricultural plots
- Quality of, and access to, water
- Number of people employed
- Number of 'vulnerable' people
- Number of grievances and time taken to resolve them. If not resolved, what were the next steps
- Status of income of the PAPs
- The local communities remaining supportive of the project.
- The local communities reporting satisfaction with project resettlement

Most of the information for these indicators will be collected through surveys, interviews and focus group discussions with the affected communities. The data for these indicators will be collected every six months during RAP implementation by the NLGFC or district government, RCC and an independent NGO working in the area to ensure triangulation of data.

The pre-project census information will provide most, if not all of the required information to set a baseline against which performance can be tracked.

In addition to the existing baseline data, the following steps will be taken to ensure the proper monitoring of the RAPs:

- Questionnaire data will be entered into a database for comparative analysis;
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- The Lands office and Ministry of Gender Office will maintain a complete database on every individual impacted by the sub-project land use requirements.
- Regular resettlement status reports submitted by the implementing agency will be reviewed.

**Monitoring of RAP Implementation:** The RCC will assist in compiling basic information related to compensation and send them to the implementing agency as part of the regular monitoring. Some of the information which will be collected at the RCC level will include:

- Timing of compensation in relation to commencement of physical works;
- Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- Number of people raising grievances in relation to each project investment;
- Number of unresolved grievances.
- Number of vulnerable people assisted.
- Number of livelihoods restored and types of the livelihood restoration.

The PCU/NGLFC will review the statistics to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to.

Financial records will be maintained by the PCU/NGLFC to permit calculation of the final cost of resettlement and compensation per individual or household and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted to implement an independent RAP implementation audit after the finalization of each RAP.

## Annex 1: Sample Resettlement Screening Form

**Project name:**

**Project Location**

(Include map/sketch): (e.g. Area, Division, Ward, Location, and etc.).

**Type of activity:** (e.g. new construction, rehabilitation, periodic maintenance)

**Estimated Cost:**

(Malawian Kwacha)

**Proposed Date of**

**Commencement of Work:**

**Technical**

**Drawing/Specifications**

**Reviewed :** (circle answer): Yes No

*This report is to be kept short and concise.*

### 1. Site Selection:

When considering the location of a project, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low Medium High	Low Medium High	Low Medium High	
Involuntary Resettlement	Low population density; dispersed population; legal tenure is well defined.	Medium population density; mixed ownership and land tenure.	High population density; major towns and villages; low income families and/or illegal ownership of land; communal Properties.	

### 2. Checklist questions:

Physical data:	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project	



Any plans for new construction	
--------------------------------	--

Refer to project application for this information.

<b>Land and resettlement:</b>	<b>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</b>
Will the project involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the subproject?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the Resettlement Policy Framework.

<b>Actions:</b>	
List outstanding actions to be cleared before project appraisal.	
Approval/rejection	Yes/No answers and bullet lists preferred except where descriptive detail is essential.

Recommendations:

Requires a RAP to be submitted on date: \_\_\_\_\_

Does  not require further studies

Reviewer: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Annex 2: Census and Land Asset Inventory Form

### Socio-economic Household Datasheet of PAPs

<i>Name of Interviewer</i>		<i>Signature</i>
<i>ID Code</i>		
<i>Name of Supervisor</i>		<i>(after verification of interview)</i>
<i>ID Code</i>		

<i>Cell Name</i>		<i>Number of Concession in Village</i>	
<i>ID Code</i>		<i>(GPS Coordinates)</i>	

Date: .....  
Day Month Year

<i>Name of Head of Extended Family :</i>	
<i>Number of Nuclear Families in Extended Residential Group (including household of head of extended family)</i>	

<i>Name and Surname</i>	<i>Relationship to Head of Family</i>	<i>Sex</i>		<i>Place of Birth</i>	<i>Age</i>	<i>Marital Status</i>	<i>Residence Tenure</i>	<i>Ethnic Group</i>	<i>Religion</i>
		<i>M</i>	<i>F</i>						

1.									
2.									
3.									
4.									
5.									
6.									
7.									

<i>Educational Level</i>	<i>Income Earner</i>		<i>Economic Activities</i>	
	<i>Yes</i>	<i>No</i>	<i>Primary</i>	<i>Secondary</i>

**Household Interview**

Relation to Head of Family : 1 HoH; 2 Spouse of HoH ; 3 Child of HoH; 4 Spouse of child of HoH ; 5 Grandchild of HoH; 6 Parent of HoH; 7; 8 9 Other (specify) ; 0 No Answer.

