



Government of the Republic of Malawi

# **MALAWI SOCIAL SUPPORT FOR RESILIENT LIVELIHOODS PROJECT**

## **ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**

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## LIST OF ACRONMYS

AEC	:	Area Executive Committee
AIDS	:	Acquired Immuno Deficiency Syndrome
CBOs	:	Community Based Organisations
CoC	:	Code of Conduct
C-ESMP	:	Contractor Environmental and Social Management Plan
COMSIP	:	Community Savings and Investment Promotion
DEA	:	Director of Environmental Affairs
DEC	:	District Executive Committee
DESC	:	District Environmental Sub-Committee
DFO	:	District Forestry Officer
DFID	:	Department for International Development
DLO	:	District Labour Office
DNHA	:	Department of Nutrition, HIV and AIDS
DODMA	:	Department of Disaster Management Affairs
DPD	:	Director of Planning and Development
DSSC	:	District Social Support Committee
CARE	:	Cooperative for Assistance Relief Everywhere
EAD	:	Environmental Affairs Department
ECD	:	Early Child Development
EDO	:	Environmental District Officer
EIA	:	Environment Impact Assessment
EPWP	:	Enhanced Public Works Programme
ESIA	:	Environment and Social Impact Assessment
ESMF	:	Environmental and Social Management Framework
ESMP	:	Environmental and Social Management Plan
ESSs	:	Environmental and Social Standards
ESSF	:	Environmental and Social Screening Form
GBV	:	Gender Based Violence
GHGs	:	Green House Gases
GIIP	:	Good International Industrial Practice
GIS	:	Geographic Information System
GIZ	:	German Corporation for International Cooperation
GoM	:	Government of Malawi
GVH	:	Group Village Headman
HIV	:	Human Immunodeficiency Virus
ICT	:	Information and Communication Technology
IGA	:	Income Generating Activities
IPM	:	Integrated Pest Management
KPAs	:	Key Priority Areas
LA	:	Local Authority
LMP	:	Labour Management Plan
M&E	:	Monitoring and Evaluation
MASAF	:	Malawi Social Action Fund
MEC	:	Malawi Electoral Commission
MGDS	:	Malawi Growth and Development Strategy
MIS	:	Management Information Systems
MSSRLP	:	Malawi Social Support for Resilience and Livelihood Project

MNO	:	Mobile Network Operators
MNSSP	:	Malawi National Social Support Programme
NEP	:	National Environmental Policy
NEAP	:	National Environment and Action Plan
NGOs	:	Non-Governmental Organizations
NLGFC	:	National Local Government Finance Committee
NRB	:	National Registration Bureau
NSSP	:	National Social Support Policy
NSO	:	National Statistics Office
OHS	:	Occupation, Safety and Health
PDO	:	Project Development Objective
PIC	:	Project Implementation Committee
PM	:	Pest Management
PMP	:	Pest Management Plan
PPE	:	Personal Protective Equipment
PWP	:	Public Works Programme
RAP	:	Resettlement Action Plan
RPF	:	Resettlement Policy Framework
PSP	:	Payment Service Providers
SCTP	:	Social Cash Transfer Programme
SHE	:	Safety, Health and Environment
SEP	:	Stakeholder Engagements Plan
STIs	:	Sexually Transmitted Infections
T/A	:	Traditional Authority
TCE	:	Technical Committee for the Environment
UBR	:	Unified Beneficiary Register
USD	:	United States Dollar
WASH	:	Water Sanitation and Hygiene
WB	:	World Bank

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## **EXECUTIVE SUMMARY**

### **1.0 Introduction**

This Environmental and Social Management Framework (ESMF) document describes the principles and procedures to be followed in addressing the relevant environmental and social standards anticipated to be triggered by the proposed Malawi Social Support for Resilient Livelihoods Project (MSSRLP) MSSRLP Project, which is to be financed by the World Bank. The Project involves activities whose sites have not yet been identified. This Environmental and Social management Framework (ESMF) provides the structure to allow the development of robust Environmental and Social Management Plans (ESMP) for sub-projects once sub-project sites and proposed interventions are known.

### **1.1 Brief Description of the MSSRLP Project**

The Government of Malawi intends to implement the Malawi Social Support for Resilient Livelihoods Project (MSSRLP) with funding from the World Bank. The MSSRLP is expected to run for five years from 2020 to 2025. Development Objective of MSSRLP is to improve resilience among the poor and vulnerable population and strengthen the national platform for safety nets. The project will support the Malawi National Social Support Program II and it is entirely devised around the MNSSPII strategy and Implementation Plan, reflecting strong government ownership. The MSSRL Project will have three main components:

*(1) Improving Social and Economic Inclusion:* The Improving Social and Economic Inclusion component will have two subcomponents: (a) Enhanced Core Programs and (b) Financing Scalable Safety Nets. The Enhanced Core Programs subcomponent will focus on the consolidation of an appropriate package of support for beneficiary households with a mix of program interventions, including social cash transfers (SCT), livelihoods support, and enhanced public works (EPW) as well as an option for scalable financing in times of crisis.

*(2) Strengthening Harmonized Delivery Systems:* Under strengthening harmonized delivery systems component, the project will establish systems that will promote harmonization within the social safety net sector and potentially link to other sectors to improve effectiveness of delivery. Such systems will include an institutionalized national social registry (Unified Beneficiary Registry), electronic payment and citizen's engagement and social accountability including grievance redress mechanisms.

*(3) Capacity Building and Institutional Strengthening Support:* The capacity building and institutional strengthening support component will shore up the performance of the MNSSP II, the setting up of the necessary institutional structure for its implementation, as well as the general management and evaluation of the MSSRLP.

### **1.2 Objectives of ESMF**

The objective of this ESMF is to develop guidelines and procedures to deal with environmental and social impacts associated with the implementation of this project. The specific objectives are as follows:



- Identify gaps and develop mechanism for addressing these gaps and assess the compatibility of GoM policies and World Bank policies;
- Outline the process for identifying potential social and environmental impacts due to activities of the MSSRLP.
- Provide guidelines for preparing the environmental and social management plans to enhance/mitigate the impacts; and
- Describe the implementation and institutional arrangements for managing environmental and social impacts.

### **1.3 Potential Environmental and Social Impacts of the MSSRLP**

The interventions proposed under the MSSRLP will mostly impact the target communities positively. However, the implementation of the enhanced public works and livelihood support activities under component 1 and also some activities under components 2 and 3 may lead to some negative environmental and social impacts which have to be managed well. The size of the public works component in the MSSRLP will be greatly reduced compared to that of MASAF IV project. Further to this, the design and delivery of the enhanced public works which will be incorporated into the MSSRLP is expected to be greatly improved. It will take on board lessons which will have been gained from the enhanced public works pilot program that is being implemented under MASAF IV project. These include use of the Unified Beneficiary Register (UBR) in identification of beneficiaries, reduction in size of target catchments for easy management, adherence to catchment logic and sectoral standards in identification and implementation of subprojects including seasonality of activities. The aforementioned factors are expected to significantly reduce potential adverse environmental and social impacts associated with implementation of public works programs. The ESMF identifies the potential impacts expected from the three main components of (1) Improving Social and Economic Inclusion, (2) Strengthening Harmonized Delivery Systems, (3) Capacity Building and Institutional Strengthening Support. These include both positive and negative impacts.

#### **1.3.1 Potential Positive impacts**

##### *Increase in employment opportunities*

The project will create job opportunities for beneficiaries to be targeted with project interventions such as enhanced public works.

##### *Increased Business Opportunities*

The cash transfers shall increase business opportunities for the local traders and other external suppliers. The money accessed from social cash transfers will enable poor and vulnerable households to establish businesses.

##### *Increased Income among households*

Income will increase due to the transfers, wages and livelihood activities (COMSIP activities).

##### *Disaster impact mitigation*

The project will provide assistance to poor and vulnerable households during disasters in the form of cash and this will enable them to cope easily with effects of disasters.

#### *Improved nutrition at household level*

The cash transfers, income, knowledge, and skills that the beneficiaries will earn from the project interventions and created linkages will help improve the nutrition and health of beneficiaries.

#### *Reduce charcoal burning*

In some targeted areas, the project interventions under livelihood support will provide alternative livelihood opportunities which will lessen the drive to engage in charcoal selling business as a survival strategy. The project will also promote the use of energy saving technologies that will reduce pressure on forests in the project areas to sustain existing village forests created under MASAF IV.

#### *Reduced rate of crime*

Project beneficiaries, especially youth, will be engaged in skills and business development thereby reducing their likelihood of engaging in criminal activities.

#### *Reduced human trafficking*

The Project's design of providing opportunities for economic empowerment, will minimise human trafficking in some target communities where there is a tendency of trafficking vulnerable people to work in farms in neighbouring countries.

#### *Skills transfer to project beneficiaries and local artisans*

The project will train beneficiaries in running various businesses and skills such as energy saving stoves, loans and savings and local artisanship.

#### *Improved water availability and soil productivity*

Implementation of soil and water conservation activities under the catchment management approach in the enhanced public works will contribute to improved vegetative cover and water availability and reduced soil erosion/siltation. .

### **1.3.2 Potential Negative Impacts**

#### *Leakage of private beneficiary information*

Since project delivery processes will include collection of information about household demographic and socio-economic status, some of which may be confidential, there is risk of harm to the subjects if such information is leaked.

#### Mitigation measure:

- The project will put in place data protection and security protocols such as user rights limited to properly vetted and designated users to access the databases.

#### *Misuse of Cash by households.*

The project beneficiaries might resort into heavy drinking or other bad behaviors as a result of increased cash at household level

#### Mitigation measure:

Inclusion of simple financial management trainings, meetings or forums where in the rural areas the targeted beneficiaries will have sessions on how to manage cash and commit to the cause.

#### *Exclusion errors*

Failure or delays in updating beneficiary information regularly.

#### Mitigation measure:

- The project will ensure regular updating of beneficiary data bases and carry out regular case management.

#### *Potential for loss of land, assets and restriction on land use*

Siting of subprojects may lead to loss of land, assets and restriction on land use to initial users of the land.

#### Mitigation measure:

- Potential conflicts will be avoided through inclusive community-led sub-project development processes and adherence to principles of the resettlement policy framework developed for the project.

#### *Potential conflict among members of the target communities*

Due to high levels of vulnerability in some targeted communities, there may be conflict and discrimination between beneficiaries and non-beneficiary members when fewer numbers of beneficiaries have been targeted by the project and the targeting criteria is not well understood.

#### Mitigation measure:

- Communications and outreach combined with community-based dialogue will ensure the objectives and approach of the project is well known, as well as community acceptability and ownership.

#### *Loss of Vegetation*

Land at some sub-projects sites may need to be cleared of all vegetation to allow for the construction of structures such as fishponds, irrigation canals and access roads thereby by resulting to loss of some vegetation.

#### Mitigation measure:

- Works will be sited away from important vegetation or biodiversity rich habitats.

#### *Increased generation of waste*

Gatherings of large groups of project beneficiaries may generate some solid and liquid waste which may include waste water, food remains, plastic bags, and human waste.

#### Mitigation measure:

- Where gatherings are anticipated planning will include provision for minimizing waste generation and proper waste collection and disposal. Efforts shall be put in place to encourage use of renewable and environmentally friendly and or reusable accessories.

### *Increased Risk or Spread of HIV & AIDS and other STIs*

The increased levels of disposable income may result into beneficiaries indulging in risky behaviors such as multiple sexual partners.

#### Mitigation measure:

- Sensitization of target communities on the preventive measures of HIV and AIDS and STIs will help to minimize the risks.

### *Disruption of access roads*

Rehabilitation of access roads under public works could cause temporary disruption of access to the areas being serviced by the road.

#### Mitigation measure:

- Minimizing the risk of access roads disruption through community engagement and good community consultation.

### *Occupational Health and Safety Risks*

MSSRLP subprojects are generally very small and dispersed, and for the most part do not involve civil works, however a few subprojects with higher risk of hazards may require civil works. There could also be site specific emergencies to be taken into consideration in relation to labour guidelines for workplace conditions.

#### Mitigation measure:

- Sub-project ESMPs will identify site specific risks to those involved and propose mitigation measures. Where contractors are involved C-ESMPs will identify and address OHS issues and in addition to that the Labour Management Plan (LMP) will be implemented.

### *Public Safety Risks*

Worksites with incomplete construction and building materials may be left overnight at the end of a working day at the sub project site. These would make the construction site dangerous to surrounding communities especially children and stray animals that walk across the site at night.

#### Mitigation measure:

- The construction sites will be properly barricaded to prevent potential accidents and injuries

### *Water and soil pollution*

There may be use of small quantities of chemicals and pesticides under livelihood support activities which may lead to pollution of water and soil if not properly used and managed.

#### Mitigation measure:

- Where need be, depending on the environmental and social screening, a Pest Management Plan (PMP) will be developed and implemented accordingly.

### *Child labour*

There is a risk of increased cases of child labour as children become the alternative labour-force while their parents are preoccupied with EPWP activities.

Mitigation measure:

- The target communities will be sensitized to ensure that under aged children are not involved in project work or overburdened with household chores. LMP that have been developed for the project will also be implemented.

*Risk of Gender Based Violence and disruption of marriages*

As a result of existing cultural and structural drivers of gender inequalities in the target communities, squabbles may arise in marriages as women get economically empowered by the project.

Mitigation measure:

- Awareness and sensitization on proper use of cash transfers and also prevention of Gender Based Violence, SHE and SA will be mainstreamed in all project activities involving beneficiaries. In addition GBV action plan has been developed and is attached in Annex 7.

#### **1.4 Mitigation Plans**

As part of the environmental and social assessment process, Environmental and Social Management Plans (ESMPs) will to be prepared and implemented but currently the ESMF has provided a generic ESMP and monitoring plan to guide the project implementers in subproject activities.

#### **1.5 Proposed Implementation Budget**

It is estimated that the implementation of the ESMF including the required provisions, training and capacity building and the mitigation measures implementation at each of the sites will cost approximately US\$**606, 333.00** for the entire five year duration of the Project.

#### **1.6 Conclusion and Recommendations**

This report has presented the major guidelines that have to be followed for safeguards implementation in MSSRLP project. Mitigation measures for the identified potential environmental and social impacts have to be followed well during the development of ESMPs.

The ESMF also recommends adequate provision of capacity building which is an integral part that will ensure quality safeguards implementation in the project.

# CHAPTER ONE

## INTRODUCTION

### 1.1 OVERVIEW

This Environmental and Social Management Framework (ESMF) document has been prepared to describe the principles and procedures to be followed in addressing the relevant safeguard policies that will be triggered by the proposed Malawi Platform for National Social Support Project (MSSRLP), which is to be financed by the World Bank. The Project involves activities whose sites have not yet been identified. This ESMF provides a framework to manage all potential impacts and provides the basis for the preparation of Environmental and Social Management Plans (ESMP) for specific proposed sub-projects. The considerable experience developed through implementation of the Malawi Social Action Fund IV (MASAF IV) project has been crucial in developing this ESMF and the arrangements for preparing and implementing the ESMPs.

### 1.2 PROJECT DESCRIPTION

The Government of Malawi with funding from World Bank will be embarking on the implementation of the Malawi Platform for National Social Support Project (MSSRLP). The proposed project is a successor for Malawi Social Action Fund (MASAF) IV and is based on a strong vision of reform, working towards improved coordination and emphasis on consolidation and sustainability. The estimated cost for the proposed project is USD 180 million. The expected duration is 5 years from 2020 to 2025. The Project Development Objective (PDO) is to improve resilience among the poor and vulnerable populations and strengthen the national platform for safety nets (social support).

The project will build on the lessons of both MASAF IV and Enhanced Public Works Program<sup>1</sup> to contribute to the operationalizing of the Malawi National Social Support Programme II. It has a greater focus on Social Cash Transfer Program (SCTP) as an anchor programme, and enhanced livelihoods support in a sustainable manner. The project will also test the ability of the SCTP to scale-up in response to weather-related disasters. In addition, it will consolidate the achievements of transparency, accountability, and anti-corruption interventions and seek to expand and deepen the interventions in a more systemic and effective manner.

#### 1.2.1 PROJECT COMPONENTS

The proposed project will have three components.

##### 1. Improved Social and Economic Inclusion

The component focuses on the consolidation of an appropriate package of support for beneficiary households with a mix of program interventions, including social cash transfers, livelihoods support, and enhanced public works, as well as an option for scalable financing in time of crisis.

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<sup>1</sup>Government of Malawi has decided to undertake an enhanced public works pilot program in 10 selected districts with an aim of reforming and improving the design and delivery of the public works in the country.

*1.a Sub-component 1.1: Enhanced Core Programs*

- i. Social Cash Transfer Program (SCTP): The program will provide cash transfers to ultra-poor labour constrained households to enable them meet their basic consumption needs. It will also promote strong program linkages to other complimentary services such as nutrition and ECD services, education, health services, livelihood interventions and graduation approaches to enable the targeted household become more resilient to social, economic and environmental shocks.
- ii. Enhanced public works program (EPWP): This core program will provide cash transfers to ultra-poor households with labour. The targeted households will be engaged in implementation of subprojects selected using catchment management approach. The EPWP will consist of a variety of labour-intensive sub-projects to create important community assets. Emphasis is on catchment management activities such as tree nurseries, afforestation, the construction of different soil and water conservation (SWC) measures and flood control structures, community pond construction, environmental conservation and sanitation. The EPWP sub component will allow for some design flexibility, so that design could be finalized once the results of the EPWP pilot become available. This builds on the lessons learnt from the EPWP pilot during the first year of MSSRLP implementation.
- iii. Livelihood Support: Support to sustainable livelihoods and eventual graduation from extreme poverty is a major policy priority of this project. Therefore, this core program will provide livelihood support to SCTP and EPWP beneficiary households to enable them to increase their productive assets and incomes thereby building resilience in a sustainable manner. It will complement consumption support provided through SCTP and EPWP by providing referrals to other productive and social services (WASH; Nutrition; Early Child Development), Linkages to financial institutions including COMSIV and other Savings & Loans Groups; Entrepreneurial and basic skills including technical & vocational skills for the youth; business management, financial literacy and safeguards. Furthermore, a smaller graduation component will target a smaller subset of the beneficiaries (SCTP & EPWP) with interventions focusing on Value chain and market linkages, Livelihood grants, Coaching and mentoring, and Cooperative development & management.

