



**Accelerating Malawi's Economic
Growth**



Government of Malawi

Southern African Trade and Connectivity Project

Resettlement Policy Framework

DECEMBER 2020

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Abbreviations

ARAP	Abbreviated Resettlement/Compensation Action Plan
ADC	Area Development Committee
AEC	Area Executive Commissioner
AICD	Africa Infrastructure Country Diagnostic
ARAP	Abbreviated Resettlement Action Plan
COMESA	Common Market for Eastern and Southern Africa
CUCM	Customs Union and Common Market
DC	District Commissioner.
DEC	District Executive Committee.
DESC	District Environmental Sub - Committee
DIA	Direct Influence Area
DLO	District Lands Officer.
DP	Displaced Person
DPD	Director of Planning and Development
DoDMA	Department of Disaster Management affairs
DoI	Department of Immigration
EAC	East African Community
EDO	Environmental District Officer.
EIDs	Emerging Infectious Diseases
EMU	Environmental Management Unit of the Roads Authority
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSF	Environmental and Social Screening Form
GoM	Government of Malawi.
IIA	Indirect Influence Area
MBS	Malawi Bureau of Standards
MGDS	Malawi Growth and Development Strategy
MEPD	Ministry of Economic Planning and Development
MRA	Malawi Revenue Authority
NTMP	National Transport Master Plan
NGO	Non Government Organization
OSBP	One Stop Border Post
PAP	Project Affected People.
PBMC	Performance Based Road Based Maintenance Contracting
PPPC	Public Private Partnership Commission
RA	Roads Authority
RAP	Resettlement/Compensation Action Plan.
RPF	Resettlement Policy Framework.
RFR	Resettlement Final Report
RMR	Resettlement Monitoring Report
SADC	Southern African Development Community
SATC	Southern African Trade and Connectivity Project
WB	World Bank

Definition of Terms used in this Report

The following terms shall have the following meanings: -

1. Abbreviated Resettlement Action Plan (ARAP) - may be prepared where impacts on the entire displaced population are minor, or fewer than 200 people are displaced". (This is to define ARAP.
2. "Census" means a field survey carried out to determine the number of Project-affected persons (PAP) and their assets;
3. "Compensation" means the payment in kind, cash or other assets given to project- affected persons in exchange for loss of land or loss property including trees;
4. "Cut-off date" is the date of commencement of the census of PAPs within the project area boundaries. This is the date after which people encroaching into the area will not be eligible for compensation.
5. "Project-affected persons" (PAPs) refer to people directly affected, socially and economically, by a project construction, as a result of (i) The appropriation of land and other assets causing relocation or loss of shelter; loss of assets or access to assets; loss of income sources or means of livelihood, whether or not of the affected person; and persons must move to another location; and (ii) The restriction or denial of access to legally designated areas that result in adverse impacts on the livelihood of the economically or physically displaced persons.
- 6 "Involuntary Resettlement" means the involuntary taking of land or impact on land or assets, resulting in direct or indirect economic and social impacts, whether or not the PAP must physically relocate, caused by:
 - a) Loss of benefits from the use of such land;
 - b) relocation or loss of shelter;
 - c) loss of, or impact on, assets or access to assets; or
 - d) loss of income sources or means of livelihood, whether or not the project-affected person has moved to another location.
- 7." Involuntary Land Acquisition "is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner

or the occupant. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested legal or customary rights.

8. “Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required, or impacted, for the Project.

9. ”Land acquisition” means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

10. “Resettlement and Compensation Plan”, also known as a “Resettlement;

11. Resettlement Action Plan (RAP)” is a resettlement instrument (document) that contains specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

12. “Replacement Cost” means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;

13. “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land; any registration, transfer taxes and other associated fees;

14. “Resettlement Assistance” means the measures to ensure that project-affected persons are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

15. “The Resettlement Policy Framework (RPF)” is a framework that will be used as an instrument to be used throughout the Southern Africa Trade and Connectivity Project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans (“RAPs”) for subproject will be prepared consistent with the provisions of this RPF.

16. “Vulnerable Groups” refers to Widows, the disabled, marginalized groups, low-income households and informal sector operators;

17. Incapacitated households – those no one fit to work and; Women headed households, Child-headed households and street children.