Marital Status : 1Married ; 2 Widowed ; 3 Divorced ; 4 Unmarried; 0 No Answer.

Residential Status: 1 PRP (Permanent Resident) ; 2 RA (Resident absent) ; 3 Member of non-resident HH;  
4 Visitor; 9 Other (specify) ; 0 No Answer.

Occupations: -

Principle Occupation: 1. Farmer ; 2 Shepherd; 3 Household ; 4 Merchant; 5 Religious leader,  
teacher ; 6 Artisan ; 7 Transport ; 8 Unemployed; 9 Other (specify) ; 0 No Answer Secondary  
Occupations: idem.

Educational Level : 1 Illiterate ; 2 Three years or less; 3 Primary School ; 4 Secondary School ; 5  
Technical School ; 6 Religious School; 0 No Answer

Religion: 1 Christian (specify denomination) ; 2 Muslim ; 9 Other (specify) ; 0 No Answer

### Land asset inventory for Project Affected People

Village: \_\_\_\_\_

Date: \_\_\_\_\_

Cell: \_\_\_\_\_

Survey Name of no. Head of Household in household	No. of Persons in household	Total Land to be acquired of Hhold (m <sup>2</sup> )		Loss	Loss of assets		Loss of crops	Loss of	Other losses of %	other total	
		land Use holding acquired of Hhold (m <sup>2</sup> )	Type * (m <sup>2</sup> )	(m <sup>2</sup> )	Structures Permanent Other(specify) e.g., graveyards,	Structures temporary land lost	lost	Area of residential Residence(rented)	lost Business	Fruit trees Agricultural Income loss	land lost
(m <sup>2</sup> )	type (type and no.) number			(m <sup>2</sup> )	(m <sup>2</sup> )	land lost	lost	(m <sup>2</sup> )		wells, etc.	

\* Land types are as follows (please fill in the types of land for Malawi)

- 1.
3. 2.
- 4.

### Entitlements of Project Affected People

Location: \_\_\_\_\_

Date: \_\_\_\_\_

Village: \_\_\_\_\_

Survey no.	Name of Head of Household	Compensation for Land			Compensation for structures			Compensation for crops and Trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc.)			Total (MK)
		Quantity (m <sup>2</sup> )	Unit price (MK) per m	Entitlement (MK)	Quantity (m <sup>2</sup> )	Unit price (MK) per m	Entitlement (MK)	Quantity (m <sup>2</sup> )	Unit price (MK) per m	Entitlement (MK)	Quantity (MK) per m	Unit price (MK) per m	Entitlement (MK) m	

## Annex 3: Community Assets and Infrastructure

### Complete one form for each community asset

<b>1. Village/town/city</b>					
<b>2. Location</b>					
<b>3. Camera and Photograph Number</b>					
<b>4. Type of structure or asset</b>					
01	School	08	Well	15	Water Supply
02	Clinic	09	Public Latrine	16	Sewerage
03	Church, Mosque or Temple	10	Public Laundry	17	Garbage Site/Dump
04	Shrine	11	Play ground	18	Fish Pond
05	Town Hall	12	Cemetery	20	Other
06	Meeting Hall	13	Electric	If other(please Specify)	
07	Well	14	Public Telephone		
<b>4. Name of structure</b>					
<b>5. Formal owner of the structure</b>					
01	Sub-County Government				
02	Community or Voluntary Organization				
03	Private Individual				
04	Other(please Specify)				
<b>6. Name and Address of owner</b> (Please state name and address of responsible chairman or secretary if the structure is owned by a community organization or by government)					
<b>6. Plot Number</b>					
<b>7. Telephone Number</b>					
<b>8. Number of users of structure per month</b>					
<b>9. Plot Dimensions</b>					
			M	M	
<b>10. Plot Area</b>					
					M <sup>2</sup>
<b>11. Land value per m<sup>2</sup></b>					
			MWK		
<b>12. Land Value</b> (calculated as 11x12 above)					
			MWK		
<b>13. Estimate of building area</b>					
			M <sup>2</sup>		
<b>14. Building materials</b>					
<b>a. Floor</b>		<b>b. Walls</b>			<b>Others</b>
1.	Earthen	1.	Earthen		
				1.	Earthen