*1.b Sub-Component 1.2: Scalable Safety Nets:* This component will focus on putting up a mechanism for enabling the cash transfer programs (SCTP & EPWP) to scale up vertically and horizontally in response to weather related disasters in the country. Focus will therefore be on provision of relief if there is a large, unpredictable weather-related shock rather than annual increases in vulnerability related to the lean season. This will enhance the resilience of the households to weather-related shocks, and protect human capital gains and prevent households from falling back/further into poverty.

## 2. Strengthening Harmonized Delivery Systems

2.a *Sub-Component 2.1: Social Registry/Unified Beneficiary Register (UBR).* This will support data collection to 100% in districts where data is at 50%. Focus will also be on institutionalization of the UBR at both national and district level to inform policy planning and programming to become a national tool for targeting. Media campaigns will be undertaken at national and district level targeting different groups of people and institutions to enhance their understanding of the UBR and its use. Linking of UBR to other national data platforms and/or systems such as NSO, NRB and MEC to provide a pool of common variables that can enhance positioning of the UBR as a national registry will also be pursued by the project. The activities are expected to contribute towards strengthening the delivery of a harmonized social support system.

2.b *Sub-Component 2.2: E-payments.* The project will promote E-payment, comprising a combination of banks, mobile network operators (MNOs) and payment service providers (PSPs) to be the mode of payment for transfers to SCTP and EPWP beneficiaries. This is expected to offer value for money and contribute to financial inclusion objectives. Some of the activities to be undertaken include GIS Mapping to understand financial access points available and spatial distribution of beneficiaries. Capacity building efforts specifically on procurement negotiations and e-payment management trainings for districts and central level teams.

2.c *Sub-Component 2.3: Citizens' Engagement.* This subcomponent will facilitate citizens participation in Monitoring and providing feedback on project activities and other service delivery in the project area. This will include strengthening existing systems and tools for grievances management at the community level that enables citizens to provide feedback on the delivery and raise complaints, and also support implementation of environmental and social safeguards.

## 3. Capacity Building and Institutional Strengthening Support

This component will build local and national government capacity to implement this project which includes development of operational tools for implementation.

3.a *Sub-Component 1: Learning and Evaluation.* The component will strengthen learning and evaluation under the new program, with an emphasis on combining different approaches, for example – impact evaluations, process evaluations, use of smart technologies for real time course corrections. The findings from these exercises will be used to strengthen the project's ongoing implementation and adjust its design, as may be required.

3.b *Sub-component 2: Institutional Support.* The project will support operation costs of the Project at national level, contribute towards the administration costs of the implementing agency, NLGFC, and finance contract such as Project Officers in the impact districts. Support will also be directed towards establishment and operationalization of appropriate governance structures within the MNSSP II set up for smooth implementation of the project. Financial support will also be provided for the design of a communication strategy and detailed plan of activities for creating



awareness on project aspects at all levels of project implementation. Further support will be required for review of MNSSP Policy and enactment of MNSSP.

3.c *Sub-component 3: Enhancing accountability and transparency.* To reduce pilferages and misuse of project resources, internal control measures and systems will be strengthened through provision of adequate financial support to the financial compliance and internal audit units of the project implementing agent, the NLGFC. The procurement systems of the institution and Local Authorities will also be strengthened through various interventions.

The Project will continue to use the anti-fraud and anticorruption measures initiated during previous Bank operations including working with the Anti-corruption Bureau. New initiatives will be devised and implemented in a more systematic and effective manner. These will include; (i) sensitization and awareness of targeted communities to prevent misuse of project resources; (ii) enhancing the engagement of citizens and stakeholders; and (iii) enforcement through investigation and prosecution.

### **1.3 OBJECTIVES OF THE ESMF**

The objective of this ESMF is to develop guidelines and procedures to deal with environmental and social impacts associated with the implementation of this project. The specific objectives are as follows:

- Identify gaps and develop mechanism for addressing these gaps and assess the compatibility of Government of Malawi policies and World Bank policies;
- Outline the process for identifying potential social and environmental impacts due to various subprojects implemented under MSSRLP project.
- Provide guidelines for preparing the environmental and social management plans to enhance/mitigate the impacts; and
- Describe the implementation and institutional arrangements for managing environmental and social impacts.

### **1.4 JUSTIFICATION FOR THE ESMF**

The rationale for preparing this ESMF is that the precise location of proposed project activities are not known at this time. Therefore the potential environmental and social impacts of the project activities at the site level cannot be identified in the context of an ESIA.

For development project activities whose design details and locations are known, the Malawi Environment Management Act (1996) and the Malawi EIA Guidelines (1997) prescribe the need for Environmental and Social Impact Assessment. However, these instruments do not have guidelines for the screening process for the identification, assessment and mitigation of potential localized impacts, where the project details and specific project sites are not yet known.

The ESMF provides mechanisms for ensuring that potential environmental and social impacts of the MMSSRLP are identified, assessed and mitigated as appropriate, through an environmental and social screening process. The ESMF therefore complements the Malawi ESIA procedures for meeting the environmental and social management requirements, as outlined in Appendix C of the ESIA Guidelines. The ESMF also complies with the World Bank ESS for environmental and social management of projects where specific details are not yet known.

## **1.5 POTENTIAL USERS OF THE ESMF**

The ESMF has been prepared as a reference manual for use by key stakeholders to be involved in the planning, implementation, management and operation of the proposed MSSRLP project. As a reference material, the ESMF may be useful to the following MSSRLP key stakeholders: funding and donor agencies; NLGFC, Ministry of Finance, the Ministry of Natural Resources, Energy and Mining, Ministry of Local government and Rural development, Ministry of transport and Public Works, Environmental Affairs Department, Ministry of Lands and Housing, District Environmental Sub-Committees; Non-Governmental Organizations and Community Based Organizations; Politicians and Local Traditional Leaders, general public and; Senior Government officials responsible for policy making and development planning.

## **1.6 APPROACH AND METHODOLOGY TO THE PREPARATION OF THE ESMF**

One of the key objectives of the ESMF is to provide a screening process for potential environmental and social impacts for the planned future project activities of the MSSRLP, and to recommend a generic management plan for addressing the potential impacts. The ESMF was developed in a consultative manner by a team of experts. In preparing the report, the following steps were undertaken:

- (a) Review of typical implementation approach and processes for the proposed project activities;
- (b) Identification and analysis of potential environmental and social impacts the project activities are likely to trigger and generate within and around the project areas;
- (c) Development of the appropriate screening process for the proposed project sites and project activities.
- (d) Consultations of key stakeholders to the projects which led to the development of the Stakeholders Engagement Plan (SEP).
- (e) Identification of appropriate generic mitigation measures for the likely potential environmental and social impacts and;
- (f) Compilation of a generic management and monitoring plan for addressing the impacts during planning and design, implementation, operation and maintenance of the project activities.

## **1.7 PRINCIPLES OF THE ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**

The implementation of safeguards under MSSRLP project will utilize national environmental and social institutions, systems, laws, regulations and procedures wherever and whenever appropriate. Where the requirements of the environmental and social standards are not adequately covered by the existing provisions in the national environmental and social institutions, systems, laws, regulations,

and procedures, the project will follow the guidance provided in Bank's Environmental and Social Framework to address the gaps.

The Project will follow mitigation hierarchy approach as outlined in the Bank's Environmental and Social Standards. The mitigation hierarchy approach seeks to:

- a. Anticipate and avoid risks and impacts
- b. Where avoidance is not possible minimize or reduce risks and impacts to acceptable levels
- c. Once risks and impacts have been minimized or reduced; mitigate and
- d. Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible

In addition, the following general principles will also be applied:

- a. *Environmental Sustainability*: The project will promote a synergy between environmental and social management within all proposed sub projects under MSSRLP.
- b. *Strengthening District Level Environmental Management Systems*: The MSSRLP project will endeavor to provide adequate capacity building to the targeted District Councils on Environmental and Social Management to enhance quality.
- c. *Preventing adverse impacts and maximizing beneficial environmental and social impact*: The project has been aligned to enhance all positive impacts and also mitigate all anticipated negative impacts by involvement of all relevant stakeholders in the implementation of the project and ensuring that all expected safeguard instruments are put in place.
- d. *Mainstreaming cross cutting issues*: The project will ensure that cross cutting issues such as gender, SHE/SA, HIV and AIDs, child labour, climate change are being addressed properly throughout the project cycle. In addition, GBV action plan attached to this ESMF (Annex 7) will be implemented.

In general, a risk-based approach will be adopted where focus and attention will be on the most sensitive sites, communities and most challenging or higher risk activities.

## **CHAPTER TWO**

### **THE LEGAL FRAMEWORK**

#### **2.1 MALAWI LEGISLATION RELEVANT TO MSSRLP PROJECT**

Over the years, Malawi has taken considerable strides in integration of environmental policies through Environmental Impact Assessment in development programs with the aim of promoting and consolidating sustainable socio-economic development in the country. In Malawi, National Environmental Action Plan (1994) and National Environmental Policy (2004) provide an overview of justification for mainstreaming environmental and social considerations in some projects such as the proposed MSSRLP Project.

A number of legislations, policies and instruments are available to support environmental management in Malawi. The National Environmental Policy (2004) and the Environment Management Act (1996) are the key instruments that cover environmental management in all the sectors of development. The Environmental Impact Assessment Guidelines (1997) prescribe the process, procedures and practices for conducting site-specific Environmental Assessments based on the level and amplitude of impacts involved. In addition to these instruments, there are sector specific policies and legislation that prescribe and guide the conduct for managing the social and environment issues. Summarized below are some of the policies and legislation that are directly relevant to the implementation of projects to be funded under MSSRLP.

##### **2.1.1 The Malawi Growth and Development Strategy (MGDS III) (2017-2022)**

The Malawi growth and development strategy (MGDS III) is the fourth medium term development strategy which is aligned to the country's long term development aspirations as articulated in Vision 2020. The strategy which has five key priority areas is perched around the theme of building a productive, competitive and resilient nation. This theme augurs in well will the project development objective of the MSSRLP which is to improve resilience among the poor and vulnerable population and strengthen the national platform for safety nets. The interventions proposed under the social and economic inclusion component of the MSSRLP are expected to directly and indirectly contribute to all the five key priority areas of (i) Agriculture, Water Development and Climate Change Management, (ii) Education and skills development, (iii) Transport and ICT infrastructure, (iv) Energy, Industry and Tourism development, (v) Health and Population. This is more so because the architecture of the MGDS III has mainstreamed cross cutting issues, which are also the key focal areas of the MSSRLP, within the Key Priority Areas (KPAs). Such cross cutting issues include gender balance, youth development, empowerment of persons with disability, Management of HIV and AIDs, Nutrition, environmental management, disaster risk reduction and resilience building, peace, security and good governance and accountability.

##### **2.1.2 The Malawi National Social Support Program II (2018-2023)**

The Malawi Social Support Programme II (MNSSP II) outlines the strategic vision for the provision of social support in Malawi over the period of five years spanning from 2018-2023. MNSSP II operationalizes the aspirations contained in the National Social Support Policy (NSSP) of 2012 in the

form of a concrete social support program for Malawi. It is fully aligned with the National Social Support Policy (2012) whose overall goal is to reduce poverty and enable the poor to move out of poverty and vulnerability. The strategic objectives of the MNSSP II programme and the NSSP are to provide welfare support to those who are unable to construct viable livelihoods; protect the assets and improve the resilience of poor and vulnerable households; improve the productive capacity and asset base of poor and vulnerable households for them to move above the poverty line; and to establish coherent and progressive social support synergies by ensuring strong positive linkages to influence economic and social policies and disaster risk. The programme has three pillars or priority support areas which are consumption support, resilient livelihoods and shock sensitive social protection.

As it may be appreciated, the MSSRLP is entirely devised around the three pillars of the MNSSP II indicating a strong alignment to government policy aspirations.

### **2.1.3 The National Environmental Action Plan (1994)**

The Government of Malawi signed the Rio Declaration on Environment and Development in 1992 and committed herself to put in place tools and mechanisms that ensure sustainable utilization of her resources. One of the outcomes of the Rio Conference was the Agenda 21 which is an action plan for sustainable development in the 21st Century. The Agenda 21 required that the Government prepare a National Environmental Action Plan (NEAP). The NEAP, developed in 1994, provides the framework for integrating environmental protection and management in all country development programs, with the view to achieving sustainable socio-economic development.

The National Environmental Action Plan (NEAP) was reviewed in 2004 to strengthen it as a framework for integrating the environmental planning into the overall socio-economic development of the country through broad public participation. National Environmental Action Plan (NEAP) highlights key environmental issues that need to be addressed which include soil erosion; deforestation; water resources degradation and depletion; threat to fish resources; threat to biodiversity; human habitat degradation; high population growth among others. NEAP also provides guideline actions to be taken by stakeholders such as local communities, government ministries, departments and agencies, non-governmental organizations and donor partners in environmental planning and management.

Some of the activities to be undertaken under MSSRLP project may lead to soil erosion, loss of vegetation and the risk of water pollution. Mitigation measures for these impacts have been outlined in the ESMF. At the same time, some activities under the same will contribute to soil and water resources conservation especially in river catchment areas. Such activities will be enhanced under the project.

### **2.1.4 National Environmental Policy (2004)**

National Environmental Policy, 2004 is based on the principles of National Environmental Action Plan, and provides broad policy framework on environmental planning in development programs including undertaking environmental impact assessments for prescribed projects. The overall goal of National Environmental Policy is the promotion of sustainable social and economic development through the sound management of the environment in Malawi. The policy seeks to meet the following goals:

- Secure for all persons resident in Malawi now and in the future, an environment suitable for their health and well-being;
- Promote efficient utilization and management of the country's natural resources and encourage, where appropriate, long-term self-sufficiency in food, fuel wood and other energy requirements;
- Facilitate the restoration, maintenance and enhancement of the ecosystems and ecological processes essential for the functioning of the biosphere and prudent use of renewable resources;

The NEP highlights areas of priority including efficient utilization and management of natural resources. It accommodates the private sector, CBOs, NGOs and communities to participate in the initiation and mobilization of resources to achieve sustainable environmental management. It also provides for the involvement of local communities in environmental planning. The policy empowers communities to protect, conserve and sustainably utilize the nation's natural resources. It advocates enhancement of public awareness and promotion of their participation. The MSSRLP project has developed a Stakeholder Engagement Plan (SEP) for ensuring meaningful interaction and participation of all stakeholders in project planning and implementation so as to prevent, reduce and effectively manage potential social and environmental risks associated with the project such as land conflicts, Gender Based Violence (GBV), child labour among others. The stakeholder engagement plan will also assist in achieving sustainability of the project.

#### **2.1.5 National Forest Policy (2016)**

The goal of National Forestry Policy is to sustain the contribution of the national forest resources to enhance quality of life in the country by conserving the resources for the benefit of the nation. There are three general objectives for the policy and these are:

- Promoting regulated and monitored access to forest resources and products.
- Contributing towards improving the quality of life in rural communities and providing a stable local economy in order to reduce the degenerative impact on the environment that often accompanies poverty.
- Promoting incentives for community based forest conservation and sustainable utilization in order to alleviate poverty. This includes social forestry and allowing all communities to grow trees on their gardens and farms.

The Department of Forestry has identified all catchment areas, hill slopes and other environmentally fragile areas for permanent forest cover and protection. The department also works on improvement, control, protection and management of woodlands on customary land, forest reserves and protected hill slopes. In addition, the Department of Forestry works with local communities and non-governmental organizations on various afforestation programs covering bare land and fragile areas in the country. The policy will guide catchment management activities such as tree planting under MSSRLP project.

#### **2.1.6 Decentralization Policy (1998)**

The Decentralization Policy, developed in 1998 prescribes guidelines for devolving administration and political authority to district level, in order to promote popular participation. The Decentralization Policy assigns certain responsibilities to the District Council. One of the key responsibilities is to assist the government in the management and preservation of the environment and natural resources. In light

of this devolution, the District Council will play a very important role in the implementation of the environmental management process for MSSRLP funded sub-projects.

### **2.1.7 Malawi National Land Policy (2002)**

The Malawi National Land Policy is the principal policy that guides land management and administration in Malawi. The policy introduces major reforms intended for land planning, use, management and tenure. It provides clear definitions of land ownership categories. The policy categorizes land into five categories: customary land, leasehold land, registered land, freehold land, Government land and public land. Issues of compensation payment for land will relate to leasehold land and registered land. The policy has provisions for environmental management, urban management of solid and liquid wastes, protection of sensitive areas, agricultural resource conservation and land use, community forests and woodland management. Of particular importance to MSSRLP funded sub-projects are the requirements in Section 9.8.1 (b) of the policy, that environmental impact assessment studies shall be mandatory before any major land development project is carried out; and in Section 9.8.1 (c) that development activities in fragile ecosystems such as wetlands, game reserves, forest reserves and critical habitats will only be permitted after the appropriate authority has conducted an environmental impact assessment study. However, given that the sub-project activities anticipated under MSSRLP are going to be small in nature and will not fall under the list of prescribed projects for an ESIA, impacts can easily be identified and addressed through the ESMF, RPF and subsequent ESMPs. After screening, sub-projects and activities found to be located within environmentally sensitive areas and having the potential for significant environmental and/or social impacts will be avoided and not included on beneficiary lists.