Executive Summary

1.0 Introduction and Background

This is a Resettlement Policy Framework (RPF) for the Southern Africa Trade and Connectivity Project (SATC). The main objective of the project is to support the Governments of Mozambique and Malawi in reducing trade and transport costs and increasing private investment along targeted corridors. The project will be implemented by the Government of Malawi through the Ministry of Transport and Public Works with support from the World Bank. The Southern Africa Trade and Connectivity Project has five components: i) reduce trade costs; ii) improve regional coordination and project implementation; iii) increase investments in value chains; and iv) strengthen transport infrastructure to improve market access. The project's main implementing agency will be Roads Authority (RA) and Malawi Revenue Authority (MRA) and these will work in close cooperation with several key implementing partners, including Ministry of Lands, Housing and Urban Development, Environmental Affairs Department (EAD), Supervising Engineers and Contractors. At District Level, the project will work closely with the District Councils.

2.0 Justification and Objectives of the Resettlement Policy Framework

The project activities include rehabilitation of a selected road within the Nacala Corridor, development of inland examination centers, infrastructure to support increase in value addition, small scale irrigation schemes, warehouses and laboratories. These activities have the potential to lead to loss of agricultural land, physical relocation of people, loss of assets, loss of access to assets, loss of income sources, loss of means of livelihood; and restriction to, or loss of access to economic assets and resources for the people in the project area. This has therefore triggered the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and other relevant laws and policies of Malawi hence the preparation of this RPF. The RPF will guide the preparation of project-specific Resettlement Plans (RPs).

The main objective of the RPF is to establish resettlement and compensation principles, organizational arrangements, and design criteria to be applied by the RA, to ensure that project-affected persons' (PAPs) are meaningfully consulted, have participated in the planning process, and are adequately compensated to ensure that their livelihood is restored or improved and that the process has been fair and transparent. The acquisition of such land should be conceived and executed in a manner that is consistent with the requirements of national law and the World Bank OP 4.12

3.0 Key Principles of the RPF

This RPF will apply to all project components and activities that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources, whether permanent or temporary. The RPF has been prepared in line with the following key principles:

a) Avoiding displacement of people as much as possible;

- b) If displacement is inevitable, having a well-designed compensation and relocation process in place;
- c) Minimizing the number of PAPs, to the extent possible;
- d) Compensating for losses incurred and displaced incomes and livelihoods; and
- e) Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs and their well-being and restore livelihoods.

4.0 Legal framework for resettlement and compensation

The legal framework provides for acquisition of land for public purposes for the different development projects. At National level, the Land Acquisition Act is the guiding framework for how the resettlement and compensation will be done. In addition to the different national policies and legislation which have been examined when preparing this RPF, provisions of other international policies and laws have also been examined and these include the World Bank's BP/OP 4.12 on involuntary resettlement.

5.0 Public Consultations

This RPF was prepared after a thorough consultative process with various stakeholders. The stakeholders that were consulted included Ministry of Land, Housing and Urban Development; District Councils; Non-Governmental Organizations; and local communities. These consultations were conducted through meetings and workshops. Several issues were raised during the stakeholders' consultation meetings at district and community levels.

Stakeholder consultation meetings were conducted to:

- a) Inform the stakeholders about the project;
- b) Identify concerns from different stakeholders concerning the project;
- c) Address different concerns of stakeholders about the project; and
- d) Document the concerns from stakeholders about the project to minimize potential conflicts that could arise during project implementation.

6.0 Monitoring and Evaluation

Monitoring and evaluation will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of the project and measuring the extent to which the goals of the RPs will have been achieved and the effectiveness of mitigation measures.

Indicators and targets will be established for the specific subprojects, in consultation with representatives of the affected communities and other key stakeholders. Indicators will be grouped into different categories as spelled out in the RPs/RPs including input indicators, output indicators, outcome indicators, impact indicators, and performance indicators. These RPs/ARPs also detail out performance monitoring, impact monitoring, and qualitative monitoring.