2	Cement-plastered earthen walls	2.	Cement-plastered earthen walls	2.	Cement-plastered earthen walls
3	Straw or bamboo	3.	Straw or bamboo	3.	Straw or bamboo
4	Unbaked brick	4.	Unbaked brick	4.	Unbaked brick
5	Baked Brick	5.	Baked Brick	5	Baked Brick
6	Cement block	6.	Cement block	6	Cement block
7	Galvanized tin	7.	Galvanized tin	7	Galvanized tin
8	Tile	8.	Tile	8	Tile
9	Other (Specify)	9.	Other (Specify)	9	Other (Specify)
<b>15. Building Value per m<sup>2</sup></b>			MWK <sup>2</sup>		
<b>16. Building Value (no.s 13x15)</b>					

Signature of owner of structure	
Print name (Block Capitals)	
Signature of Valuation Surveyor	
Print name (Block Capitals)	
Date	

## Annex 4: Sample Grievance Form

Grievance Form				
Grievance Number			Copies to forward to:	
Name of the Recorder			(Original)-Receiver Party	
Sub-County			(Copy)-Responsible Party	
Date				
INFORMATION ABOUT GRIEVANCE				
Define The Grievance:				
INFORMATION ABOUT THE COMPLAINANT			Forms of Receive	
Name-Surname			<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other	
Telephone Number				
Address				
Village				
Sub-County				
Signature of Complainant				
DETAILS OF GRIEVANCE				
<b>1. Access to Land and Resources</b>  a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	<b>2. Damage to</b>  a) House b) Land c) Livestock d) Means of livelihood e) Other	<b>3. Damage to Infrastructure or Community Assets</b>  a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	<b>4. Decrease or Loss of Livelihood</b>  a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	<b>5. Traffic Accident</b>  a) Injury b) Damage to property c) Damage to livestock d) Other



<p>6. Incidents Regarding Expropriation and Compensation (Specify)</p>	<p>7. Resettlement Process (Specify)</p>	<p>8. Employment and Recruitment (Specify)</p>	<p>9. Construction Camp and Community Relations  a) Nuisance from dust  b) Nuisance from noise  c) Vibrations due to explosions  d) Misconduct of the project personal/worker  e) Complaint follow up  f) Other</p>	<p>10. Other (Specify)</p>
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## Annex 5: Draft TOR for RAPs

The scope and level of detail for the development of resettlement action plan will involve the following the following.

**a) Description of the sub-project, sub-project area and area of influence:** Information presented in this section will include description of the project area showing location, siting of plants, structures, lands, affected dwellings, etc.; Project objectives and strategy; the sub-project objectives; the main objectives of the resettlement program as apply to the subprojects, policy and legal framework; timeframe; geographical coverage; project strategic context and rationale.

**b) Potential Impacts:** Description of investment/project components or activities, which trigger resettlement; the cultural, social, economic and environmental impacts envisioned; the alternatives considered to avoid or minimize resettlement, and the mechanisms established to minimize resettlement to the extent possible during implementation.

### **c) Census and Socio-economic Assessments**

Applying appropriate and up to date participatory methodologies, collect and evaluate both qualitative and quantitative baseline data on the socio-economic and socio-cultural characteristics of the study area. These will include the following:

Census: Delineate the area of direct and indirect potential resettlement impacts and identify all the affected persons through a census survey. Indicate the extent of physical and economic displacement and provide an inventory of assets to be affected. Ensure that the PAPs census survey covers all people and assets in the affected area and using a cut-off date establish a baseline for the design of the resettlement program and exclude subsequent inflows of people from eligibility for compensation and resettlement assistance. Develop a gender and age disaggregated profile and a data-set for the PAPs, providing personal identification numbers corresponding to photo log and assets (structures/properties/crops) to be affected.

Socio-Economic Survey: This will include a demographic profile of the population (i.e., full time and seasonal); land use (i.e., year-round and seasonal) and land tenure systems including common property and non-title based land ownership or allocation recognized locally; production systems, and household organization, planned development activities; Public infrastructure and social services; employment and labor markets; distribution of income, livelihood patterns and standards of living, goods and services; recreation; public health; education; cultural properties (e.g., archaeological and historically significant sites); customs, aspirations and attitudes. The socio-economic survey should also describe magnitude of the expected loss (total or partial for individual or group assets) of assets, and the extent of displacement, whether physical or economic.