### **2.1.8 National Water Policy (2005)**

The National Water Policy of 2005 sets the broad goal of sustainable management and utilization of water resources and establishes several guiding principles for reaching this goal, including decentralized and participatory management, demand-driven approaches to water development, polluter-pay approaches to pollution control, incorporation of disaster preparedness and climate change considerations in water planning. The Environmental and Social Management plans developed for specific subprojects will ensure that implementation of subprojects under MSSRLP does not contribute to pollution of water bodies where such potential exists. The scalable safety subcomponent of the MPNSP will also support effective disaster preparedness and response to protect poor and vulnerable households from falling back into poverty during disasters.

### **2.1.9 Malawi National HIV and AIDS Policy (2012)**

The Malawi National HIV and AIDS policy was adopted by government in 2012 and its main goal is to prevent HIV and AIDS infections, to reduce vulnerability to HIV and AIDS, to improve the provision of treatment, care and support for people living with HIV and AIDS and to mitigate the socio-economic 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 affect every workplace through absenteeism and death which impacts on productivity, employee benefits, production costs and workplace morale.

As a way of implementing the Malawi National HIV and AIDS policy, the proponent will implement an HIV and AIDS policy and prevention, treatment, care, support and impact mitigation programmes as one way of effectively reducing and managing the impact of HIV and AIDS in the project site specific areas.

The MSSRLP is expected to make a largely positive contribution to National HIV and AIDS goal and most of the key priority areas through its interventions under the socio-economic inclusion component. These positive contributions will be enhanced by implementation of mitigation measures for those aspects of the project that are anticipated to have negative impacts related to HIV and AIDS as determined by the screening process.

#### **2.1.10 National Gender Policy (2015)**

The National Gender Policy calls for integration of gender responsiveness in planning and implementation of development projects and programmes. It is considered that consideration of gender needs and benefits enhance poverty reduction in both rural and urban environments. The proposed development and operation of MSSRLP will integrate consideration of the needs of women, men, boys and girls, people living with HIV and AIDS and people with disabilities in the project activities. Some of the potential consideration will be the following:

- a) Employment of both male and female workers in project sites;
- b) Consideration of both men, women and youth in participating in MSSRLP activities;
- c) Provision of female and male condoms to minimise risk of contracting HIV and AIDS and sexually transmitted diseases during construction and operation phases of the project
- d) Provision of disability friendly infrastructure.

Some of the recommendations have been incorporated in the ESMF and are included in the enhancement measures. In addition, MSSRLP will ensure equity wherever there are employment opportunities for women, youth and men.

#### **2.1.11 Environment Management Act (1996)**

The Environment Management Act enacted in 1996, outlines the EIA process to be followed in Malawi and requires that all project developers in both the public and private sectors comply with the process. The act sets out the powers, functions and duties of the Director of Environmental Affairs (DEA) and Environmental Affairs Department (EAD) in implementing the EIA process. The Act does not provide for an environmental and social screening process for those projects whose location and extent are not yet known at the inception and planning stage. However the EIA Guidelines of 1997 prescribe the types and sizes of projects, which should be subject to an EIA. The sub projects that are going to be implemented under MSSRLP are anticipated to be small in nature and would not fall under the list of prescribed projects. Hence, it is anticipated that no Environmental and Social Impact Assessment (ESIA) studies will need to be conducted before implementation of the project activities. Under the framework provided by this ESMF subprojects will be screened for potential environmental impacts and ESMPs developed for mitigating the potential impacts.

#### **2.1.12 Forestry Act 1997**

The Forestry Act (1997) deals with the management of indigenous forests on customary and private land; forest reserves and protected forest areas; woodlots and plantation forests; and it also deals with cross-cutting issues including law enforcement and fire management. The Act underlines the need for



EIA studies for projects in the forest reserves or forest-protected areas. The Forestry Act gives the Forestry Management Board the responsibility to approve ESIA reports for proposed projects within forest reserves and protected forest areas.

The Forestry Act (60:01) affirms the role of Department of Forestry on control, protection and management of forest reserves and protected forest areas. In addition the act recognises the need to promote participatory social forestry and empowerment of communities for conservation and management of trees within the country. In this regard the act encourages community involvement, woodlot establishment and management of forest reserves through co-management approaches.

Government of Malawi has put in place an Environmental Management Manual (Forest Management and Conservation) to guide communities, community extension workers in participatory, for social forestry in Malawi. The manual provides step by step procedures in planning, implementation, monitoring and evaluation of community-based forest management activities in rural and peri-urban areas. The system allows effective participation of communities at all stages. MSSRLP project will minimize and at most avoid cutting down of trees and have a positive impact through strengthened management of existing woodlots by planting more trees in collaboration with communities and District Forestry Offices.

#### **2.1.13 Local Government Act (1998)**

Local Government Act provides legal mandate for local councils in land administration, local environmental planning, infrastructure planning, chiefs' administration and implementation of various issues and development programmes in their respective geographical districts. One main function of the councils is that of local environmental planning and management. Some of the environmental management functions are provided in Section 2 of the second schedule of functions of the council outlined in Local Government Act. These include land administration, local afforestation programmes, control of soil erosion, and management of solid and liquid wastes. District councils and Department of Forestry have *Manuals for Decentralised Environmental Management Guidelines (2012)* and *Community Environmental Management: Forest and Conservation Manual (2005)*, prepared with support of Ministry of Natural Resources, Energy and Mining. The MSSRLP project will work with Local Authorities and relevant stakeholders at various levels in addressing issues related to land administration.

#### **2.1.14 Water Resources Act (2013)**

This Act makes provision for the control, conservation, apportionment and use of water resources in Malawi. Under the Act, the right to use public water may be limited if the use may cause damage to natural resources of the area or in the vicinity. The Act defines pollution or fouling of public water to mean the discharge into or in the vicinity of public water or in a place where public water is likely to flow, of any matter or substance likely to cause injury whether directly to public health, livestock, animal life, fish, crops orchards or gardens on which such water is used or which occasions, or which is likely to occasion, a nuisance.

The Act establishes that all water resources are vested in the State and that beds and banks of watercourses and lakes and the adjacent strips are public land. A National Water Resources Authority was established to manage these resources under the direction of a board appointed by the Minister.

Abstraction and use of water from a water resource would require a license granted by the Authority. When necessary, this license could be combined with a permit. Permits would be required for drilling boreholes to explore groundwater and for discharging effluents.

The Water Resources Act also authorizes the Minister to prescribe standards for effluent quality and to set charges for water use and effluent discharges, and give state schemes priority for the use of water resources.

The implication of this Act on the MSSRLP is that all sub projects should avoid water degradation and depletion in their implementation.

#### **2.1.15 Occupational Safety, Health and Welfare Act (1997)**

The Act regulates work conditions with respect to safety, health, and welfare of workers. Construction activities in general pose a number of occupational health and safety risks and probable risk to workers and the surrounding communities at large. Furthermore, increased movement of vehicles and equipment during construction can pose a risk of accidents to the surrounding communities as well as the construction workers.

The Act therefore places a duty of care on contractors throughout the project construction phase and similarly, the workers have a duty to take reasonable care for their own safety and health. The duty of ensuring safety, health, and welfare of workers is on the employer. However, every employee is required to take reasonable care for his/her own safety and that of other workers. The key provisions relevant to construction related activities include:

- a) Section 13(1) places a duty on every employer to ensure the safety, health and welfare of all his employees at work;
- b) Section 51(1) mandates that manufacturers, importers and suppliers of hazardous substances used at workplaces shall provide sufficient information on such substances as well as the precautions to be taken; and
- c) Section 81 (7) stipulates that where the use of hazardous chemicals is likely to penetrate the skin and cause reaction such as skin rash, skin contact with hazardous chemicals shall be avoided and personal hygiene and the type of clothing worn shall be such as to enable rapid removal of any chemical from skin contact.

There are no major construction works that are anticipated to be undertaken under the MSSRLP. Only small scale labour intensive works are anticipated under the enhanced public works program where beneficiaries with labour capacity will be expected to work on catchment management activities.

This ESMF has examined all aspects of occupational health, safety and welfare of all the persons involved in the project to ensure compliance with the law. In this effect the project has developed a Labour Management Procedure which will guide the identification and management of occupational health, safety and welfare of all types of workers anticipated under the MSSRLP. Furthermore the project will collaborate with the District Labour Officers to empower the extension workers, relevant community development and project implementation committees with appropriate knowledge and skills for identifying and managing OHS risks during screening of subprojects. Where contractors will

be involved, they will be required to develop C-ESMPs which will be commensurate with the magnitude of the construction works.

#### **2.1.16 Gender Equality Act (2013)**

Section 4 (1) a & b states that a person shall not treat another person less favourably than he or she would treat a person of his or her own sex; or apply to the other person an exclusion, distinction or restriction which applies or would apply equally to both sexes. In addition, Section 7 (1) states that the Government shall take active measures to ensure that employers have developed and are implementing appropriate policy and procedures aimed at eliminating sexual harassment in the workplace which shall entitle all persons who have been subjected to sexual harassment in the workplace to raise a grievance about its occurrence and be guaranteed that appropriate disciplinary action shall be taken against perpetrators

The MSSRLP project shall support interventions and develop policies aimed eliminating sexual harassment in the project areas. Further to that, the project has developed a Stakeholder Engagement Plan (SEP) with a grievance redress mechanism that incorporates procedures for reporting grievances related to gender based violence and sexual harassment. In addition to that a GBV action plan has been developed and is attached in Annex 7. This will also guide in the implementation of GBV issues.

#### **2.1.17 Child Care Protection and Justice Act (2010)**

Section 82 a, b &c of the Act states that no person shall sell a child or use a child as a pledge to obtain credit; use a child as surety for a debt or mortgage; or force a child into providing labour for the income of a parent, guardian or any other person.

The MSSRLP has developed LMP which outline measures for ensuring protection of children from child labour or any form of abuse (where a child shall mean anyone less than 18 years) are put in place and implemented in the project sites. However, the LMP also recognizes that though the Employment Act (2000) sets minimum employment age at 18 years, it also allows for voluntary participation of children between 14 -18 in light work so long as it does not interfere with the child's education or be harmful to the child's health or physical mental, spiritual, moral or social development.

#### **2.1.18 The Labour Relations Act (1996)**

The Labour Relations Act covers the following: freedom of association, trade and unions and employers' organization, collective bargaining and organizational rights and disputes settlement. The Labour Relations Act promotes sound labour relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and promotion of orderly and expeditious dispute settlement, conducive to social justice and economic development. The Act establishes the Tripartite Labour Advisory Council and Industrial Relations Court to Arbitrate matters of labour.

The MSSRLP will undertake to ensure that there is adherence to this act by allowing for the establishment of labour unions and its activities to take place. It will also encourage effective collective bargaining, freedom of association and has established a grievance redress mechanism for handling all grievances related to the project including labour issues.

### **2.1.19 Employment Act (2000)**

The Employment Act addresses issues of work administration; employment of young people; contracts; hours of work; weekly rest and leave; discipline and dismissal; and wages. The Act establishes, reinforces and regulates minimum standards of employment with purpose of ensuring equity necessary for enhancing industrial peace, accelerate economic growth and social justice and for matters connected therewith and incidental thereto. It prohibits forced labour and imposes penalties for such under section 4 and further prohibits all forms of discrimination at work. Section 5 provides that no person shall discriminate against any employee or prospective employee on the grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities in respect to recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.

The Act also stipulates that the minimum age of employment in Malawi is 18, which is also stipulated in the International Labour Organization Conventions (138) on minimum age. These two legislations prohibit the employment of underage children. However, in line with section 21 of the Employment Act, children between the ages of 14-18 can participate in light work so long as it does not interfere with the child's education or is harmful to the child's health or physical mental, spiritual, moral or social development.

### **2.1.20 Public Health Act (1968)**

The Public Health Act provides legal framework for planning and management of health related issues including environmental health and solid waste management. Under the Act, the local authorities have legal powers to enforce provisions of the Act on any development under their jurisdiction. Section 80 outlines the requirements for the detailed plans for sewage management facilities while section 82 outlines activities to control and regulate the discharge of waste into the sewage system. The implications of this Act on the project is that the project should ensure in the construction works activities and other project related activities that workers are provided with appropriate and adequate waste disposal facilities and proper storm water drainage. In addition, the project should ensure that temporary toilets for both male and female workers are put in place during construction works.

### **2.1.21 The Land Act No.16 of 2016**

The Land Act No. 16 of 2016 is the principal legislation dealing with land tenure and land use. It repealed the Land Act of 1965. Sections 6 and 8 of the Land Act reiterates 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 lands may delegate any of the powers and duties conferred on him to the Commissioner. Section 7 of the Act recognises two categories of land namely; public land and private land.

A number of activities the MSSRLP are expected involve use of land as such a separate RPF has been prepared to guide the acquisition and utilization of land under this project in a manner that complies to national statutes and Environmental and Social standards of the bank.

### **2.1.22 The Public Roads Act No.11 of 1962 as amended and the Public Roads Amendment Act No.8 of 2017**

The Public Roads Act of 1962 as amended 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.

### **2.1.23 Prevention of Domestic Violence Act (2006)**

The purpose of this Act is to ensure the commitment of the State to eliminate gender-based violence occurring within a domestic relationship, and to provide for effective legal remedies and other social services to persons affected by domestic violence. The implication of this act on the project is that the project should make use of the provisions of the act in preventing and addressing cases of gender-based violence that may arise in the course of project implementation.

## **2.2 WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS**

World Bank Environmental and Social standards (ESSs) are applied by the Bank in its operations in order to protect the interest of beneficiaries, clients, shareholders and the Bank. The ESSs provide a comprehensive framework for avoiding negative impacts on the environment and people and enhance social equity and promote sustainability.

As described above, the project is expected to promote people's sustainable livelihoods through social and economic activities which include social cash transfers, enhanced public works, livelihood support and disaster preparedness and response. Considering the type and nature of these activities, and the requirements of the Bank's ESSs, the MSSRLP project will trigger the following Bank ESSs:

1. Assessment and Management of Environmental & Social Risks and Impacts
2. Labour & Working Conditions
3. Resource Efficiency and Pollution Prevention & Management
4. Community Health & Safety
5. Land Acquisition, Restrictions on Land Use & Involuntary Resettlement
6. Biodiversity Conservation & Sustainable Management of Living Natural Resources
7. Cultural Heritage
8. Stakeholder Engagement & Information Disclosure

### **2.2.1 ESS 1: Assessment and Management of Environmental & Social Risks and Impacts**

ESS1 sets out responsibilities for assessing, managing and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Bank through Investment Project Financing, in order to achieve environmental and social outcomes consistent with the Environmental and Social Standards (ESSs). The ESSs are designed to help in managing the risks and impact of a

project, and improve their environmental and social performance, through risk and outcomes based approach.

The development of this Environmental and Social Management framework for the Social Support for Resilient Livelihoods will ensure that environmental and social assessments are conducted for specific sub-projects to help ensure that projects are environmentally and socially sound and sustainable. The environmental and social assessment will be proportionate to the risks and impacts of the project. The assessment will inform the design of the project, and will be used to identify mitigation measures and actions and to improve decision making. Management of environmental and social risks and impacts of the project will be throughout the project life cycle in a systematic manner, proportionate to the nature and scale of the project and potential risks and impact.

### **2.2.2 ESS 2: Labour & Working Conditions**

ESS2 recognises the importance of employment creation and income generation in the pursuit of poverty reduction and inclusive economic growth through promotion of sound worker-management relationships and enhancement of the development benefits of a project by treating workers in the project fairly and providing safe and healthy working conditions. ESS2 applies to project workers including fulltime, part-time, temporary, seasonal and migrant workers and community workers. The project has developed and will implement LMP applicable to the project. The procedures have set out the way in which project workers will be managed, in accordance with the requirements of national law and this ESS. The procedures addresses the way in which this ESS will apply to different categories of project workers including direct workers and the way in which the project requires third parties to manage their workers

### **2.2.3 ESS 3: Resource Efficiency and Pollution Prevention and Management**

This ESS3 recognises that economic activity and urbanization often generate pollution to air, water, and land and consume finite resources that may threaten people, ecosystem services and the environment at the local, regional, and global levels. The current and projected atmospheric concentration of greenhouse gases (GHG) threatens the welfare of current and future generations. At the same time, more efficient and effective resource use, pollution prevention and GHG emission avoidance, and mitigation technologies and practices have become more accessible and achievable. This ESS sets out the requirements to address resource efficiency and pollution prevention and management throughout the project life cycle.

The requirement for the bank is that the borrower will consider ambient conditions and apply technically and financially feasible resource efficiency and pollution prevention measures in accordance with the mitigation hierarchy. The measures will be proportionate to the risks and impacts associated with the project and consistent with Good International Industry Practice (GIIP). Under the MSSRLP, there is expected use of limited amounts of pesticides under the livelihood and enhancement activities especially irrigation and other Agriculture related activities; the project will therefore develop and implement a Pest Management Plan (PMP).

### **2.2.4 ESS 4: Community Health and Safety**

This ESS recognises that project activities, equipment, and infrastructure can increase community exposure to risks and impacts. In addition, communities that are already subjected to impacts from climate change may also experience an acceleration or intensification of impacts due to project activities. It addresses the health, safety, and security risks and impacts on project-affected

communities and the corresponding responsibility of Borrowers to avoid or minimize such risks and impacts, with particular attention to people who, because of their particular circumstances, may be vulnerable.