7.0 Grievance Redress Mechanisms on Resettlement Activities

The project will put in place a Grievance Redress Mechanism (GRM) that will provide for negotiation and agreement by consensus between the community and affected persons as the first avenue to resolve grievances expressed by the individuals about the project including resettlement issues. The GRM process will initially be handled by a Resettlement and Compensation Committee (RCC) or Community Grievance Redress Committees (CGRM) at all project sites.

Local councils will also have committees that will resolve cases that are not resolved at the community level. Multiple channels including a WhatsApp or message number will be provided for PAPs to present their grievances.

Chapter 1: Introduction

1.1 Background

This document serves as a Resettlement Policy Framework for the Southern Africa Trade and Connectivity Project (SATCP) formerly the Nacala Corridor Connectivity Project. The Nacala Corridor is a major and important trade route connecting Malawi and other countries in Southern Africa to the port of Nacala in Mozambique. Although significant investments have been made in the main road and rail infrastructure on the Nacala Corridor, gaps remain. These gaps include parts of the main highways and key roads connecting economic production centers with road and rail. Poor connectivity to major economic and production centers makes it difficult to export agricultural products. Access to markets is further constrained by the poor state of secondary and tertiary networks which primarily serve rural agricultural areas. The transport costs between farm and market centers remain significantly higher than comparable costs in Mozambique mainly due to poor feeder roads, low volume of trade between rural locations and market centers, and low level of competition among service providers. Enhancing transport infrastructure will improve access to markets and reduce the average price of transport services. The Nacala Corridor highways also require improvements in road safety that include measures to improve the flow of traffic, management of speed, signage, post-accident care, emergency services, and the development of rest stops which will also be supported by the project. Furthermore, Malawi's reliance on agricultural commodity exports with minimal value addition leaves its producers far upstream from the production of final products in the global value chains that it sells into. Despite the relatively high use of imported intermediates, most Malawian firms are not integrated into global value chains. Mitigating these constraints could unlock the considerable potential to develop regional value chains and export capacities and capabilities of firms.

1.2 Project Overview

The main objective of the Southern Africa Trade and Connectivity project is to support the Governments of Mozambique and Malawi in reducing trade and transport costs and increasing private investment along targeted corridors. The project is being initiated by the Government of Malawi with support from the World Bank. The Southern Africa Trade and Connectivity Project has five components: i) reduce trade costs; ii) improve regional coordination and project implementation; iii) increase investments in value chains; and iv) strengthen transport infrastructure to improve market access.

1.3 Project Proponent and Implementing Agencies

The project proponent is the Government of Malawi and the project will be implemented by the Ministry of Transport and Public Works. The main coordinating institutions will be the Roads Authority and the Malawi Revenue Authority. Details of the proponent are provided as follows:

Project Developer: *Ministry of Transport and Public Works*

Project Details: *Southern Africa Trade and Connectivity Project*

Postal Address: *The Secretary for Transport and Public Works,
P.O. Box 30134, Lilongwe 3,*

Tel: *+265 1 770 344, Fax: +265 1 773 737,*

Contact Person: *The Secretary for Transport and Public Works*

The project's main implementing agency will include Roads Authority, Malawi Revenue Authority (MRA) and these will work in close cooperation with several key implementing partners, including Ministry of Lands, Housing and Urban Development, Environmental Affairs Department (EAD), Supervising Engineers, and Contractors. At District Level, the project will work closely with the District Councils.

1.4. Justification and Objective of the Resettlement Policy Framework

The project at this stage includes rehabilitation of a selected road, development of inland examination centers, and some commercial infrastructure to support an increase in value addition in the Nacala corridor. These components have the potential to lead to agricultural land, physical relocation, loss of assets, loss of access to assets, loss of income sources, loss of means of livelihood; and restriction to, or loss of access to economic assets and resources for the people in the project area. This has therefore triggered the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and as a result, there is a need for resettlement planning and implementation. The RPF has been prepared in line with World Bank (OP 4.12) to guide key stakeholders on how the project will avoid, manage or mitigate potential risk which may occur due to land acquisition and resettlement which may arise during the project implementation. The development of this Resettlement Policy Framework will guide the preparation of the Resettlement Action Plans (RAPs) or Abbreviated Resettlement Plans (ARAPs) for the respective components of the project when the project is certain of the locations and specific impacts.