Vulnerability and Gender Baseline: As part of the socio-economic baseline study, develop a profile on vulnerability clearly stipulating the levels of vulnerability of different categories of PAPs through an appropriate set of indicators and classification tool. Such groups and persons include those living below the poverty line, the landless, the elderly, children, and displaced persons who are not protected through national land compensation legislation. A specific gender analysis should be undertaken within this component and should clarify among others, gender roles, responsibilities, relations and power differences; examine gendered resource allocation, distribution and access; and clarify gender based differences that constrain the distribution of development opportunities and benefits, how the project intervention will affect men and women and the risks of men and women benefiting or being disadvantaged disproportionately as a consequence of the planned interventions.

Socio-cultural characteristics of displaced and host communities, including social capital and mechanisms for social cohesion, a description of formal and informal institutions (e.g. community structures/organizations, nongovernmental organizations (NGOs) that may be relevant to designing and implementing the resettlement activities. Appropriate patterns of social organization should be promoted and the existing social and cultural institutions of resettled persons and their host should be retained, supported and used to the extent possible.

Provisions for updating information on the livelihood of displaced people and their standards of living at regular intervals;

**d) Legal Framework:** The analysis of the legal and institutional framework should cover the following:

- Scope of existing land and property laws governing resources, including state owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;
- Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc., related to displacement and resettlement, and environmental laws and social welfare legislation;
- Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- Legal steps necessary to ensure the effective implementation of RAP activities in the subprojects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

**e) Community Participation:** This sub-section includes:

- Description of the consultation and participation of the displaced and host communities in design and implementation of resettlement activities including a summary of the views expressed and how these views were incorporated during the preparation of the resettlement plan.
- A review of the resettlement alternatives identified and choices made by the displaced people, including choices related to forms of compensation and resettlement assistance, relocating as individual families or as part of pre-existing families and to retaining access to cultural property (e.g. cemeteries, places of worship, etc.)
- Description of procedures for redress of grievances by affected people throughout the planning and implementation period.
- Description of measures aimed at sensitizing and educating the affected and host communities on matters of resettlement.

**f) Integration with host communities**

- Arrangements for consultation with host communities and procedures for prompt payment to the host for land and other assets should be provided to the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons and host communities should be put in place.

- Appropriate measures to augment public services such as education, water, health in host communities to avoid disparities between resettled persons and the host communities should be put in place.
- Plan for resettled persons should be integrated economically and socially into host communities so that adverse impacts to host communities are minimized.

**(g) Institutional arrangements and responsibilities**

The institutional framework generally covers:

- Agencies and offices responsible for resettlement activities and civil society groups (such as NGOs) that may have a role in RAP implementation;
- Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

**(h) Eligibility**

Definition of displaced persons and criteria for compensation and other resettlement assistance including relevant cut off dates. The assurance should be given that lack of legal title should not bar affected persons from being compensated.

**(i) Valuation and Compensation for losses**

- The methodology to be employed for valuing losses to determine their replacement cost. This is a description of the levels of compensation under the local laws and supplementary measures aimed at determining replacement of cost for lost assets.
- A description of the packages of compensation and other resettlement measures that will ensure that each category of eligible displaced persons get their fair compensation.

**j) Resettlement Measures:** A description of the compensation and other resettlement measures that will assist each category of eligible PAPs. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

**k) Identification of alternative sites, selection of resettlement site(s), site preparation and relocation**

- Institutional and technical arrangements for identifying and preparing relocation sites for which a combination of productive potential, location advantages and other factors, should be at least comparable to ancillary resources.
- Procedures for physical relocation including timetable for site preparation and land title transfer and description of resettlements sites.
- Measures to prevent the influx of ineligible person (encroachers and squatters) into the selected sites such as the identification and recording of affected people at the project identification stages.
- Legal arrangements for regularizing tenure and transferring titles to resettled persons.

**l) Shelter, infrastructure and social services**

This sub-section provides details regarding plans to provide or finance housing, infrastructure (e.g., roads, water supply, etc.) and social services (schools, health services) and plans aimed at ensuring that services and any necessary site development to host.

**m) Environmental protection:** An assessment of possible environmental impacts of the proposed resettlement and measures to mitigate and manage the impacts.