This ESS addresses potential risks and impacts on communities that may be affected by project activities. Occupational Health and Safety (OHS) requirements for project workers and measures to avoid or minimize impacts on human health and the environment due to existing or potential pollution. The MSSRLP project will evaluate the risks and impacts of the project on the health and safety of the affected communities during the project life cycle, including those who, because of their particular circumstances, may be vulnerable. The project will implement mitigation measures in accordance with the mitigation hierarchy guided by the screening results of the sub-projects.

### **2.2.5 ESS 5: Land Acquisition, Restrictions on land use and Involuntary Resettlement**

This ESS recognises that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-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.

The applicability of this ESS is established during the environmental and social assessment. This ESS applies to permanent or temporary physical and economic displacement resulting from land acquisition or restrictions on land use undertaken or imposed in connection with project implementation. A number of activities the MSSRLP are expected involve use of land as such a separate resettlement policy framework has been prepared to guide the acquisition and utilization of land under this project in manner that complies to national statutes and Environmental and Social standards of the bank. The MSSRLP will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.

### **2.2.6 ESS 6: Biodiversity Conservation & Sustainable Management of Living Natural Resources**

ESS6 recognises that protecting and conserving biodiversity and sustainably managing living natural resources are fundamental to sustainable development. Biodiversity is defined as the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems. Biodiversity often underpins ecosystem services valued by humans. Impacts on biodiversity can therefore often adversely affect the delivery of ecosystem services.

Through the environmental and social screening process, the project will identify the potential project related risks to and impacts on habitats and the biodiversity. The assessment undertaken will include identification of the types of habitats potentially affected and consideration of potential risks to and impacts on the ecological function of the habitats. The assessment will encompass any areas of potential biodiversity importance that may be affected by the project, whether or not they are protected under national law. The extent of the assessment will be proportionate to the risks and impacts, based

on their likelihood, significance and severity, and will reflect the concerns of project affected parties and other interested parties.

### **2.2.7 ESS 8: Cultural Heritage**

ESS8 recognises that cultural heritage provides continuity in tangible and intangible forms between the past, present and future. People identify with cultural heritage as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. Cultural heritage, in its many manifestations, is important as a source of valuable scientific and historical information, as an economic and social asset for development, and as an integral part of people's cultural identity and practice. ESS8 sets out measures designed to protect cultural heritage throughout the project life cycle.

The objectives of ESS 8 are:

- To protect cultural heritage from the adverse impacts of project activities and support its preservation.
- To address cultural heritage as an integral aspect of sustainable development.
- To promote meaningful consultation with stake- holders regarding cultural heritage.
- To promote the equitable sharing of benefits from the use of cultural heritage.

The project activities will not be located on or in proximity to known physical cultural resources such as cultural artefacts, graves, shrines among others. In case such artefacts are discovered during soil excavation during the construction/rehabilitation of classrooms, proper procedures, as outlined in the Chance Finds Procedures, are to be followed to preserve such physical cultural resources.

The client, any contractor or community group will be required to follow a chance finds procedures and contact the National Museums should any archaeological site or artefact be encountered during construction. Annex 4 provides a Sample Chance Find Procedure to be followed in case of encounters on physical cultural resources.

### **2.2.8 ESS 10: Stakeholder Engagement & Information Disclosure**

The ESS10 recognises the importance of open and transparent engagement between the Borrower and the project stakeholders as an essential element of good international practice. It stresses that effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation.

The ESS 10 requires that borrowers engage stakeholders throughout the project life cycle, commencing such engagement as early as possible in the project development process and in a timeframe that enables meaningful consultations with stakeholders on project design. The nature, scope and frequency of stakeholder engagement will be proportionate to the nature and scale of the project and its potential risks and impacts.

In order to comply with the requirements of this ESS, the MSSRLP has developed as stakeholder engagement plan (SEP) which includes a grievance redress mechanism. The SEP will guide the project on how to engage in meaningful consultations with all stakeholders and provide stakeholders with timely, relevant, understandable and accessible information, and consult with them in a culturally appropriate manner, which is free of manipulation, interference, coercion, discrimination and intimidation.



## 2.3 GAPS BETWEEN WORLD BANK ENVIRONMENTAL AND SOCIAL STANDARDS AND NATIONAL LEGISLATION

The Table below provides the more details on the Gaps between the National legal instruments and the World Bank ESS.

TABLE 1: SUMMARIZED GAPS BETWEEN LOCAL LEGISLATION AND WORLD BANK ESSs

World Bank ESS provisions	National Legal Instruments provisions	Gaps identified in the two	How the gaps have been addressed (if applicable)
<b>ESS 1: Assessment and Management of Environmental &amp; Social Risks and Impacts</b>	Environmental Management Act (1996) EIA Guidelines (1997)	There is no provision for environmental and social screening of projects whose activities and locations are not known	By preparing the ESMF, the gap that exists for the projects whose activities and locations are not known is bridged
<b>ESS 2: Labour and Working Conditions</b>	The Labour Relations Act (1996) Occupational Safety, Health and Welfare Act, (1997) Employment Act (2000) Child Care Protection and Justice Act (2010)	No specific requirement for development of labour management No specific indications on the community workers. There are only provisions for general workers.	The project has followed ESS2 and developed labour management procedures with relevant provisions to bridge the gap.
<b>ESS 3: Pollution Prevention and Resource Efficiency</b>	Environment Management Act (1996) Environmental Management (Waste Management and Sanitation)Regulations(2008)	The national legislation mostly focuses on pollution prevention and less on aspects of resource efficiency	The project will follow provisions of ESS3 on resource efficiency in its activities to ensure compliance with the requirements and a Pest Management Plan will be developed to mitigate the impacts of pollution from pesticides use
<b>ESS 4: Community Health and Safety</b>	Occupational Safety, Health and Welfare Act, (1997)	Safety, Health, and Environmental issues are included in the Occupational Safety, Health and Welfare Act. However, the legislation does not fully consider issues of community health and safety	The project has included identification of community health and safety risks and mitigation measures in its environmental and social screening process and the labour management procedures.

<b>World Bank ESS provisions</b>	<b>National Legal Instruments provisions</b>	<b>Gaps identified in the two</b>	<b>How the gaps have been addressed (if applicable)</b>
<b>ESS 5: Land Acquisition, Restrictions on land use and Involuntary Resettlement</b>	The Land Act No.16 of 2016 Lands Acquisition and Compensation Act (2016) Registered Land Act (2016) Customary Land Act (2016) Physical Planning Act (2016) Land Survey Act (2017)	Provisions for RPF and Procedures for valuations are not clearly stipulated in national legislation	Use of International standards such as Appraisal and Valuation Standards by Royal Institute of Chartered Surveyors (5 <sup>th</sup> Ed.)
<b>ESS 6: Biodiversity Conservation &amp; Sustainable Management of Living Natural Resources</b>	Environment Management Act (1996) Parks and Wildlife Act (1997) National Biodiversity Strategic Action Plan	N/A	Project will follow national framework because is sufficient. No activities are expected in or near protected areas or areas with high conservation values
<b>ESS 10: Stakeholder Engagement &amp; Information Disclosure</b>	EIA guidelines (1997) Local government Act (1998) National Decentralization Policy (2000)	No provision for development of the GRM	The project has developed a stakeholder engagement plan which includes a GRM

## CHAPTER THREE

### ENVIRONMENTAL AND SOCIAL WORK UNDER MSSRLP PROJECT

#### 3.1 DESCRIPTION OF ACTIVITIES TO BE DONE UNDER MSSRLP

The MSSRLP has three main components namely the Improved Social and Economic Inclusion, Strengthened Harmonized Delivery Systems, and Capacity Building and Institutional Strengthening Support. These components have sub-components which have several sub-activities to be carried out in order to achieve the overall objective of the project. The key activities under each project component have been described thoroughly under Chapter One, (refer to Section 1.2.1).

#### 3.2 GENERIC POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS AND THEIR MITIGATION MEASURES

The MSSRLP project is expected to generate positive and negative impacts related to activities that will be carried out under its three main components. The MSSRLP will initially be implemented in eleven districts nationwide but the actual sites for implementing these activities are not known at project preparation/appraisal stage. The Government of Malawi (GoM) has therefore prepared this Environmental and Social Management Framework (ESMF) to provide a standard approach for addressing all likely impacts in sub-project activities including those under catchment management. The ESMF spells out clear procedures and methodologies for environmental and social assessment, review, approval and implementation of safeguards activities to be financed under the project.

The section presents and discusses the probable positive and negative environmental and social impacts that might emanate from implementation of activities under the MSSRLP. It also provides standard measures that could be employed to avoid, minimize or mitigate the potential adverse impacts. These generic potential environmental and social impacts and their mitigation measures have been derived from the consultations with stakeholders based on their knowledge of and experience with the types of activities that will be carried out in the project as described in section (3.1). More specific impacts and mitigation measures will be determined after specific subproject locations are known and the site specific environmental and social screening is carried out.

##### 3.2.1 Potential Positive Impact

###### *Increased employment opportunities*

The project will create job opportunities for the beneficiaries to be targeted with project interventions such as enhanced public works.

###### *Increased Business Opportunities*

The cash transfers shall increase business opportunities for the local traders and other external suppliers. The money accessed from social cash transfers will enable the poor and vulnerable people to establish businesses.

###### *Increased Income among households*

They will be increased income from the transfers, wages and livelihood activities (COMSIP activities).

#### *Disaster impact mitigation*

The project will provide assistance to poor and vulnerable households during disasters in the form of cash and this will enable them to cope easily with effects of disasters.

#### *Improved nutrition at household level*

The cash transfers, income, knowledge, and skills that the beneficiaries will earn from the project interventions and created linkages will help improve the nutrition and health of beneficiaries.

#### *Reduced charcoal burning*

In some targeted areas, the project interventions under livelihood support will provide alternative livelihood opportunities which will lessen the drive to engage in charcoal selling business as survival strategy.

#### *Reduced rate of crime*

The project beneficiaries especially the youth will be engaged in skills and business development under the project thereby reducing their likelihood of engaging in criminal activities.

#### *Reduced human trafficking*

In providing opportunities for economic empowerment, the project will minimise human trafficking in target communities where there is a tendency of trafficking vulnerable people to work in farms in neighbouring countries.

#### *Skills transfer to the project beneficiaries and local artisans*

The project will train beneficiaries to run various businesses such as energy saving stoves, loans and savings and local artisanship.

#### *Improved soil productivity*

Implementation of soil and water conservation activities under the catchment management approach in the enhanced public works will contribute to improved vegetative cover, reduced soil erosion/siltation and improved water availability.

### **3.2.2 Potential Negative Impacts and Mitigation Measures**

The design of the MSSRLP has greatly strived to minimize the potential environmental and social risks of the project by incorporating improved mechanisms and delivery approaches to keep the risks low and reasonably attainable. These include use of transparent, objective and participatory approaches in beneficiary identification, employment of technological innovations such as e-payment, reduction in size of programs with relatively high likelihood of triggering environmental and social risks and adopting improved approaches to delivery of such interventions. This notwithstanding, there still exists a possibility of occurrence of negative environmental and social impacts from the implementation of project activities. Application of appropriate mitigation measures would however easily avoid or significantly reduce the negative impacts thereby enhancing the positive contribution of the project.

Presented in Table 2 are some of the potential negative impacts and proposed mitigation measures that have been arranged according to project components, subcomponents and core programs where applicable.

Table 2: Potential negative impacts and proposed mitigation measures.

<b>Project component and its anticipated negative Environmental and Social Impact</b>	<b>Nature of Impact</b>		<b>Mitigation Measure</b>
	<b>Short term</b>	<b>Long term</b>	
<b>1.2 Enhanced Core Programs</b>			
<b>1.1.1 Expansion of the Social Cash Transfer Program</b>			
<i>Misuse of cash transfers by beneficiaries at household level</i>	✓		<ul style="list-style-type: none"> <li>▪ Inclusion of simple financial management trainings, meetings or forums where in the rural areas the targeted beneficiaries will have some few sessions on how to manage cash</li> </ul>
<i>Creation of a dependency syndrome</i>	✓		<ul style="list-style-type: none"> <li>▪ Incorporation of the livelihood support interventions will enhance economic empowerment and enable self-reliance eventually</li> </ul>
<i>Disruption of marriages</i>	✓		<ul style="list-style-type: none"> <li>▪ Continued sensitization of project beneficiaries on proper use of cash transfers will help reduce misuse of the received transfers.</li> <li>▪ Sensitizations on HIV and AIDS issues to beneficiaries</li> </ul>
<i>The received cash transfers might be used to snatch other people's wives by the beneficiaries. Furthermore, because of existing cultural and structural drivers of gender inequalities in the target communities, squabbles may arise in marriages as the women get economically empowered by the project.</i>			
<i>Increased pressure on existing sanitary facilities</i>			<ul style="list-style-type: none"> <li>▪ Construct temporary sanitary facilities to be used by beneficiaries.</li> </ul>
<b>1.1.2 Enhanced Public Works Program</b>			
<i>Potential for loss of land, assets and restriction on land use</i>	✓		<ul style="list-style-type: none"> <li>▪ Implementation of RPF which the project has developed</li> <li>▪ Community engagement through consultation and their involvement in the project</li> </ul>
<i>Siting of subprojects may lead to loss of land, assets and restriction on land use to initial users of the land.</i>			
<i>Temporary disruption of access roads</i>	✓		<ul style="list-style-type: none"> <li>▪ Provision of alternative access paths and proper community engagement and communication</li> </ul>
<i>Rehabilitation of access roads under public works could cause temporary disruption of access to the areas being serviced by the road.</i>			
<i>Increased Risk or Spread of HIV &amp; AIDS and other STIs</i>	✓		<ul style="list-style-type: none"> <li>▪ Sensitization of target communities on the preventive measures of HIV and AIDS and STIs will help to minimize the risks including SHE issues for workers.</li> </ul>
<i>The increased levels of disposable income may result into beneficiaries indulging in risky behaviors such as multiple sexual partners.</i>			
<i>Increased risk of exposure to chemical and pesticides</i>	✓		<ul style="list-style-type: none"> <li>▪ Where need be, depending on the environmental and social screening, a Pest Management</li> </ul>

Project component and its anticipated negative Environmental and Social Impact	Nature of Impact		Mitigation Measure
	Short term	Long term	
<p><i>There may be use of small quantities of chemicals and pesticides under livelihood support activities which may lead to pollution of the water and soil if not properly used and managed.</i></p>			<p>Plan (PMP) will be developed and implemented accordingly (Annex 5&amp;6)</p> <ul style="list-style-type: none"> <li>▪ Sensitization of project beneficiaries on chemical handling and proper disposal of chemicals and pesticides containers</li> </ul>
<p><i>Loss of Vegetation</i></p> <p><i>Land at some sub-projects sites may need to be cleared of all vegetation to allow for the construction of structures such as fishponds, irrigation canals and access road thereby by resulting into loss of some vegetation.</i></p>		✓	<ul style="list-style-type: none"> <li>▪ Siting of subprojects away from important vegetation or biodiversity rich habitats</li> <li>▪ Limiting the clearing to the project affected sites only</li> <li>▪ Tree new trees to replace the loss</li> </ul>
<p><i>Occupational and Community Health and Safety Risks</i></p> <p><i>MSSRLP subprojects are generally very small and dispersed, and for the most part do not involve civil works, however few subprojects with higher risks of hazards may require civil works. There could also be site specific emergencies to be taken into consideration in relation to labour guidelines for workplace conditions.</i></p> <p><i>Furthermore, excavations, pits and heaps of unconsolidated material may be left overnight at the end of a working day at the sub project site. These would make the construction site dangerous to surrounding communities especially children and stray animals that walk across the site at night.</i></p>		✓	<ul style="list-style-type: none"> <li>▪ The project has developed Labour Management Procedures which will be implemented to guide avoidance, reduction and management of Occupational and Community Health and Safety risks</li> <li>▪ Sub-project ESMPs will identify site specific risks to those involved and propose mitigation measures.</li> <li>▪ Where contractors are involved C-ESMPs will identify and address OHS issues.</li> <li>▪ Conduct on site trainings to workers on Health and Safety</li> <li>▪ Provide first aid kits and capacity to administer</li> <li>▪ Provide Personal Protective Equipment (PPE) to beneficiaries</li> <li>▪ Proper barricading of the high risk sites and installation of appropriate signage to prevent potential accidents and injuries</li> <li>▪ Conduct sensitization meetings to communities</li> <li>▪ Training of community workers carrying out PW and provided with adequate supervision</li> </ul>
<p><i>Risk of gender-based violence</i></p> <p><i>Because of existing cultural and structural drivers of gender inequalities in the target communities, gender based violence may arise</i></p>		✓	<ul style="list-style-type: none"> <li>▪ Proper sensitization of project beneficiaries on GBV, sexual harassment and cash management</li> </ul>

Project component and its anticipated negative Environmental and Social Impact	Nature of Impact		Mitigation Measure
	Short term	Long term	
<i>in marriages families as the women get economically empowered by the project</i>			<ul style="list-style-type: none"> <li>that might be potential source of GBV</li> <li>Implementation of code of conduct for the contractors</li> </ul>
<i>Increase in child labour since children will be the alternative labour-force as the parents will be preoccupied with EPWP activities.</i>	✓		<ul style="list-style-type: none"> <li>Implementation of Labour Management procedures which have been developed</li> <li>Conduct sensitizations on child labour</li> </ul>
<i>Disruption of cultural sites</i>	✓		<ul style="list-style-type: none"> <li>Implement chance finds procedures</li> <li>Sensitization of workers and beneficiaries</li> </ul>
<b>1.1.3 Livelihoods Support</b>			
<i>Increased Risk or Spread of HIV &amp; AIDS and other STIs</i>		✓	<ul style="list-style-type: none"> <li>Sensitization of target communities on the preventive measures of HIV and AIDS and STIs will help to minimize the risks</li> <li>Including sensitizations on SHE issues</li> </ul>
<i>The increased levels of disposable income may result into beneficiaries indulging in risky behaviors such as multiple sexual partners.</i>			
<i>Compromised sanitation and hygiene when business groups converge in venues without pit-latrines</i>		✓	<ul style="list-style-type: none"> <li>Temporary toilets to be constructed in subprojects where beneficiaries are working far from dwelling houses</li> <li>Beneficiary training packages will include water, sanitation and hygiene modules</li> </ul>
<i>Increased risk of exposure to chemical and pesticides</i> <i>There may be use of small quantities of chemicals and pesticides under livelihood support activities which may lead to pollution of the water and soil if not properly used and managed.</i>		✓	<ul style="list-style-type: none"> <li>Where need be, depending on the environmental and social screening, an Integrated Pest Management Plan (IPMP) will be developed and implemented accordingly</li> <li>Sensitization of project beneficiaries on chemical handling and proper disposal of chemicals and pesticides containers</li> </ul>
<i>Risk of gender-based violence</i> <i>Because of existing cultural and structural drivers of gender inequalities in the target communities, gender based violence may arise in families as the women get economically empowered by the project</i>		✓	<ul style="list-style-type: none"> <li>Proper sensitization of project beneficiaries on GBV, sexual harassment and cash management that might be potential source of GBV</li> <li>Implementation of code of conduct for the contractors</li> </ul>
<i>Loss of vegetation and land degradation</i> <i>Use of burnt bricks in construction of business infrastructure might degrade land and deplete forests</i>		✓	<ul style="list-style-type: none"> <li>Promotion of use of soil stabilized blocks (SSBs) in construction works</li> <li>Promotion of afforestation</li> </ul>

**Project component and its anticipated negative Environmental and Social Impact**

**Nature of Impact**

**Mitigation Measure**

Short term	Long term
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- Prohibition of the use of burnt bricks in the project construction activities

**2.0 Strengthened Harmonized Delivery Systems**

*Leakage of private beneficiary information  
Since project delivery processes will include collection of information about household demographic and socio-economic status, some of which may be confidential, there is risk of harm to the subjects if such information is leaked.*

✓

- The project will develop and implement data protection and security protocols to ensure safety and security of beneficiary data.