The main objective of the RPF is to establish resettlement and compensation principles, organizational arrangements, and design criteria to be applied by the RA, to ensure that project-affected people (PAPs) are meaningfully consulted, have participated in the planning process, and are adequately compensated to ensure that their livelihood is restored or improved and that the process has been fair and transparent. The RPF also provides a process to be used in identifying individuals affected by project activities as well as the type and magnitude of impact and outline the process for preparing a Resettlement Plan. The RPF includes methods for identifying processes for monitoring and evaluating resettlement impacts in planning and implementation of project activities under the project.

The specific objectives of the RPF are to:

- a. To outline steps in resettlement screening of sub-projects and description of the process for preparing and approving resettlement plans.

- b. To describe potential socio-economic impacts from resettlement.
- c. To describe policy and legal framework on land acquisition and resettlement and identify gaps between national legislation and regulatory requirements and the WB OP 4.12 and suggest mechanisms to bridge such gaps.
- d. To describe eligibility criteria for compensations to various categories of affected people.
- e. To describe methods of valuing affected assets for compensation.
- f. To outline institutional frameworks and suggest an organizational structure responsible for the implementation of resettlement activities.
- g. To outline budget estimates and funding arrangements for resettlement.
- h. To outline principles and objectives governing resettlement preparation and implementation.

1.5. Key Principles of the RPF

This RPF will apply to all project components and activities that will lead to land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources, whether permanent or temporary. The procedures outlined in this RPF will be carried out throughout the preparation and implementation of the project and different project components, and impacts of any potential resettlement will be included in Monitoring and Evaluation.

Whenever RAPs will be required for the implementation of the project in different districts/locations, the RAPs will be prepared following the guidance of this RPF. The preparation of this RPF has been guided by provisions of the Malawi legislation and international policies and regulations such as the World Bank Operational Policy on Involuntary Resettlement (OP4.12). This RPF seeks to ensure that any possible adverse impacts of the proposed project activities to people's livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. The key principles of this RPF are:

- a) Avoiding displacement of people as much as possible
- b) If displacement is inevitable, having a well-designed compensation and relocation process in place
- c) Minimizing the number of PAPs, to the extent possible
- d) Compensating for losses incurred and displaced incomes and livelihoods and
- e) Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs and their well-being and restore livelihoods.

1.6 Funding for Compensation and Resettlement

Government of Malawi through Ministry of Transport and Public Works, Ministry of Lands, Housing and Urban Development, Ministry of Finance, Economic Planning and Development, Roads Authority Malawi Revenue Authority, Roads Fund Administration, Ministry of Local Government and Rural Development in consultation with local leaders will make sure that appropriate compensation and resettlement assistance to the project affected persons is done.

When there is a requirement for resettlement in a subproject, the relevant Local authorities will carry out and administer Resettlement Plans as per the guidelines contained in this RPF.

1.7. Potential Users of the RPF

The main potential users of this framework are staff involved in the planning and management of the Programme. These include staff of the Ministry of Transport and Public Works, Ministry of Lands, Roads Authority, Malawi Revenue Authority (MRA), NGOs; the World Bank, District Commissioners (DC), District Executive Committees (DEC), the staff of local councils, Area Development Committees (ADC) and Area Executive Committees (AEC). Consultants and contractors hired to conduct project-specific environmental and resettlement studies shall also use the framework for information in their studies.

1.8. Methodology for the Preparation of the RPF

The RPF study was carried out in the months of February - May 2020. The study methodology, which was used has been divided into three parts namely:

- a) Data Collection;
- b) Data Analysis; and
- c) Preparation of the RPF report.

Data required for the RPF study were collected through primary and secondary sources, which included:

- a) Literature review;
- b) Site visits; and
- c) Public consultation.

1.8.1 Literature Review

The literature review involved a review of documents, reports maps, and drawings relevant to the project. Some of the documents which were reviewed included national policies and laws and international policies and laws that promote best compensation and resettlement practices and environmental and social management practices when implementing development projects. Besides, several socio-economic profiles for the different districts were also reviewed. Examples of the information obtained from the different documents included project design, planned project activities and description, population statistics, and socio-economic data.