**n) Implementation Schedules**

An implementation schedule covering all resettlement activities from project preparation through implementation to monitoring and evaluation. The schedule should indicate dates for achievement of expected benefits to resettled persons and hosts and dates for terminating the various forms of assistance.

**o) Grievance procedures:** The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should consider the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

**p) Costs and Budget:** The breakdown of cost estimates for all resettlement activities including allowances for inflation and other contingencies, timetable for expenditures, sources of funds and arrangements for timely disbursement of funds.

**q) Monitoring and evaluation:** Under this sub-section, information regarding arrangements for monitoring of resettlement activities by the implementing agency is presented. When appropriate, independent monitors will supplement the role of the implementing agency to ensure objectivity and completeness of information. Performance indicators for measuring inputs, outputs and outcomes of resettlement activities and for evaluating impacts for a reasonable period after the resettlement activities have been completed are also presented.

**r) Commitment to follow RPF guidelines and requirement:** A statement of assurance that the implementing agency will follow the guidelines and requirement of the RPF should be included in the RAP.

**s) Description of programs for improvement and restoration of livelihoods and standards of living of the affected people:** Programs aimed at improving and restoring the livelihoods and standards of living of the affected people in line with the Resettlement Policy framework

## Annex 6: Outline for RAP

### **Introduction**

- It briefly describes the project.
- Lists project components including associated facilities (if any).
- Describes project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

### **Minimizing Resettlement**

- Describes efforts made to minimize displacement.
- Describes the results of these efforts.
- Describes mechanisms used to minimize displacement during implementation.

### **Census and Socio-economic Surveys**

- Provides the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identifies all categories of impacts and people affected.
- Summarizes consultations on the results of the various surveys with affected people.
- Describes need for updates to census, assets inventories, resource assessments, and socio economic surveys, if necessary, as part of RAP monitoring and evaluation.

### **Legal Framework**

- Describes all relevant local laws and customs that apply to resettlement.
- Identifies gaps between local laws and World Bank Group policies, and describe project-specific mechanisms to address conflicts.
- Describes entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RAP.
- Describes method of valuation used for affected structures, land, trees, and other assets.
- Prepares entitlement matrix.

### **Resettlement Sites**

- Describes the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describes the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
- Demonstrates that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land.
- Provides data on land quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describes mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
- Provides detailed description of the arrangements for site development for agriculture, including funding of development costs.
- Have the host communities been consulted about the RAP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RAP? Do the host communities have a share of the resettlement benefits?

### **Income Restoration**

- Describes if there are compensation entitlements sufficient to restore income streams for each category of impact.
- Describes additional economic rehabilitation measures are necessary.
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describes the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- Explains if income restoration requires change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation.
- Describes how the risks of impoverishment are to be addressed.
- Describes the main institutional and other risks for the smooth implementation of the resettlement programs.
- Describes the process for monitoring the effectiveness of the income restoration measures.
- Describes any social or community development programs currently operating in or around the project area.
- If programs exist, do they meet the development priorities of their target communities? Are there opportunities for the project proponent to support new programme or expand existing programs to meet the development priorities of communities in the project area?

### **Institutional Arrangements**

- Describes the institution(s) responsible for delivery of each item/activity in the entitlement policy
- Describes the Implementation of income restoration programs; and coordination of the activities associated with and described in the resettlement action plan.
- States how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identifies the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources?
- Describes the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions.
- Discusses institutional capacity for and commitment to resettlement.
- Describes mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RAP and for ensuring that corrective measures are carried out in a timely manner.

### **Implementation Schedule**

- Lists the chronological steps in implementation of the RAP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepares a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation.  
Describes the linkage between resettlement implementation and initiation of civil works for each of the project components.

### **Participation and Consultation**

- Describes the various stakeholders.

- Describes the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describes the process of involving affected populations and other stakeholders in implementation and monitoring.
- Describes the plan for disseminating RAP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

#### **Grievance Redress**

- Describes the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication methods.
- Describes the mechanism for appeal.
- Describes the provisions for approaching civil courts if other options fail.

#### **Monitoring and Evaluation**

- Describes the internal/performance monitoring process.
- Defines key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describes institutional (including financial) arrangements.
- Describes frequency of reporting and content for internal monitoring.
- Describes process for integrating feedback from internal monitoring into implementation.
- Defines methodology for external monitoring.
- Defines key indicators for external monitoring.
- Describes frequency of reporting and content for external monitoring.
- Describes process for integrating feedback from external monitoring into implementation.
- Describes arrangements for final external evaluation.