*Exclusion errors  
Due to failure or delays in updating beneficiary information regularly.*

✓

- The project will ensure periodic updating of beneficiary data bases and carry out regular case management

*Potential conflicts among members of beneficiary communities  
Due to high levels of vulnerability in some targeted communities, there may be conflicts and discrimination between beneficiaries and non-beneficiary members of the community when fewer numbers of beneficiaries have been targeted by the project and the targeting criteria is not well understood.*

✓

- Communications and outreach combined with community-based dialogue will ensure the objectives and approach of the project is well known.

**Component 3: Capacity Building and Institutional Strengthening Support**

*Conflicts related to project coordination and facilitation, project staff and stakeholders resulting to project failure to deliver on its objectives*

✓

- An open and transparent approach to project implementation will greatly reduce potential sources of conflicts
- The project has developed and will implement a grievance redress mechanism for handling and resolving all grievances related to the project at all levels



## CHAPTER FOUR

### ENVIRONMENTAL AND SOCIAL ASSESSMENT PROCESS FOR MSSRLP ACTIVITIES

#### 4.1 ENVIRONMENTAL AND SOCIAL SCREENING PROCESS

The Malawi Environment Management Act (1996) and the Malawi Environmental Impact Assessment (EIA) guidelines (1997) prescribe that small scale sub projects should be subjected to a screening process to identify the potential social and environmental impact. The EIA guidelines (1997) outline the processes regarding the screening, identification, assessment, enhancement and mitigation of potential impact of proposed project.

Environmental and Social Screening process outlines procedures for meeting the environmental and social management requirements and meets the requirements of the World Bank's ESS 1, on Assessment and Management of Environmental and social risks and impacts. It provides a mechanism for ensuring that potential environmental and social risks and impacts of MSSRLP' funded activities are identified, assessed, enhanced and mitigated as appropriate. The objectives of the screening process are:

- a) Determine the level of environmental work required (i.e. whether an ESMP is required or not; whether the application of simple mitigation measures will suffice; or whether no additional environmental work is required);
- b) Determine appropriate mitigation measures for addressing adverse impacts;
- c) Incorporate mitigation measures into the development plans;
- d) Determine which construction activities are likely to have potential negative environmental and social impacts;
- e) Determine if there will be land acquisition, impact on assets, loss of livelihood, and/ or restricted access to natural resources.
- f) Indicate the need for a Resettlement Action Plan (RAP), which would be prepared in line with the Resettlement Policy Framework (RPF)
- g) Provide guidelines for monitoring environmental and social parameters during the implementation of sub projects and other related project activities.

#### 4.2 COORDINATION OF ENVIRONMENTAL AND SOCIAL ASSESSMENT

##### 4.2.1 Selection of Sub Projects for Screening

The activities which are likely to trigger environmental and social safeguards are mostly going to come from implementation of the sub-projects under the enhanced public works and Livelihood Support components of the MSSRLP. The identification and siting of potential sub-projects under the enhanced public works will be guided by the Public Works Guidelines<sup>2</sup> and the Project Implementation

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<sup>2</sup> National Local Government Finance Committee, (2016). *The Public Works Guidelines*. NLGFC. Lilongwe.

Manual<sup>3</sup> for the enhanced public works which prescribe the type of eligible projects under the catchment management approach. These include sub – projects such as:

- Afforestation- both tree planting and regeneration;
- Land Resources conservation including gully reclamation;
- Fisheries with minor civil works (fish ponds);
- Irrigation with minor civil works but without Solar installation;
- Roads- with associated drainage improvements which will be done using hand tools such as installation of culverts, drifts, check dams and mitre drains;
- Sanitation and Environmental conservation project;
- Rehabilitation of community reservoirs;
- Recreation centres like parks; and
- Rehabilitation of gravity piped water supply projects with minor civil works.

The enhanced livelihood program also uses a prescribed list of eligible business and investment projects that could be implemented by target community groups. The list excludes projects with high environmental and social risks which may require complex mitigation measures. These prescribed lists were developed through a consultative process with the relevant stakeholders including the beneficiary groups and communities.

This ESMF advocates the use of the mitigation hierarchy in the identification, appraisal and implementation of proposed sub-projects. Projects that are likely to attract issues of involuntary resettlement and compensation will be avoided at all cost. Likewise, sub-projects with serious or multiple environmental and social risks that may require complex mitigation measures will be avoided.

#### **4.2.2 Coordination Arrangements of Environmental and Social Assessments**

The Implementation of the ESMF will follow a semi- decentralized system where the National Local Government Finance Committee will empower the District Councils/ Local Authorities to undertake screening of proposed subprojects and subsequent development and implementation of Environmental and Social Management Plans for specific sites based on the results of screening.

At district level, the District Environmental Sub-committee (DESC) which is a sub-committee of the District Executive Committee responsible for coordinating of environmental programs in the district will take the lead in the coordination of environmental and social screening. The DESC is comprised of heads of sectors which are key to environment and natural resources management at district level. These include heads of sectors for Agriculture, Forestry, Fisheries, Lands, Environmental Health, Education and representatives of selected Non-governmental Organizations implementing environment related programs in the district. The DESC is chaired by the Director of Planning and Development and the Environmental District Officer provides secretarial services. DESC reports to the District Executive Committee (DEC) which in turn reports to the District Council which is the final decision making body at District Level.

At community level, the DESC works through the Area Executive Committee (AEC) has frontline extension staff from government departments and relevant non-governmental organizations operating

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<sup>3</sup> National Local Government Finance Committee, (2019). *Enhanced Public Works Pilot Program –Project Implementation Manual*. NLGFC. Lilongwe.

in an area under a traditional authority (TA). The DESC in collaboration with the AEC and community project implementation committee will carry out screening and develop the Environmental and Social Management Plans. Depending on the outcome of the screening exercise in reference to the Malawi EIA guidelines (1997), the ESMPs for small and less risky subprojects will be endorsed by the DESC for implementation. However, for sub projects requiring more detailed ESMPs or an ESIA, due processes of approval will be followed as laid down in the Malawi EIA Guidelines (1997). It is expected that developed Environmental and Social Management Plans will be implemented by the subproject implementation committees with support from the frontline staff and the DESC.

The technical oversight will be provided by the National Local Government Finance Committee (NLGFC) in collaboration with the Environmental Affairs Department (EAD) of the Ministry of Natural Resources Energy and Mining through monitoring and technical backstopping missions that will be undertaken regularly. The NLGFC and the EAD will also provide regular refresher trainings to the DESC on screening and ESMP development and the implementation process. The DESC will in turn train AECs who will also further train community project implementation committees.

The activities under Sub Component 2.3 will facilitate citizens' participation in monitoring and providing feedback on project activities and other service delivery in the project areas. This will include strengthening existing systems and tools for grievances management at the community level and also support implementation of environmental and social safeguards.

The District Environmental Officer will maintain records on number of projects screened, number of projects for which ESMPs were developed and approved, number of projects for which ESMPs are being implemented or were completed.

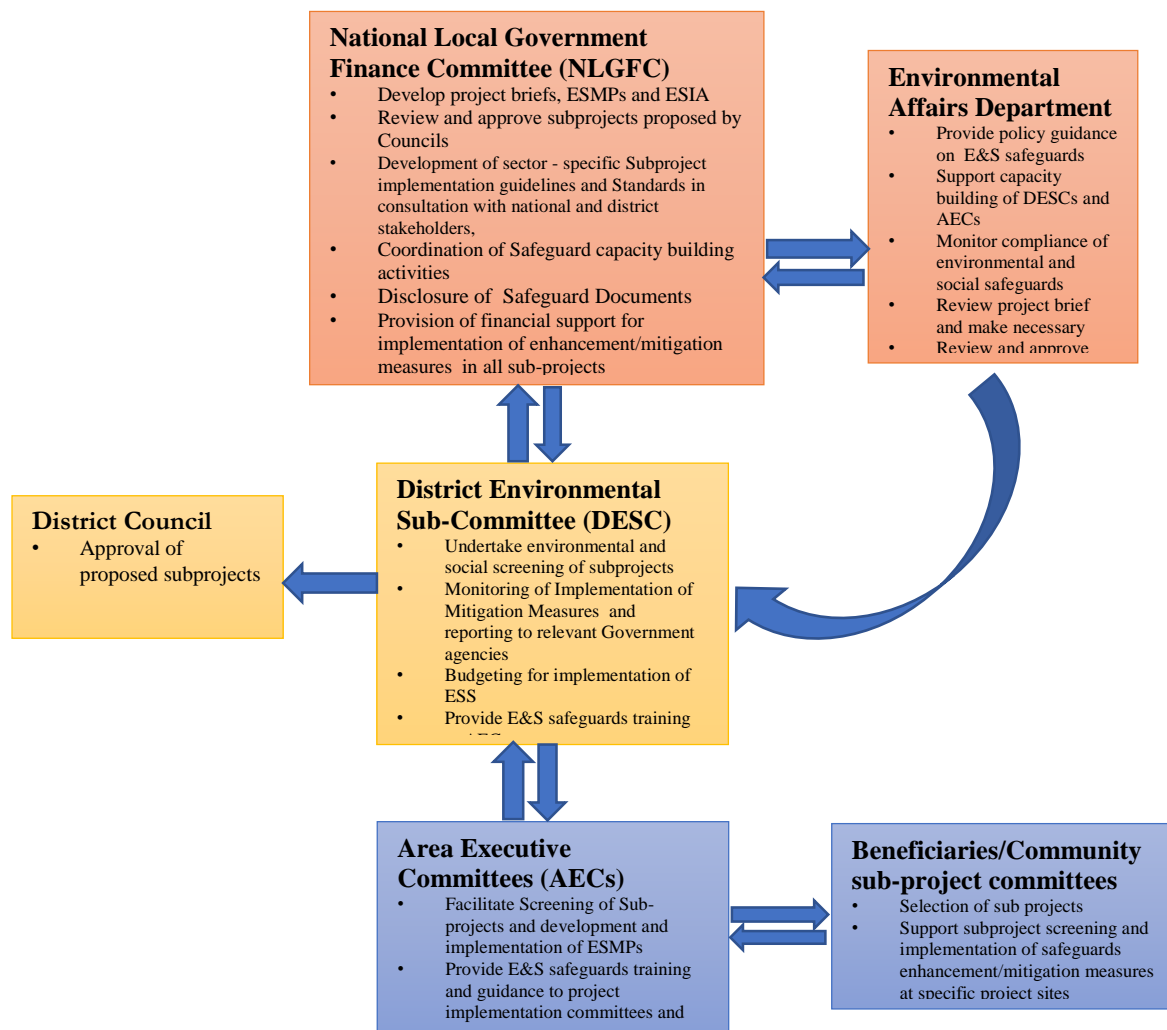


Figure 1: Coordination Arrangements for Environmental and Social Assessments

### 4.3 SCREENING OF MSSRLP SUB PROJECTS

Malawi's Guidelines for EIA (1997) provides for the categorization of projects into either List A or List B depending on the size, nature and perceived environmental consequences of the project. Where it is clear that project activities fall under List A of the guidelines, an EIA has to be carried out (although this is unlikely given the nature of the sub-projects anticipated). The screening process will be used to determine the appropriate environmental follow-up measures, depending on the nature, scope and significance of the expected environmental impacts from each MSSRLP supported sub-projects. The screening will be done using the Environmental and Social Screening Form (ESSF – Annex 1). The screening form in Annex 1 is designed to provide the necessary information to the MSSRLP Project Implementation Team and stakeholders, to determine whether or not activities of a sub project would likely result in significant environmental / social impacts during implementation.

The Environmental and Social Screening Form (ESSF, Annex 1) will be completed by trained and qualified frontline staff in consultation with the community project implementation committees. The screening form, when correctly completed, will facilitate the:

- Identification of potential environmental and social impacts and their significance;
- Assignment of the appropriate environmental category;
- Determination of appropriate environmental mitigation measures; and
- Need to conduct an ESIA and prepare Resettlement Action Plans (RAPs) where required.

#### **4.3.1 Screening of MSSRLP Sub projects within District Councils (Local Authorities)**

Preparation activities for the screening process will include a desk appraisal of the subprojects proposed by the communities following the prescribed project identification procedures<sup>4</sup>. This will be carried out by the District Environment Sub-Committee (DESC).

Subsequent to the desk appraisal of the proposed sub-projects, the initial screening will be carried out in the field by the AECs in collaboration with PICs under supervision of the DESC's using the ESSF. The respective role for various players in this screening process has been presented in the Figure 1.

#### **4.3.2 Assigning Appropriate Environmental and Social Categories**

The ESSF, when completed, will provide information for the assignment of the appropriate environmental category to a particular subproject under MSSRLP. The DESC will be responsible for categorizing subproject activities as either A, B or C.

**Category A:** Projects likely to have significant adverse environmental impacts and requiring an ESIA including a detailed Environmental and Social Management Plan (ESMP).

**Category B:** The potential environmental impacts are less than those of Category A projects and are usually site-specific, few if any are irreversible and in most cases mitigation measures can be designed more readily than for category A projects. The scope of ESIA is narrower than that for Category A projects.

**Category C:** A project is classified as Category C if it is likely to have minimal or no adverse environmental and social impacts. Beyond screening, no further ESIA action is required.

Assignment of the appropriate environmental category will be based on the provisions of the Malawi EIA guidelines (1997) the World Bank Environmental and Social Standards.

If the ESSF has 'no' entries, a 'C' classification would normally be warranted. Hence the proposed activity will not require further environmental analysis and the DESC will recommend approval of the screening results to the District Councils respectively, for implementation of the project activity to proceed.

In the event of resettlement, Resettlement Action Plans (RAPs) will have to be prepared according to the Resettlement Policy Framework (RPF) which has been developed for the MSSRLP. The RAPs would be reviewed and approved by the Commissioner of Lands prior to commencement of project activities.

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<sup>4</sup> As contained in the PWP Guidelines, Enhanced Public Works Manual, Village Level Action Planning Handbook, and the Enhanced Livelihoods Implementation Guide.

After reviewing the information provided in the ESSF and having determined the appropriate environmental category, the DESC in consultation with Director of Environmental Affairs (DEA) will determine whether:

- The application of simple mitigation measures outlined in the ESSF (Annex 1) will suffice;
- An Environmental and Social Management Plan (ESMP) needs to be prepared to address specific environmental and social impacts (Category B); or
- An ESIA needs to be carried out (Category A), using the Malawi EIA guidelines.

#### **4.3.3 Environmental and Social Impact Assessment (ESIA)**

Though not likely, it is conceivable that, as a result of the screening process, one or more of the MSSRLP sub-projects may be found to require an ESIA. In such a case, the ESIA would identify and assess the potential environmental and social impacts of the proposed activities, evaluate alternatives, as well as design and implement appropriate enhancement, mitigation, management and monitoring measures. These measures would be captured in the Environmental and Social Management Plan (ESMP) which will be prepared as part of the ESIA report.