1.8.2 Stakeholder Consultation

This RPF was prepared after a thorough consultative process with various stakeholders. The stakeholders that were consulted included Ministry of Transport and Public Works, MRA, Ministry of Lands, Housing, and Urban Development; District Councils, and local communities. These consultations were conducted through meetings and workshops. Annex 7 of the report gives the names/institutions that were consulted while Annex 8 provides

comments/recommendations made during those consultations. Stakeholder consultations help to identify and promptly address the concerns of different stakeholders and the PAPs regarding their rights and interests. Stakeholder consultation meetings were specifically conducted to:

- e) Inform the stakeholders about the project;
- f) Identify concerns from different stakeholders concerning the project;
- g) Address different concerns of stakeholders about the project; and
- h) Document the concerns from stakeholders about the project to minimize potential conflicts that could arise during project implementation.

Several issues were raised during the stakeholders' consultation meetings at district and community levels. The stakeholders expressed some concerns such as the potential for loss of land and assets, increased risk or spread of HIV & AIDS and other STIs, risk of Gender-Based Violence, and disruption of marriages due to the influx of migrant workers, among others.

Chapter 2: Project Description and Linkages to the Project

2.1 Project Description

The Southern African Trade and Connectivity Project will be implemented within the Nacala Road Corridor which is the shortest route to the seaport for Malawi, northern Mozambique, and Zambia. The catchment area of the Nacala Road Corridor extends from Lusaka in Zambia, through Malawi, and northern Mozambique to Nacala Port. The beneficiaries include an estimated population of over 4 million people who use the Nacala Road Corridor for personal travel and economic activities. Other beneficiaries include import and export firms in Malawi, Zambia, and northern Mozambique; as well as tourists who use the corridor to reach desired sites in the three countries. In addition to the above, the Nacala Road Corridor is an important alternative route to the seaport for Malawi and Zambia while the transport infrastructure along the Beira Corridor that was damaged during Cyclone Idai is being repaired. The project will rehabilitate one road in Malawi within the Nacala Corridor to improve the transport system and trade in the corridor.

The Southern African Trade and Connectivity project also includes the development of two inland examination centers by Malawi Revenue Authority (MRA) and commercial infrastructure for value addition within the Nacala corridor by the Ministry of Industry and Trade. These projects may result in some form of land acquisition and preparation of their resettlement instruments will have to conform to this RPF.

The program design involves the identification of institutional, policy, and social priorities for the corridor as a whole then, based on the identified framework, the design, and implementation of suitable interventions in sequence at a national level. The objective of the project is to support the Governments of Mozambique and Malawi in reducing trade and transport costs and increasing private investment along targeted corridors. The project scope consists of four components that contribute to the objective of the project. Below is a summary description of each of the component:

2.2 Project Components

The Southern Africa Trade and Connectivity Project has five components: i) reduce trade costs; ii) improve regional coordination and project implementation; iii) increase investments in value chains; and iv) strengthen transport infrastructure to improve market access.

2.2.1 Component 1: Reduce Trade Costs

This component comprises of three subcomponents that aims to lower trade costs through trade facilitation, including border infrastructure and regulatory reforms with improvements in automation and border infrastructure. This provides further opportunity to harmonize trade facilitation regimes. Trade facilitation improvements will combine simultaneous investments in ICT equipment and infrastructure with regulatory reforms (policies and procedures) and

institutional capacity to strengthen trade and connectivity and to derive maximum impact from these investments. The component will focus on a Covid-19 response to support border agencies to manage goods safely and quickly, both during and after the Covid-19 crisis. To aid economic recovery, it will support governments to implement a best in class modern trade facilitation system that will focus on paperless trade, coordinated border management, risk management, and one stop border posts. It will also help implement the use of border residency cards to support border communities, small trader, and women traders. Finally, the component will lay the building blocks of regulatory capacity to support multimodal transport and trade. The project will also aim to improve the regulatory capacity of trade related agencies in the transport, logistics, and the Public Private Partnership (PPP) areas.