#### **Costs and Budgets**

- Provides a clear statement of financial responsibility and authority.
- Lists the sources of funds for resettlement and describe the flow of funds.
- Ensures that the budget for resettlement is sufficient and included in the overall project budget.
- Identifies resettlement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RAP and the project schedule.
- Prepares an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies.
- Describes the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.  
Describes the provisions to account for physical and price contingencies.
- Describes the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

#### **Annexes**

- Copies of census and survey instruments, interview formats, and any other research tools.
- Information on all public consultation including announcements and schedules of public meetings.



- Meeting minutes, and lists of attendees.

## Annex 7: Stakeholder Consultations Conducted To Date

### Annex 1 – List of People Consulted










No.	Name	Position
<i>Ministry of Finance and Economic Affairs</i>		
1	MacDonald Mwale	Secretary to the Treasury
2	Nations Msowoya	Acting Director of Debt and Aid
3	Issa Elias	Finance Officer Debt and Aid
<i>Ministry of Water and Sanitation</i>		
4	Elias Chimulambe	PS
5	James Chitete	Director of Water Resources
6	Modesta Kanjaye	Director of Sanitation
	Dwight Kambuku	Chief Executive Officer - NWRA
7	Phideria Moyo	Deputy Director of Water Supply Services
8	Sydney Kamtukule	Deputy Director of Water Resources
9	John Chingawale	Principal Civil Engineer
10	Mercy Sowoya	Chief Economist
11	Gertrude Botomani	Principal Water Engineer
12	Aaron Mapsere	Civil Engineer
13	Hastings Mbale	Principal Hydrologist
14	Rodrick Kumkwezu	Senior Water Resources Development Office
15	Engineer Emmanuel Chiundira	Principal Water Resources Development Office
16	Frank Chisambilo	Director of Corporate Services - NWRA
17	Toney Nyasulu	Director of Water Resources - NWRA
<i>Department of Disaster Management Affairs</i>		
18	Charles Kalemba	Secretary and Commissioner
19	Peter Chimangeni	Director of Resilience and Recovery
20	Boyd Hamela	Chief Planning Officer
21	Samuel Gama	Chief Resilience and Recovery Officer
22	Annie Mapulanga	Planning Officer
23	Hastings Mwanjoka	Deputy Director
<i>Ministry of Natural Resources and Climate Change</i>		
24	Yusuf Mkungula	PS
		Director of Climate Change and Meteorological Services
25	Lucy Mtilatila	
26	Taonga Mbale	Director of Environment Affairs
		Deputy Director of Climate Change and Meteorological Services
27	Charles Vanya	
28	Evance Njewa	Deputy Director - EAD
29	Chimwemwe Yonasi	Environmental Officer
30	Titus Zulu	Deputy Director - DoF
<i>Ministry of Agriculture</i>		
31	Dickxie Kampani	PS – Agriculture
32	Geoffrey Mamba	PS – Irrigation

33	Anderson Mbozi	Deputy Director – Irrigation Services
34	Joseph Kanyangalazi	Deputy Director - LMT
35	Enock Whayo	Chief Land Resources Conservation Officer
<i>Ministry of Local Government</i>		
36	Douglas Mkweta	Director Local Government Services
37	Melayi Mhone	Director of Planning and Development – Blantyre District Council
38	Thokozile Munthali	Director of Planning and Development – Chikwawa District Council
39	Smith Mnenula	Director of Planning and Development – Nsanje District Council
40	Precious Kamtsitsi	Director of Planning and Development – Zomba District Council
<i>Ministry of Transport and Public Works</i>		
41	Ganzani Liwewe	Chief Economist
<i>Roads Authority</i>		
42	Sam Kadangwe	Director of Major Projects
43	Florence Ndenguma	Director of Maintenance
44	Flora Hauya	Senior Engineer
<i>MRDRMP PCU</i>		
45	Peter Kadewere	Project Coordinator
<i>Blantyre City Council</i>		
46	Denis Chimseu	Chief Executive Officer
47	Costly Chanza	Director of Town Planning and Estates Management
48	Eng. Chimwemwe Mndelemani	Director of Engineering Services
49	William Chimzinga	Deputy Director of Environment

Lists of people/institutions consulted in the northern, central and southern region in September 2023.