Where required, preparation of the ESIA (including an ESMP) and the RAP will be carried out in consultation with the relevant stakeholders, including potentially affected persons. The NLGFC in close consultation with the EAD will arrange for:

- (i) Preparation of ESIA terms of reference;
- (ii) Recruitment of a consultant with both Social and Environmental background and knowledgeable of World Bank ESSs to carry out the preparation of the ESIA;
- (iii) Public consultations and participation; and
- (iv) Review and approval of the ESIA through the national ESIA approval process. The general EIA process in Malawi is provided for in the Malawi guidelines for EIA of 1997.

## CHAPTER FIVE

### ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP) AND MONITORING PLAN

#### 5.1 INTRODUCTION

This section presents the generic environmental and social management plan (ESMP) and monitoring plan for local authorities, project implementers and beneficiaries. The ESMP outlines the potential environmental and social impacts, their proposed enhancement/mitigation measures and the corresponding responsibility for implementing the enhancement/mitigation measures. The monitoring plan outlines the impacts, indicators, responsible institutions and indicative interval of monitoring.

#### 5.2 THE ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

The DESC in collaboration with AEC will facilitate the development of project specific Environmental and Social Management Plans (ESMPs) and shall refer to screening process highlighted in Chapter Four (4). In addition, they will be able to consult and seek guidance from the NLGFC and EAD during the process. Table 3 presents a generic environmental and social management plan which highlights potential environmental and social impacts anticipated from the components of the MPNSS project.

TABLE 3: GENERIC ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP)

<i>Anticipated Environmental and Social Impacts of project components</i>	<i>Proposed Mitigation Measure</i>	<i>Responsible institution for implementing mitigation measure</i>	<i>Estimated Cost (MK)</i>
<b>1.2 Enhanced Core Programs</b>			
<b>1.1.1 Expansion of the Social Cash Transfer Program</b>			
<i>Creation of a dependency syndrome</i>	<ul style="list-style-type: none"> <li>▪ Incorporation of the livelihood support interventions to enhance economic empowerment and enable self-reliance</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ COMSIP</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ 5,000,000</li> </ul>
<i>Disruption of marriages</i>	<ul style="list-style-type: none"> <li>▪ Continued sensitization of project beneficiaries on proper use of cash transfers will help reduce misuse of the received transfers.</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ 250,000</li> </ul>
<b>1.1.2 Enhanced Public Works Program</b>			
<i>Potential for loss of land, assets</i>	<ul style="list-style-type: none"> <li>▪ Implementation of RPF which the project has developed</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ Ministry of Lands</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Cost available in the RPF</li> </ul>

<i>Anticipated Environmental and Social Impacts of project components</i>	<i>Proposed Mitigation Measure</i>	<i>Responsible institution for implementing mitigation measure</i>	<i>Estimated Cost (MK)</i>
<i>and restriction on land use</i>	<ul style="list-style-type: none"> <li>Community engagement through consultation and their involvement in the project</li> </ul>		
<i>Temporary disruption of access roads</i>	<ul style="list-style-type: none"> <li>Provision of alternative access paths and proper community engagement and communication</li> </ul>	<ul style="list-style-type: none"> <li>District Councils</li> <li>Project Foremen and beneficiary workers</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>
<i>Increased Risk or Spread of HIV &amp; AIDS and other STIs</i>	<ul style="list-style-type: none"> <li>Sensitization of target communities on the preventive measures of HIV and AIDS and STIs will help to minimize the risks</li> </ul>	<ul style="list-style-type: none"> <li>District Councils</li> </ul>	<ul style="list-style-type: none"> <li>500,000</li> </ul>
<i>Increased risk of exposure to chemical and pesticides</i>	<ul style="list-style-type: none"> <li>Where need be, depending on the environmental and social screening, an Pest Management Plan (PMP) will be developed and implemented accordingly</li> <li>Sensitization of project beneficiaries on chemical handling and proper disposal of chemicals and pesticides containers</li> </ul>	<ul style="list-style-type: none"> <li>District Councils</li> <li>Beneficiaries</li> </ul>	<ul style="list-style-type: none"> <li>10,000,000</li> </ul>
<i>Loss of Vegetation</i>	<ul style="list-style-type: none"> <li>Siting of subprojects away from important vegetation or biodiversity rich habitats</li> <li>Limiting the clearing to the project affected sites only</li> <li>planting new trees to replace the loss</li> </ul>	<ul style="list-style-type: none"> <li>DESC</li> <li>Beneficiaries</li> </ul>	<ul style="list-style-type: none"> <li>250,000</li> </ul>
<i>Occupational and Community Health and Safety Risks</i>	<ul style="list-style-type: none"> <li>The project has developed Labour Management Procedures which will be implemented to guide avoidance, reduction and management of Occupational and Community Health and Safety risks</li> <li>Sub-project ESMPs will identify site specific risks to those involved and propose mitigation measures.</li> </ul>	<ul style="list-style-type: none"> <li>District Councils</li> <li>NLGFC</li> <li>Contractors</li> </ul>	<ul style="list-style-type: none"> <li>350,000</li> </ul>



<i>Anticipated Environmental and Social Impacts of project components</i>	<i>Proposed Mitigation Measure</i>	<i>Responsible institution for implementing mitigation measure</i>	<i>Estimated Cost (MK)</i>
	<ul style="list-style-type: none"> <li>▪ Where contractors are involved C-ESMPs will identify and address OHS issues.</li> <li>▪ Conduct on site trainings to workers on Health and Safety</li> <li>▪ Provide first aid kits</li> <li>▪ Provide Personal Protective Equipment (PPE) to beneficiaries working in high risk areas.</li> <li>▪ Proper barricading of the high risk sites and installation of appropriate signage to prevent potential accidents and injuries</li> <li>▪ Conduct sensitization meetings to communities</li> </ul>		
<i>Risk of gender-based violence</i>	<ul style="list-style-type: none"> <li>▪ Proper sensitization of project beneficiaries on GBV, sexual harassment and cash management that might be potential source of GBV</li> <li>▪ Implementation of code of conduct for the contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Councils</li> <li>▪ Contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ 8,500,000</li> </ul>
<i>Increase in child labour since children will be the alternative labour-force as the parents will be preoccupied with EPWP activities.</i>	<ul style="list-style-type: none"> <li>▪ Implementation of Labour Management procedures which have been developed</li> <li>▪ Conduct sensitizations on child labour</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Councils</li> <li>▪ NLGFC</li> </ul>	<ul style="list-style-type: none"> <li>▪ 1,500,000</li> </ul>
<b>1.1.3 Livelihoods Support</b>			
<i>Increased Risk or Spread of HIV &amp; AIDS and other STIs</i>	<ul style="list-style-type: none"> <li>▪ Sensitization of target communities on the preventive measures of HIV and AIDS and STIs will help to minimize the risks</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ 8,500,000</li> </ul>
<i>Compromised sanitation and hygiene where beneficiaries are</i>	<ul style="list-style-type: none"> <li>▪ Temporary toilets to be constructed in subprojects where beneficiaries are</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Councils</li> <li>▪ COMSIP</li> </ul>	<ul style="list-style-type: none"> <li>▪ 4,000,000</li> </ul>

<i>Anticipated Environmental and Social Impacts of project components</i>	<i>Proposed Mitigation Measure</i>	<i>Responsible institution for implementing mitigation measure</i>	<i>Estimated Cost (MK)</i>
<i>working far from dwelling houses</i>	<ul style="list-style-type: none"> <li>working far from dwelling houses</li> <li>▪ Beneficiary training packages will include water, sanitation and hygiene modules</li> </ul>		
<i>Increased risk of exposure to chemical and pesticides</i>	<ul style="list-style-type: none"> <li>▪ Where need be, depending on the environmental and social screening, a Pest Management Plan (PMP) will be developed and implemented accordingly</li> <li>▪ Sensitization of project beneficiaries on chemical handling and proper disposal of chemicals and pesticides containers</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Councils</li> <li>▪ Beneficiaries</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3,000,000</li> </ul>
<i>Risk of gender-based violence</i>	<ul style="list-style-type: none"> <li>▪ Proper sensitization of project beneficiaries on GBV, sexual harassment and cash management that might be potential source of GBV</li> <li>▪ Implementation of code of conduct for the contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ District Councils</li> <li>▪ Contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ 3,500,000</li> </ul>
<i>Loss of vegetation and land degradation</i>	<ul style="list-style-type: none"> <li>▪ Promotion of use of soil stabilized blocks (SSBs) in construction works</li> <li>▪ Promotion of afforestation</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ 500,000</li> </ul>
<b>2.0 Strengthened Harmonized Delivery Systems</b>			
<i>Leakage of private beneficiary information</i>	<ul style="list-style-type: none"> <li>▪ The project will develop and implement data protection and security protocols to ensure safety and security of beneficiary data.</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ 6,000,000</li> </ul>
<i>Exclusion errors</i>	<ul style="list-style-type: none"> <li>▪ The project will ensure periodic updating of beneficiary data bases and carry out regular case management</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Included in cost above</li> </ul>
<i>Potential conflicts among members of beneficiary communities</i>	<ul style="list-style-type: none"> <li>▪ Communications and outreach combined with community-based dialogue will ensure the objectives and approach of the project is well known.</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ N/A</li> </ul>
<b>Component 3: Capacity</b>			

<i>Anticipated Environmental and Social Impacts of project components</i>	<i>Proposed Mitigation Measure</i>	<i>Responsible institution for implementing mitigation measure</i>	<i>Estimated Cost (MK)</i>
<i>Building and Institutional Strengthening Support</i> <i>Conflicts related to project coordination and facilitation, project staff and stakeholders resulting to project failure to deliver on its objectives</i>	<ul style="list-style-type: none"> <li>• An open and transparent approach to project implementation will greatly reduce potential sources of conflicts</li> <li>• The project has developed and will implement a grievance redress mechanism for handling and resolving all grievances related to the project at all levels</li> </ul>	• NLGFC	• 9,500,000

### 5.3 ENVIRONMENTAL AND SOCIAL MONITORING AND EVALUATION

#### 5.3.1 Environmental and Social Monitoring

Monitoring and evaluation (M&E) of the MSSRLP is essential to assess performance of the project's implementation of environmental and social safeguards. Monitoring is a continuous assessment that aims at providing early detailed information on progress of ongoing assessed activities to all stakeholders. Its purpose is to determine if the outputs, deliveries and planned schedules have been reached so that action is taken to correct deficiencies as quickly as possible.

Environmental and social monitoring will aim at monitoring the actual implementation of enhancement/mitigation measures, at both construction and operation phases. This will involve monitoring implementation of sub projects Environmental and Social Management Plans (ESMPs) and RAPs as appropriate.

Environmental monitoring will be a continuous process and will be mainstreamed in the overall Monitoring and Evaluation (M&E) system of the MMSSRLP Project. Environmental and social monitoring will involve:

- Measuring progress on environmental and social change or performance against scheduled actions and milestones, using input and output indicators;
- Measuring effectiveness of the change and provide timely information about the success of the project to enable changes to be made to the system, if required; and determine whether the mitigation measures set out have been effective in avoiding, minimizing or eliminating environmental and negative social impacts and make recommendations to address any constraints;
- Reviewing of the costs incurred and how they relate to the budgetary provisions in the ESMP;

- Updating of the baseline data;
- Visual observations of impacts on environmental and social components; and
- Consultation with the key stakeholders and communities.

### **5.3.2 Evaluation**

Evaluation is a systematic and objective examination concerning the relevance, effectiveness, efficiency and impact of activities in light of specified objectives. The idea in evaluating projects is to isolate challenges and problems and to promote the successful mechanisms for current and future projects. Evaluation of the MSSRLP and its projects will:

- a. Assess and present outstanding issues for attention, mid-way through the project and prior to closing of project activities, respectively
- b. Provide lessons and recommendations to decisions about current and future programmes;
- c. Inform project managers, MSSRLP steering Committee on programme performance and areas requiring changes.

### **5.3.3 Levels of Monitoring**

Environmental and social monitoring of the project will be carried out by various by various parties at various levels including district, national and development partner levels. The monitoring process at all levels will be guided by monitoring tools and indicators which will be developed for subproject specific ESMPs.

This ESMF however provides generic indicators which have been included in the generic environmental and social monitoring plan under section 5.3.5.

#### **5.3.3.1 District Level**

At District level, the DESC in conjunction with the Monitoring and Evaluation (M&E) section and community committees will be responsible for monitoring of safeguards implementation from time to time. District level capacity building training on environmental and social safeguards planning and implementation will also include modules on how to carry out monitoring and evaluation of environmental and social safeguards.

#### **5.3.3.2 National Level**

At national level, the National Local Government Finance Committee will be responsible for M&E of the MSSRLP project. The NLGFC in collaboration with the EAD and other relevant government ministries and departments will undertake regular environmental compliance monitoring for the project.

#### **5.3.3.3 Development Partner Level**

World Bank will undertake evaluation of the programme in line with World Bank requirements. This will constitute Bank supervision missions, mid-term evaluation and terminal evaluation as appropriate.

### **5.3.4 Reporting responsibilities**

#### **5.3.4.1 The National Local Government Finance Committee (NLGFC)**

The primary and overall responsibility for project environmental and social reporting rests with MSSRLP and in particular with the NLGFC since they have the responsibility to ensure that the

environmental and social management procedures as outlined in this ESMF, RPF and Contractors Code of Conduct are being adhered to. In addition to MSSRLP staff and management, the contractors involved in the implementation of the some sub project’s activities also have reporting responsibilities.

#### 5.3.4.2 Local Authorities (District/Municipal Councils)

As the actual identifier of subprojects and their implementation, all Local Authorities have the responsibility to ensure that progress reports on implementation of ESMPs and all relevant safeguard instruments in all subprojects are being submitted to the NLGFC.

#### 5.3.4.3 Contractors

Where contractors will be engaged in delivery of activities of some project components, the contractor will bear responsibility for reporting on implementation of the code of conduct or ESMPs that will form part of their contract as the actual implementer. The contractor must develop appropriate protocols to ensure appropriate reporting on compliance with environmental and social legislation.

#### 5.3.5 Environmental and Social Monitoring Plan

The environment being a dynamic system, it is not always possible to precisely predict all the environmental impacts caused by the project activities. Various influences can alter the way the environment will behave; for this reason, it is important that environmental and social monitoring be included in the project. Monitoring essentially will assist to:

- a. Measure the attainment ( success or failure ) of mitigation measures that would help to deal with foreseen impacts;
- b. Spot unforeseen impacts and
- c. Facilitate better environmental and social management interventions.

The monitoring plan presented in the Table 3 below has provided the following information:

- a. Impact to be monitored
- b. Monitoring indicators
- c. Frequency of monitoring
- d. Assigned responsibility for monitoring

TABLE 4: GENERIC ENVIRONMENTAL AND SOCIAL MONITORING PLAN

<i>Anticipated Environmental and Social Impact of project components</i>	<i>Monitoring Indicator</i>	<i>Responsible institution for Monitoring</i>	<i>Frequency of monitoring</i>
<i>1.2 Enhanced Core Programs</i>			
<i>1.1.1 Expansion of the Social Cash Transfer Program</i>			
<i>Creation of a dependency syndrome</i>	<ul style="list-style-type: none"> <li>▪ Number of Social Cash transfer beneficiaries linked to livelihood support interventions</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ COMSIP</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Disruption of marriages</i>	<ul style="list-style-type: none"> <li>▪ Number of sensitization meetings conducted</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>

<i>Anticipated Environmental and Social Impact of project components</i>	<i>Monitoring Indicator</i>	<i>Responsible institution for Monitoring</i>	<i>Frequency of monitoring</i>
<b>1.1.2 Enhanced Public Works Program</b>			
<i>Potential for loss of land, assets and restriction on land use</i>	<ul style="list-style-type: none"> <li>▪ Verification of RPF implementation</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ Ministry of Lands</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Temporary disruption of access roads</i>	<ul style="list-style-type: none"> <li>▪ Spot checks during implementation to verify provision of alternative access paths provided</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> <li>▪ Project Foremen and beneficiary workers</li> </ul>	<ul style="list-style-type: none"> <li>▪ During Implementation</li> </ul>
<i>Increased Risk or Spread of HIV &amp; AIDS and other STIs</i>	<ul style="list-style-type: none"> <li>▪ Number of community awareness and sensitization meetings conducted</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Increased risk of exposure to chemical and pesticides</i>	<ul style="list-style-type: none"> <li>▪ Number of Integrated Pest Management Plans (IPMP) developed</li> <li>▪ Number of beneficiaries oriented on proper chemical use and disposal</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Loss of Vegetation</i>	<ul style="list-style-type: none"> <li>▪ Number of trees planted</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Occupational and Community Health and Safety Risks</i>	<ul style="list-style-type: none"> <li>▪ Verification of implementation of Labour Management Procedures including OHS/CHS Plans and C-ESMPs</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> <li>▪ Contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Risk of gender-based violence</i>	<ul style="list-style-type: none"> <li>▪ Number of community/beneficiary Sensitization meetings on GBV</li> <li>▪ Verification of Implementation of code of conduct for the contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> <li>▪ Contractors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Increase in child labour since children will be the alternative labour-force as the parents will be preoccupied with EPWP activities.</i>	<ul style="list-style-type: none"> <li>▪ Verification of Implementation of Labour Management procedures which have been developed</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> <li>▪ NLGFC</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>

<i>Anticipated Environmental and Social Impact of project components</i>	<i>Monitoring Indicator</i>	<i>Responsible institution for Monitoring</i>	<i>Frequency of monitoring</i>
<i>1.1.3 Livelihoods Support</i>	▪ Number of beneficiary/community sensitization meetings on child labour conducted		▪
	<i>Increased Risk or Spread of HIV &amp; AIDS and other STIs</i>	▪ NLGFC ▪ District Councils	▪ Quarterly
<i>Compromised sanitation and hygiene where beneficiaries are working far from dwelling houses</i>	▪ Number of temporary toilets constructed in subprojects where beneficiaries are working far from dwelling houses	▪ NLGFC ▪ COMSIP ▪ District Councils	▪ Quarterly
	▪ Review of beneficiary training packages to verify inclusion of water, sanitation and hygiene modules		
<i>Increased risk of exposure to chemical and pesticides</i>	▪ Number of Integrated Pest Management Plans (IPMP) developed	▪ NLGFC ▪ District Councils ▪ Beneficiaries	▪ Quarterly
	▪ Number of beneficiaries oriented on proper chemical use and disposal		
<i>Risk of gender-based violence</i>	▪ Number of community/beneficiary Sensitization meetings on GBV	▪ NLGFC ▪ District Councils ▪ Contractors	▪ Quarterly
	▪ Verification of Implementation of code of conduct for the contractors		
<i>Loss of vegetation and land degradation</i>	▪ Verification of use of stabilized soil blocks (SSBs) or Concrete blocks in construction projects	▪ NLGFC ▪ District Councils	▪ Quarterly
	▪ Number of trees planted		
	▪ Number of borrow pits refilled		
<i>2.0 Strengthened Harmonized Delivery Systems</i>			

<i>Anticipated Environmental and Social Impact of project components</i>	<i>Monitoring Indicator</i>	<i>Responsible institution for Monitoring</i>	<i>Frequency of monitoring</i>
<i>Leakage of private beneficiary information</i>	<ul style="list-style-type: none"> <li>▪ Number of data protection and security protocols developed and being implemented.</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<i>Exclusion errors</i>	<ul style="list-style-type: none"> <li>▪ Number of cases updated as a proportion of the received cases</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Biannually</li> </ul>
<i>Potential conflicts among members of beneficiary communities</i>	<ul style="list-style-type: none"> <li>▪ Number of community outreach and engagement meetings carried out.</li> </ul>	<ul style="list-style-type: none"> <li>▪ NLGFC</li> <li>▪ District Councils</li> </ul>	<ul style="list-style-type: none"> <li>▪ Quarterly</li> </ul>
<b>Component 3: Capacity Building and Institutional Strengthening Support</b>			
<i>Conflicts and grievances related to project coordination and facilitation, project staff and stakeholders resulting to project failure to deliver on its objectives</i>	<ul style="list-style-type: none"> <li>• Number of grievances resolved as proportion of reported grievances</li> <li>• Verification of GRM functionality</li> </ul>	<ul style="list-style-type: none"> <li>• NLGFC</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>

### 5.3.5.1 Stakeholders and their roles in the Implementation of the ESMP

Implementation of the ESMPs is expected to involve several institutions and stakeholders at the national, district and community levels. Table 5 below provides a description of the institutions and stakeholders mentioned in the ESMP and their roles in the implementation and monitoring of the mitigation measures that have been stipulated in the ESMP.

TABLE 5: STAKEHOLDERS AND THEIR ROLES IN ESMP IMPLEMENTATION AND MONITORING

<i>Name of institution/stakeholder</i>	<i>Description of institution</i>	<i>Role in implementation of the ESMP</i>
<i>National Local Government Finance Committee (NLGFC)</i>	The NLGFC is a government agency mandated to mobilize and manage development and operational resources for Local Authorities in an effort to support and strengthen the decentralization process in Malawi. It is the coordinating agency for the MSSRLP	<ul style="list-style-type: none"> <li>• Overall responsibility of coordinating the project activities nationwide including the management of environmental and social impacts associated with the project.</li> <li>• Coordination of relevant national level institutions to provide necessary policy, technical and regulatory support to local authorities in implementation ESMPs</li> <li>• Provision of resources for implementation and monitoring of ESMPs</li> </ul>



<i>Name of institution/stakeholder</i>	<b>Description of institution</b>	<b>Role in implementation of the ESMP</b>
<i>District Councils</i>	Refers to the District Councils where the project will be implemented.	<ul style="list-style-type: none"> <li>• District Councils are entrusted with overall responsibility for implementation of project interventions on the ground through the relevant departments and their extension agents existing at district and community level.</li> <li>• The DESC which is a subcommittee of the District Executive Committee (DEC) will be responsible for coordinating development , implementation, and monitoring of environmental social management plans at district level</li> </ul>
<i>Contractors</i>	Any contractor who will be engaged in the project construction activities	<ul style="list-style-type: none"> <li>• Implementation of workers code of conduct</li> <li>• Implementation of measures stipulated in the C-ESMP</li> </ul>
<i>Community Leaders</i>	These are local leaders from the project site surrounding communities such as traditional authorities, sub traditional authorities, group village heads village heads, and members of community development committees	<ul style="list-style-type: none"> <li>• Community mobilization on project works</li> <li>• Sensitizations of their communities on a number of areas that require community to play a role</li> </ul>
<i>Beneficiaries</i>	These are direct beneficiaries of project interventions including those who may be elected into subproject implementation committees	<ul style="list-style-type: none"> <li>• Participate in planning and implementation of environment and social management plans</li> </ul>
<i>Community Savings and Investment Promotion (COMSIP)</i>	Is a member owned union of savings and investment cooperatives in Malawi aimed at building a culture of savings and investment amongst rural and peri-urban poor communities	<ul style="list-style-type: none"> <li>• Ensure implementation of environmental and social management plans among member groups engaged in livelihood activities</li> </ul>
<i>Ministry of Lands, Housing and Urban Development</i>	Ministry responsible for land matters	<ul style="list-style-type: none"> <li>• Support implementation of the RPF and RAP approval process</li> <li>• Facilitate valuation processes</li> </ul>
<i>Environmental Affairs Department (EAD)</i>	The Department with the mandate of sustaining the environment and people through facilitation of environmental assessment and approval of the ESIA/ESMP	<ul style="list-style-type: none"> <li>• Provide overall guidance on local environmental and social management policy and legal framework</li> <li>• Approve the sub-project specific ESMP/ESIA</li> </ul>

<i>Name of institution/stakeholder</i>	Description of institution	Role in implementation of the ESMP
		<ul style="list-style-type: none"> <li>• Support capacity building of local councils on development and implementation of ESMPs</li> <li>• Participate in joint monitoring of the implementation of ESMPs to ensure compliance</li> </ul>

#### 5.4 FINANCING ESMF IMPLEMENTATION

To effectively implement and monitor the environmental and social enhancement/mitigation measures as part of the ESMF, necessary budgetary provisions have to be made for sub-projects. It is important to identify financial requirements even if indicative. This ensures upfront appreciation of the financial requirements and allows early planning and budgeting..

Tentative budgetlines for the project includes procurement of vehicles, the preparation of site specific safeguard instruments, environmental and social mitigation costs, sensitization and awareness creation, training cost and the cost of environmental monitoring and reporting. The table below shows an indicative budget breakdown and responsibility of the cost for implementing the due diligence in the project.

The total cost for implementing the ESMF is estimated at USD 606, 333 (Table 6). However, as at the time of finalizing this ESMF, potential subprojects are not yet identified and their environmental and social impacts largely remain unknown. Budgets for Environmental and Social Mitigation as proposed here are purely indicative and will be reviewed once ESMP and or RAP studies in respect of individual sub projects get underway.

**TABLE 6: ESTIMATED BUDGET FOR IMPLEMENTING THE ESMF**

Serial #	Item	Time Frame					Budget Estimates (in Malawi Kwacha)	*Budget (US\$)	Responsibility
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5			
1	Environmental and Social Screening of multiple subproject activities initiated at various times of the project life span in target districts						65,000, 000	90,000.00	NLGFC
2	Procurement of 1 vehicle for NLGFC ESS specialist to ease mobility						55,000,000	73, 000.00	NLGFC
3	Capacity building- including support for capacity needs assessment, training of district extension staff and facilitation of learning visits						100,000,000	133,333.33	NLGFC

	and National exchange forums on best practices							
4	Facilitate implementation of ESMPs through provision of additional technical support and financial resources for high risk sub projects					115,000,000	150,000.00	NLGFC
5	Monitor implementation of ESMPs					120,000, 000	160, 000.00	NLGFC
<b>TOTAL ESTIMATED BUDGET</b>						455,000,000.00	<b>606, 333.00</b>	

*NB: \$1 was equated to MK750.*

#### **5.4.1 Financing Arrangements for ESMP Implementation**

Subprojects having infrastructure development and construction related activities, ESMPs will be financed alongside the main project activities. Bidding documents shall contain a safeguards section which shall guide the bidders in costing the safeguard requirements. Furthermore, the contracts shall contain clauses to ensure implementation of safeguards by bidders/contractors. These clauses shall provide for subsequent consequences that shall be undertaken in the event that contractors fail to oblige to the contracts.

Financing of implementation of ESMPs for all subprojects without construction related activities will be done through Local Authorities. The District Environmental Officer (EDO), who is the secretary of the DESC, will coordinate relevant sectors at district level to integrate the cost for implementing environmental and social safeguards in the budgets of their subprojects as guided by the specific subproject ESMPs.

## **CHAPTER SIX**

### **CAPACITY BUILDING AND TRAINING**

#### **6.1 RATIONALE**

The successful implementation of the ESMF depends on the capacity of the implementing institutions. Capacity building includes the process of equipping individuals with the understanding, skills and access to information, knowledge and training that enables them to perform effectively. However, in Malawi there is inadequate capacity at all levels to implement the ESMF for the MSSRLP. There is therefore need to conduct training programs for multidisciplinary professionals at both national and district level.

The capacity building requirements will mostly be in the form of training programs and experiential learning visits for staff of relevant national level institutions, district level staff and extension workers and community level development committees. The project will also facilitate national knowledge exchange forums where project stakeholders will have an opportunity to share and learn from other players and projects on best practices in environmental and social safeguards management in Malawi.

#### **6.2 IDENTIFICATION OF CAPACITY BUILDING NEEDS**

The first step in pursuing capacity building will be to identify the specific capacity gaps of the various stakeholders. This will be achieved through an assessment which will be carried by the NLGFC in collaboration with relevant government ministries and departments. The assessment will target all relevant stakeholders involved in supporting effective planning and implementation of environmental and social safeguards at community, district and national level. Thereafter, a plan for strengthening stakeholder's capacities on coordination, planning, implementation and monitoring of environmental social safeguards will be developed. This will be done prior to commencement of implementation of subprojects

Indicative areas on which stakeholders may be assessed of their knowledge and capacities and thereafter be trained on include but not limited to the Environmental and Social Impact Assessment Process (ESIA) , Difference between ESIA and ESMF, Project cycle and ESIA/ ESMF, World Bank Environmental and Social Standards, Environmental and Social Screening Checklist, Labour laws and working conditions, Biodiversity conservation and sustainable management of natural resources, Sustainable livelihoods activities, Stakeholder engagement and Social Accountability, Environment and Social priority issues, Resettlement policies and procedures, Identification of beneficiaries, and Community Health and Safety.

The project will use the Training of Trainers approach in which experts from relevant central level departments will train members of the DESC at district level. The central level institutions to be involved may include the National Local Government Finance Committee, Environmental Affairs department, Ministry of Labour, Ministry Lands, Housing and Urban development, Ministry of Gender and Community Savings and Investment Promotion (COMSIP). The DESC will in turn train a team of extension workers which will be responsible for capacitating community level development and

project implementation committees. An indicative outlook of the Training of Trainers Program is given in Table 7.

**TABLE 7: INDICATIVE TRAINING PROGRAMME FOR STAKEHOLDERS**

<b>Day</b>	<b>Topic</b>	<b>Facilitator</b>
Day 1	ESIA process Concept of ESMF	Environmental Affairs Department (EAD)
	Difference between ESIA and ESMF, ESMP	
Day 2	World Bank Environmental and Social Standards Malawi EIA Policy and Regulatory Framework	NLGFC-ESSS, EAD
	Environmental and Social Screening Checklist	EAD
	Developing mitigation and the ESMP	
Day 3	Labour laws and working conditions Sustainable livelihoods activities Grievance Redress Mechanism	Ministry of Labour, Community Savings and Investment Promotion (COMSIP)
	Environment and Social priority issues; HIV and AIDS and other STIs Gender Based Violence Child Labour	Ministry of Gender, Ministry of Labour
Day 4	Project monitoring	NLGFC-M&E, EAD, NLGFC
	Resettlement policies and procedures; Identification of beneficiaries; Community Health and Safety	Ministry of Lands, Ministry of labour, EAD, NLGFC

The total cost of the training programme is MK10,000,000.00

## **CHAPTER SEVEN**

### **PUBLIC CONSULTATION AND DISCLOSURE**

#### **7.1 RATIONALE FOR CONSULTATION AND DISCLOSURE**

According to Malawi's guidelines for EIA (1997) and World Bank Environmental and Social Standards for resettlement and environmental assessment, public consultations are an integral component of the EIA and RAP requirements, and the guidelines identify the following principal elements:

- a. Developers are required to conduct public consultation during the preparation of sub project environmental and social impacts assessment.
- b. The Director of Environmental Affairs may, on the advice of the Technical Committee on Environment (TCE), conduct his or her own public consultation to verify the works of a developer.
- c. Formal ESMP and RAP/RPF documents are made available for public review and comments. Documents to which the public has access include ESMP and RAP reports, and decisions of the appropriate authorities regarding project approval.
- d. Certificates for approved projects will be published by the developer and displayed for public inspection. Public consultations are critical in preparing an effective proposal for project (construction) activities. The first step is to hold public consultation with local communities and other interested/affected parties, during the screening process and in the course of preparing the ESMP and RAP/RPF.

These consultations should identify key issues and determine how concerns of all parties will be addressed in response to terms of reference for the ESMP and RAP which might be carried out for project activities/ sub projects.

#### **7.2 CONSULTATIONS AND DISCLOSURE DURING PREPARATION AND IMPLEMENTATION OF ESMF**

The Project has developed a Stakeholder Engagement Plan (SEP) according to the guidelines and requirements stipulated in the World Bank Environmental and Social Standard on stakeholder engagement and information disclosure (ESS 10). The plan will guide stakeholder engagement activities throughout the project lifespan. It also includes a grievance redress mechanism and a mechanism for regular disclosure of relevant project information to stakeholders.

Apart from the World Bank guidelines, preparation of the stakeholder engagement plan also made reference to the local policies and guidelines. For instance, Annex G of the Malawi Guidelines for EIA (1997) provides details concerning the public consultation and information disclosure methods in Malawi. Such methods include press releases, information notices, brochures/fliers, interviews,

questionnaires and polls, open houses, community meetings, advisory committees, and public hearings. The ESMF will be disclosed in the following locations:

- Info shop at the World Bank
- Ministry of Finance
- District Commissioner's Offices
- The Department of Environmental Affairs
- Local Newspapers

In the preparation of this ESMF, stakeholder consultations were carried out in the districts of Chitipa and Karonga in the North, Dowa and Nkhosakota in the Centre, and Balaka and Phalombe in the South. Target stakeholders included members of the DESC and District Social Support Committees (DSSC) at district level and selected members of community development committees and their relevant subcommittees, MASAF IV core program beneficiaries, and representatives of community based organizations and vulnerable groups of people available at community level. The consultations solicited stakeholder views and inputs on the proposed project design, their expectations from the project in terms of the potential positive and negative impacts of the project and also understand the kind of approaches they wish to see to have been implemented to avert the negative impacts and enhance the positive impacts. A summary of the outcome from the field consultations has been presented in Annex 3.

Further to the District consultations, the project preparation team also undertook several stakeholder consultations with key institutions organizations at national level including other development partners. Outputs from the consultations assisted to define and refine the components and design of the project. The institutions and organizations consulted include Ministry of Finance, Economic Planning and Development, Ministry of Gender, Children, Disability and Social Welfare, Ministry of Local Government and Rural Development, Ministry of Civic Education and Community Development, Ministry of Agriculture and Water Development, Ministry of Labour, Youth and Manpower Development, Ministry of Natural Resources, Energy and Mining, Ministry of Lands, Housing and Urban Development, Department of Disaster Management Affairs, Department of Climate Change and Meteorological Services, , National Registration Bureau, Community Savings and Investment Promotion, DFID, GIZ, CARE Malawi, and members of the Academia.

## CHAPTER EIGHT

### CONCLUSION AND RECOMMENDATIONS

This Environmental and Social Management Framework has been prepared in order to guide project implementers and other stakeholders to identify and mitigate environmental and social impacts of the MSSRLP. It is recommended therefore that this framework should be used prior to any project activity of the Project.

In implementing this ESMF, it should be noted that there will be potential social and environmental impacts, arising from implementation of activities of MSSRLP project.

It is expected therefore that in case of existing project activities in the sites; they need to have their own environmental and social management plans. In the same way, it is hoped that EAD and other relevant line ministries will ensure that activities that lead to deforestation and other environmental problems are properly managed.

Successful implementation of this ESMF will depend to a large extent on the involvement and participation of local communities. It is therefore recommended that experts to be involved in the implementation of the ESMF should widely consult with the local communities.

The implementers of this ESMF, in consultation with local communities, should use the screening process, checklists and ESMP presented in this Framework.

Specifically, it is recommended that:

- a. Environmental and social awareness, education for the key stakeholders and affected communities must be an integral part of the ESMF implementation;
- b. District and local community structures should be adequately trained to implement the screening process, to develop and implement appropriate Environmental and Social Management and monitoring Plans;
- c. This ESMF should be regularly updated to respond to changing local conditions and thereafter it should go through the national approval process and be sent to World Bank for review and approval; and it should incorporate lessons learnt from implementing various components of the project activities;
- d. The District Councils should be assisted to develop appropriate information management systems to support the environmental and social management process;
- e. The Environmental District Officers should be empowered to undertake screening of sub-projects under the MSSRLP and should be given the necessary support and resources to ensure effective implementation
- f. MSSRLP should work closely with EAD for effective implementation of ESMF.