*Table 12 People and institutions consulted in the northern region*

List of people consulted on the RCRP, 28 September 2023.

SN	Name	District	Position	Phone Number	Signature
1	David Orogomber	Wanang	BNM	099249380	
2	Stephen Muntali	Wona	2nd	0884477119	
3	Shirika Olyrenda	Kasuga	Act	0999911391	
4	Fleming Nyenda	Moz	CEO	0992223790	
5	Rabai Akumri	Kibok	FE	099294435	
6	Ben Tonho	KK	DC	099228385	
7	Malungu Kyimo	Local Govt	DOP	099198913	
8	Walter Chikani	MDC	DBD	099226469	
9	George Mtingwale	Kwana	DD	099227116	
10	Frank Msona	Rumphi	WB	099266196	
11	Emogini Nyasulu	Muum	CEO	0995273780	
12	Lusizi Nhlane	Mtshisi	DC	099387602	

SN	Name	District	Position	Phone Number	Signature
13	KORUMANSI MUMUKU	LL	DP	0993502345	
14	Vivian Ntoma	LL	P/E	099464580	
15	Emmanuel S. Nshimira	Quifu	ED	0999770973	
16	Gentle Ntson	Lumpu	Asst. Lt	0994037110	
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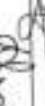






SN	Name	District	Position	Phone Number	Signature
26	Abubakar Nkhome	Likiep	DC	091923 086	
27	Rodney Danta	Makmo	DC	908240 152	
28	Emmanuel Bulukun	Koror	DC	09989881	
29	GENGE ARAPI	Makmo	DC	097928409	
30	Allan Clutele	Makmo	DC	099208812	
31	Erin Clinge	Likiep	DC	088919712	
32	Frank Shaw	Likiep	DC	091840072	
33	Macmillan Magomoro	CEC	DC	088029469	
34	Joran Tonko	CEC	DC	0888728978	
35	Pietra J. Ketteh	CEC	DC	09513556	
36	Arnold Bembel	Makmo	DC	0888145053	

Table 13 People and institutions consulted in the central region

REGISTRATION FORM FOR RAMP FUTURE ORIENTED REGISTRATOR MEETING  
 DATE: 07/15/2014 TIME: 12:00 PM ROOM: 201001 201001 201001 201001

REGISTRATION NUMBER	REGISTRATION NAME	REGISTRATION ADDRESS	REGISTRATION CITY	REGISTRATION STATE	REGISTRATION ZIP	REGISTRATION PHONE	REGISTRATION FAX	REGISTRATION EMAIL
0150	Misc. Knowledge	MIL-DC						
0151	Harold's Knowledge	SA-DC						
0152	Individual Change	MA-DC						
0153	Group Change	PA-DC						
0154	Elmer's Knowledge	MA-DC						
0155	Thomas's Knowledge	DZ-DC						
0156	Quinn's Knowledge	DC						
0157	Paul's Knowledge	DC						
0158	Paul's Knowledge	MA-DC						
0159	Thomas's Knowledge	MA-DC						
0160	Paul's Knowledge	DC						
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0199	Paul's Knowledge	DC						
0200	Paul's Knowledge	DC						





RESEARCH REPORT FOR THE ZIMBABWE RURAL LEADERSHIP SURVEY

MAY 2010

No.	Name	Address	Phone Number	Mobile Number	Organization	Position	Date	Notes
1	Paul H. H. H.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
2	Charles M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
3	Stanley M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
4	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
5	Stanley M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
6	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
7	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
8	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
9	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
10	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
11	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
12	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
13	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
14	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
15	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
16	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
17	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
18	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
19	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
20	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
21	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
22	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
23	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
24	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
25	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
26	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
27	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
28	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
29	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
30	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
31	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
32	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
33	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
34	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
35	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
36	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
37	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
38	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
39	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
40	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
41	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
42	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
43	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
44	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
45	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
46	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
47	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
48	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
49	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW
50	John M. M.	Harare	09242222	09242222	Harare	Director	10/02/2010	NEW

Table 14 People and institutions consulted in southern region

District Consultations on Environmental and Social Safeguards Instruments for the Regional Climate Resilience Program (RCRP), 5<sup>th</sup> September 2023