This ESMF will provide MSSRLP implementers with the screening process that will enable them to identify, assess, enhance and mitigate potential positive and negative environmental and social impacts.



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# ANNEXES

## ANNEX 1: ENVIRONMENTAL AND SOCIAL SCREENING FORM FOR SCREENING OF POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS OF MSSRLP ACTIVITIES



Government of Republic of Malawi

### MALAWI PLATFORM FOR NATIONAL SOCIAL SUPPORT PROJECT (MSSRLP)

Environmental & Social Screening Form

(Guidelines: Site inspection of project site. The evaluation results to be a consensus of at least two officials)

<b>Project Name:</b>	<b>District:</b>
<b>Project Location TA : GVH: Coordinates:</b>	<b>Name of Zone</b>
<b>Name of Village:</b>	<b>Nature/Size:</b>
<b>Name, Signature &amp; Designation of Evaluator(s):</b>  1.....  . 2.....	<b>Date of Field Evaluation:</b>
	<b>Sector</b>

		Appraisal		Significance			Proposed Mitigation Measures
		Yes	No	Low	medium	high	
<b>1.0</b>	<b>Environmental Screening</b>						
	Will the project generate the following negative impacts						
1.1	Loss of trees/vegetation						
1.2	Soil erosion						
1.3	Siltation of water courses						
1.4	Loss of habitat to wildlife						
1.5	Dust emissions						
1.6	Generation of solid wastes						

1.7	Increased incidences of open defecation						
1.8	Borrow pits and pools of stagnant water						
1.9	Rubble/heaps of excavated soils						
1.10	Introduction of Alien / Invasive plants and animal species						
1.11	Destabilisation of river banks and or drainage system due to sand mining						
1.12	Spread of water related diseases e.g. Diahorrea						
1.13	Loss of soil fertility						
1.14	Contamination from agrochemicals and pesticides						
1.14	Salinisation or alkalisation of soils						
1.15	Reduced water quality and quantity						
1.16	Incidence of flooding						
1.17	Removal of native tree species						
<b>2.0</b>	<b>Social and Economic Screening</b>						
	Will the project generate the following negative social and economic impacts?						
2.1	Disruption of marriages						
2.2	Risk of injuries to workers and communities						
2.3	Spread of HIV/Aids and STIs						
2.4	Conflict over land use and ownership						
2.5	Risk of child labour						
2.6	Increase in cases of gender based violence						
2.7	Loss of land by households						
2.8	Loss of properties –houses, structures						
2.9	Loss of trees by households						
2.10	Loss of crops by people						
2.11	Loss of access to river/forests/grazing area						
2.12	Increase in risk of theft and crime						
2.13	Loss of cultural site, graveyard land						
2.14	Conflicts over use of natural resources e.g. water and forest resources						
2.15	Disruption of important pathways, roads						
2.16	Loss communal facilities e.g. Playground.						

<b>3.0</b>	<b>SCREENING CRITERIA FOR POSITIVE IMPACT</b>	Yes	No	Low	Medium	High	Proposed Measures	Enhancement
	Will the project generate the following positive social and economic impacts?							
3.1	Creation of job opportunities							
3.2	Promotion of local skills and knowledge							
3.3	Asset creation							
3.4	Improved transportation							
3.5	Improved food security							
3.6	Increased household income							
3.7	Improved standards of living/social status							
3.8	Creation of business opportunities							
3.9	Restoration of vegetative cover							
3.10	Reduced soil erosion							

**Consultation** (comments from beneficiaries).....  
.....  
.....

**Overall evaluation of Environmental and Socioeconomic Screening Exercises.**

The results of the screening process would be either the proposed sub - projects would be exempted or subjected to further environmental and resettlement assessment. The basis of these options is listed in the table below:

<b>Review of Environmental Screening</b>	<b>Tick</b>	<b>Review of Socioeconomic Screening</b>	<b>Tick</b>
1. The project is cleared. No serious impacts. <i>(When all scores are “No” in form)</i>		1.The project is cleared. No serious social impact. <i>(Where scores are all “No”, “few” in form)</i>	
2.There is need for further assessment. <i>(when some score are “Yes, High” in form)</i>		2.There is need for resettlement/compensation. <i>(When some score are “Yes, High” in form)</i>	
3. Need to prepare ESMP		3. Need to prepare RAP	

<b>Endorsement by Environmental District Officer</b>		<b>Endorsement by Director of Planning and Development</b>	
Name		Name:	
Signature:	Date	Signature:	Date:

**NOTES:**

1. The DPD shall ensure that a completed form is filed within project file immediately after endorsement. EDO should keep a duplicate.
2. Project Management Committee will maintain a copy of completed form

## ANNEX 2: SUMMARY OF COMMENTS FROM FIELD PUBLIC CONSULTATIONS

<i>Target Group</i>	<i>Issues Raised</i>	<i>How the issues have been addressed</i>
<i>District Environmental Sub-committee &amp; District Social Support Committees</i>	Adequate consultations to be done with the communities.	This has been done in all selected Districts
	The number of beneficiaries in this new project should increase.	It is not possible to increase the number of beneficiaries since the project has a limited budget. However the project will lobby with other projects and organizations working in the same areas to reach out to those that may not be targeted under this project.
	There has been poor asset creation in the previous PWP and one cause of this is involvement of ward councillors. Councillors diverted certain projects so they could push their political agenda forward. In this new project, how are we going to handle councillors?	Councillors and councils will be sensitized on their roles in the project
	Department of Nutrition, HIV and AIDS should be included in the list of implementers	DNHA have been included
	Decentralize disaster assessment process to district councils minimize time wasting which is experienced when the process is controlled from the central level.	Assessments will done by the Councils in collaboration with DODMA
	In the absence of sensitizations on the new methods i.e electronic payments might bring challenges accessibility of money, need more sensitizations.	To be done extensively
	Worries on workability of electronic payment since most beneficiaries do not have phones and are not literate in the new payment systems like Mpamba.	Sensitizations of beneficiaries will be done. There will be gradual roll out of the system
	SCTP might reduce charcoal burning through the top ups.	Business and financial trainings will be provided
	Fears that the programmes deepens dependency syndrome.	IGA's should be able mitigate dependency syndrome.
	Environmental degradation e.g roads projects	Sub-projects will be screened and ESMPs will be developed accordingly
	Sabotage of activities because of few beneficiaries involved	Civic education will be done in the communities
	Delay in procuring materials	Procurement of materials on PWP will be done by the communities
	No funds for implementation of ESMP's	The project will provide funds for ESMP implementation
	Too many projects per hotspot and resources for safeguards monitoring were not enough.	The project will provide funds for safeguards monitoring
	Enhancement of child labour at household level emanating from the fact that adults are going to be preoccupied with project activities	Sensitization of household beneficiaries on child labour
Climate change impacts ( unpredictable rains, too much rains etc	Promotion of climate smart agriculture in relevant project interventions	

<i>Target Group</i>	<i>Issues Raised</i>	<i>How the issues have been addressed</i>
<i>Community</i>	Pollution of water courses due to pesticides use or chemical usage	Sensitization on Integrated Pest Management
	Need for coordination between the different sectors at district level.	Strengthen capacity of DESC and DSSC
	Land degradation from charcoal making and other activities that might destroy environment	Alternative business and Investment opportunities will be promoted under livelihood enhancement activities
	Conflicts arising due to land ownership	Land donation forms will be used Alternative sites will identified where there is no voluntary donation
	Late provision of wages on PWP	System will be improved to ensure timely payment. Payments will be made every 2 months E-payment will improve efficiency of payment
	Create employment among the youth (make sure more youths are engaged in the program	Most of the beneficiaries will be the youth
	Crime will be reduced because the youth will be economically empowered.	Most of the beneficiaries will be the youth
	Human trafficking will reduce through skills development and top ups.	Sensitization of communities on Human Trafficking
	Skills transfer (business skills and in other areas). Making the families resilient even in the months when they had no food.	Business and financial trainings will be provided
	Increase in child prostitution because rural areas will be opened up due project activities	communities will be sensitized
	Increase in gender related abuses perpetrated by men as they will have more power over the money being generated by women	communities will be sensitized
	Risk of injury	Protective gear will be provided for those who are working on risky areas
	UBR system for the new project may omit some old members	UBR system will promote fairness and ensure that only eligible households are enrolled
	PWP timing should not coincide with farming period	Fund transfer accounting and liquidation system will be improved to ensure timely implementation of activities
	People who could not take part in the project felt discriminated (all catchments had fixed number of beneficiaries).	Transparent and reliable targeting criteria will be used following the UBR system which will promote fairness
	Construction of roads during the dry season has been hard for the elderly and the sickly because the work is more energy intensive than is the case during rainy season.	All systems will be improved to ensure implementation of subprojects according to their appropriate times and seasons. The UBR will also ensure that only eligible people (i.e. those with labour capacity) are recruited for EPWP
There is need for an alternative receiver of payment in the e-payment	Provisions will be made for alternative receivers	

<i>Target Group</i>	<i>Issues Raised</i>	<i>How the issues have been addressed</i>
	Marriage interference impact due to women participation in the project (women not respecting their husbands)	Sensitization project beneficiaries on gender related issues targeting both men and women
	There is need to prevent double dipping as it brings conflicts within the community.	UBR system will assist t to eliminate double dipping
	Elderly people not benefiting from these good programs feel discriminated	UBR system will ensure that the elderly are considered under appropriate programs
	There is need to understand why other people are not progressing. Hence need to also consider providing support to those individuals who are better off.	Suggestion is noted and will be used in providing customized support to project beneficiaries
	Need for first aid kit during PW cycle.	The project will project first aid kits for high risk activities such as construction, farming, sanitation and hygiene activities
	Chiefs are not being involved in the program especially SCT.	Chiefs will be sensitized on their roles before commencement of project activities
	Variations in the amount of money that is provided	Results of case management verifications will be timely communicated
	Beneficiaries should be made aware when the bank/program has reduced the amount or increased the transfer.	Beneficiaries will be well communicated on all payment issues
	Lack of coordination during pay parade between the paying team (bank) and the District team.	Coordination of the ensitization of Bank and District team will be sensitized to improve their coordination
	Targeting criteria brought conflicts in the community	Use of the UBR system and Mthandizi MIS is expected to improve the targeting process and eliminate potential causes of conflicts

ANNEX 3: LIST OF CONSULTED PEOPLE

PHALOMBE COMM

NATIONAL LOCAL GOVERNMENT FINANCE COMMITTEE  
DISTRICT AND COMMUNITY STAKEHOLDER CONSULTATIONS FOR PLATFORM FOR NATIONAL SOCIAL SUPPORT PROJE  
ATTENDANCE REGISTER

NO.	NAME	INSTITUTION	CONTACT NUMBER	POSTAL ADDRESS	EMAIL ADDRESS
1	Gite Nanguale	EAD	0999320709	P/Bag 394 LL	gnanguale@gmail.com
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## **ANNEX 4: CHANCE FINDS PROCEDURES**

### **Chance Finds Procedure**

#### **Introduction**

Cultural property includes monuments, structures, works of art, or sites of significance points of view, and are defined as sites and structures having archaeological, historical, architectural, or religious significance, and natural sites with cultural values. This includes cemeteries, graveyards and graves.

Screening for the MSSRLP indicated that Cultural Physical Resources were unlikely to be at risk as a result of the projects. Nonetheless, there is the possibility that unexpected cultural heritage items could be discovered during sub-project screening or even during the implementation of works – ‘Chance Finds’.

#### **Chance Finds Procedure**

This procedure is to be followed in the event of a Chance Find:

Stop the construction activities in the area of the chance find

- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects.
- Notify the supervisory Engineer who in turn will notify the responsible local authorities;
- Responsible local authorities and the Department of Museums and Monuments would be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures.
- Decisions on how to handle the finding shall be taken by the responsible authorities and the HPO. This could include changes in the layout (such as when finding an irremovable remain of cultural or archeological importance) conservation, preservation, restoration and salvage.
- Implementation for the authority decision concerning the management of the finding shall be communicated in writing by the Department of Museums and Monuments
- Construction work could resume only after permission is given from the responsible local authorities and the Department of Museums and Monuments concerning safeguard of the heritage.

These procedures must be referred to as standard provisions in contracts and with the PIM for EPWP and livelihoods activities.

#### **Reporting**

During project supervision, the Site Supervisor shall monitor the above regulations relating to the treatment of any chance find encountered are observed. Relevant findings will be recorded in World Bank Supervision Reports and Implementation Completion Reports will assess the overall effectiveness of the project’s cultural property mitigation, management, and activities, as appropriate.



## **ANNEX 5: OUTLINE OF A PEST MANAGEMENT PLAN**

1. Description of the sub-project
2. Objectives and activities of the sub –project.
3. Socio-economic characteristic of the environment on the selected site
4. Description of the common plant and animal pests in the area
5. Analysis of the existing housekeeping, maintenance and pest control practices in the area
6. Selected Pest Management Options, Objectives and Rationale
7. Communication Protocols
8. Farmer Training and Capacity Building Plan
9. Implementation Arrangements
10. Monitoring, Evaluation and Reporting plan
11. Implementation and Monitoring Budget

## **ANNEX 6: PEST MANAGEMENT PLAN MONITORING AND REPORTING GUIDE**

Successful implementation of the Pest Management Plan in project locations requires regular monitoring and evaluation of activities undertaken by the farmers to be involved in the project activities. The focus of monitoring and evaluation will be to assess the build-up of Pest Management capacity among the farmers and the extent to which Pest Management techniques are being adopted in agricultural production, and the economic benefits that farmers derive by adopting the techniques. It is also crucial to evaluate the prevailing trends in the benefits of reducing pesticide distribution, application and misuse.

Indicators that require regular monitoring and evaluation during the programme implementation include the following:

- 1 Number of farmers engaged in PM capacity building in the project locations:
- 2 Number of farmers who have successfully received PM training in PM methods
- 3 Number of trainees practicing PM according to the training instructions
- 4 Number of women as a percentage of total participating in PM and successfully trained
- 5 Number of farmers as a percentage of total applying PM
- 6 Rate of PM adoption (number of people as a percent of total) every year
- 7 Improvement in farm production due to adoption of PM as a percent of production without PM
- 8 Increase in farm revenue resulting from adoption of PM practices, compared with revenue from conventional practices
- 9 Improvement in the health status of farmers
- 10 Extent to which crops are produced using chemical pesticides compared with total crop production
- 11 Efficiency of pesticide use and handling
- 12 Reduction in chemical pesticide poisoning and environmental contamination
- 13 Number of PM participatory research project completed
- 14 Overall assessment of activities that are going according to PMP; activities that need improvement; and remedial actions required

## **ANNEX 7: GENDER-BASED VIOLENCE (GBV) ACTION PLAN**

Gender Based Violence is defined as any conduct, comment, gesture, or contact perpetrated by an individual based on gender on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

The objective of the GBV mitigation plan is to prevent sexual exploitation and abuse of women and children during implementation of the project through improved project risk assessment, active community engagement, and the design and monitoring of systems to minimize risks.

The project is classified as a moderate GBV risk project that requires an assessment of the GBV risks in the subproject's Environmental and Social Impact assessments and development of a GBV action plan as part of subprojects ESMPs.

### **GBV Risks of the MSSRLP Project**

The project will involve the some construction works that will likely engage contractors that employs both men and women from surrounding communities and also bring workers from other areas increasing the risk of social impacts such as Gender Based Violence.

The populations at high risk of GBV are women and girls because gender-based violence is largely rooted in societal norms that perpetuate power differentials between men and women.

- The major risk factors that aggravate GBV include:
- High levels of poverty in the project area;
- Large population of young women;
- Large population of sex workers;
- Education level of women;
- Unstable social conditions;
- Employment rate of women (economic empowerment)
- Existence of norms supporting gender inequality;
- Lack of institutional support; and
- High crime levels/violence.

Some of the forms of gender based violence that could arise from the project includes:

- Rape and sexual assault;
- Sexual harassment;
- Unwanted sexual advances including touching;
- Physical violence/assault;
- Use of abusive, sexually provocative, demeaning or culturally inappropriate language;
- Domestic violence;
- Sexual interactions that are not agreed to with full consent by all parties;
- Exchange of money, employment, goods, or services for sex, including sexual favors or other forms of humiliating, degrading or exploitative behavior; and
- Discrimination against women and children.

### **Generic mitigation measure**

To mitigate the risks of the GBV risks associated with the project, the following general mitigation measures will have to be applied before and during the implementation of subprojects:

- Sensitize communities on GBV risks of the project during stakeholders engagement prior to implementation of subprojects;
- Develop and institute an effective grievance redress mechanism and sensitize the community on the same before implementation of subprojects;
- Define GBV requirements and expectations in bid documents;
- Ensure that code of conducts are signed and understood by all contractor staff;
- The contractor should include a GBV response proposal in the contractor ESMP and should be evaluated prior to project implementation;
- Provide separate facilities for men and women; and
- Provide appropriate signage on GBV in local language.

Some serious risks of GBV such as rape, sexual assault and physical violence should be reported to the Police as early as possible as they are criminal in nature.

Preventing and mitigating against project-related risk of sexual exploitation and abuse requires interaction and collaboration between different stakeholders that includes:

- Women and girls/children at risk, as well as other vulnerable populations in the targeted communities;
- Community leaders that can play a role in GBV mitigation; such as chiefs, religious leaders etc.;
- Contractors and consultants;
- Government agencies at central and local levels, such as Ministry of Gender, Malawi Police service, District Councils and Ministry of labour; and
- The World Bank.