No.	Name	District	Position	Phone Number	Signature
01	Waluyungu Kapira	Local Govt Lilongwe	Director of Planning	0999 98 913	
2	Francis Mtemwe	Chingola DC	DC	0994145511	
3	Rashid Chisuba	Zomba DC	DC	0984200170	
4	Daniel Gondola	Malawi DC	DC	8999 980631	
5	Douglas Nofft	Phalanda DC	DC	0997237760	
6	W. MATHINE ANAMULA	Lusitona DC	CEO	0898 389060	
7	Nandini Kambar	Chikwanda DC	DC	0999342403	
8	Alex Nfufukwa	Bicature DC	DC	0999917342	
9	FRANCO MUBATA	CFE	DC	0884398080	
10	Blessings Malapala	Tijolo	DC	0880146 932	
11	Rosemary Nawassira	Tiwozi DC	DC	0999 214502	

No	Name	District	Position	Phone Number	Signature
12	Melaji Mirani	BPJ	BPJ	0857745814	
13	Felix Tete Ngezi	Chanda	EB	09934322	
14	Paul Jit	Chanda	PM	088215833	
15	Naganda Kabayo	Chanda	EB	088215833	
16	Busta Chisra	Chanda	EB	088215833	
17	Chamae Midelemi	BCL	DE	07942117	
18	Dastan Mphanda	ASDC	DPW	088215833	
19	Luxen Nchata	BCL	DPW	088215833	
20	Melaji Mahome	BCL	DPW	088215833	
21	Jotta MASEYA	BCL	DPW	088215833	
22	Dominic Mphanda	BCL	DPW	088215833	
23	Dumbani Mphanda	BCL	DPW	088215833	

No.	Name	District	Position	Phone Number	Signature
1	William Shumway	W. Va.	Member	780 266 5634	
2	Edmund Brumby	W. Va.	Member	800 232 5252	
3	Edward Whitlock	W. Va.	Member	800 232 5252	

No.	NAME	INSTITUTION	LOCATION	EMAIL ADDRESS	PHONE
4	Dr. David H. Hester	UC-Ed	Edwards	hvester@edwards.edu	770 234 2228
5	Dr. Brian Whitlock	West Virginia State Univ.	Edwards	bwhitlock@wvu.edu	202 255 3691
6	Dr. James L. L. L.	West Virginia State Univ.	Edwards	l.l.l.l@wvu.edu	202 255 3691
7	Dr. James L. L. L.	West Virginia State Univ.	Edwards	l.l.l.l@wvu.edu	202 255 3691
8	Dr. James L. L. L.	West Virginia State Univ.	Edwards	l.l.l.l@wvu.edu	202 255 3691
9	Dr. James L. L. L.	West Virginia State Univ.	Edwards	l.l.l.l@wvu.edu	202 255 3691
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REGISTRATION FOR REGIONAL CLIMATE RESILIENCE PROGRAMME STAKEHOLDER CONSULTATIONS MEETING IN  
MUSKIEEN BEACH/OLD HOTEL, BLANTYRE, 16 SEPTEMBER 2011

No	Name	Address	Phone Number	Mobile Number	Signature
1	Mr. M. M. M. M.	...	...	...	...
2	Mr. M. M. M. M.	...	...	...	...
3	Mr. M. M. M. M.	...	...	...	...
4	Mr. M. M. M. M.	...	...	...	...
5	Mr. M. M. M. M.	...	...	...	...
6	Mr. M. M. M. M.	...	...	...	...
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8	Mr. M. M. M. M.	...	...	...	...
9	Mr. M. M. M. M.	...	...	...	...
10	Mr. M. M. M. M.	...	...	...	...
11	Mr. M. M. M. M.	...	...	...	...
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19	Mr. M. M. M. M.	...	...	...	...
20	Mr. M. M. M. M.	...	...	...	...

Continued

No.	Name	Position	Phone Number	Signature
1	James Chikanda	Director	0955748111	[Signature]
2	David Ndiriro	Director	0955756298	[Signature]
3	...	...	0955756298	[Signature]
4	...	...	0955756298	[Signature]
5	...	...	0955756298	[Signature]
6	...	...	0955756298	[Signature]
7	...	...	0955756298	[Signature]
8	...	...	0955756298	[Signature]
9	...	...	0955756298	[Signature]
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12	...	...	0955756298	[Signature]