Subcomponent 1.1. Enabling Digital Trade: Development of Trade ICT Systems

Under this subcomponent, the project will support the implementation of paperless trade focusing on automating trade related agencies and enabling regional data sharing and ICT integration to reduce time and cost to trade and build a COVID resilient trade facilitation system.(see Figure 2-1). In Malawi, the subcomponent 1.1 will support the Malawi Revenue Authority (MRA) to update the customs system (ASYCUDA World) with new modules to enhance its capabilities and performance in line with good practice. This will allow the two countries to share e-seals across the borders and develop single transit corridors. The project will also support the implementation of Phase II of single window system in Malawi¹; and finance to improve the capability and capacity of ICT system for the currently manually operating² Immigration department (the Ministry of Homeland Security) for its land borders to facilitate and enforce immigration controls.

In both countries, the subcomponent will (i) finance backup power supplies for border offices in Malawi and Mozambique that currently suffer frequent outages; (ii) automate the management of import and export of products for agricultural trade. This will include the agriculture ministry's departments of veterinary services and phytosanitary services, standards institutions (the Malawi Bureau of Standards INNOQ); and (iii) support the development of disaster recovery site(s) (DRS) to build resilience for data storage. In Malawi this will cover MRA, Immigration, Ministry of Agriculture's SPS departments, and MBS. All automation initiatives, apart from procurement and installation, will be supported with business process analysis and reengineering, sustainability planning (maintenance and redundancy), change management, capacity building and performance monitoring inbuilt into the activities.

The project under this subcomponent also fund ICT readiness to support remote work through both policies and procedures and greater ICT use to respond to the COVID 19 crisis. Technical

¹ A single window project is already underway in Malawi with financing from the Southern Africa Trade and Transport Facilitation Project (P145566) and technical assistance from the Malawi Trade Project (IFC 601527). However, current financing under P145566 is insufficient to expand to all border posts.

² Except at its two international airports

assistance will be provided for (i) instituting flexible working conditions; (ii) extending border agency working hours to accommodate social distancing and; (iii) enabling truly paperless flow by reducing or eliminating manual paper handling where ICT systems are in place. Improving ICT readiness will include strengthening online and telephone appointment management systems and scheduling to limit the physical presence and interaction of logistics workers at buildings, facilities and border crossing points; strengthening non-physical enquiry points; and increasing the available trade-related information on websites. In addition, data sharing and ICT integration between Malawi and Mozambique will be financed by this subcomponent through the development of a single transit corridor by assisting the Malawi Revenue Authority (MRA) to adopt a new electronic cargo tracking system,³ replacing the current (COMESA CVFTS) system with one compatible to the cargo tracking system Mozambique is developing; customs data exchange between Malawi and Mozambique to enable both countries to receive advance notification of transit goods arriving at the borders and provide the same information to traders to reduce time and cost to trade; and data and documentation (certificates and permits) exchange between the standards and agricultural institutions to speed up agricultural trade.

In Malawi, the Malawi Revenue Authority (MRA) has been leading the discussions on trade automation. The MRA implemented its Customs Management System (CMS), ASYCUDA World between 2015-17. The system, however, needs to be updated with new modules that will enhance its capabilities and performance in line with good practice. A single window project to connect four trade related agencies is ongoing with financing from the Southern Africa Trade and Transport Facilitation Project (P145566) and technical assistance from the Malawi Trade Project (IFC 601527). The project will roll out the single window system⁴ across all trade related agencies in Malawi.⁵ The immigration department (the Ministry of Homeland Security) also needs an IT system for its land borders to help enforces immigration controls, as these currently operate manually everywhere except at its two international airports.

Finally, the project will also support sectoral ministries that currently process trade transactions manually and need automation to support paperless trade. The subcomponent will work with government institutions in both countries to automate the management of import and export of products. This includes the agriculture ministry's departments of veterinary services and phytosanitary services in both countries, the Malawi Bureau of Standards. All automation initiatives will be supported with business process analysis and reengineering, sustainability planning, change management, capacity building and performance monitoring inbuilt into the activities.

³ *An electronic cargo tracking system enables real time monitoring of goods by using technologies (like GPS, e-seals and RFID).*

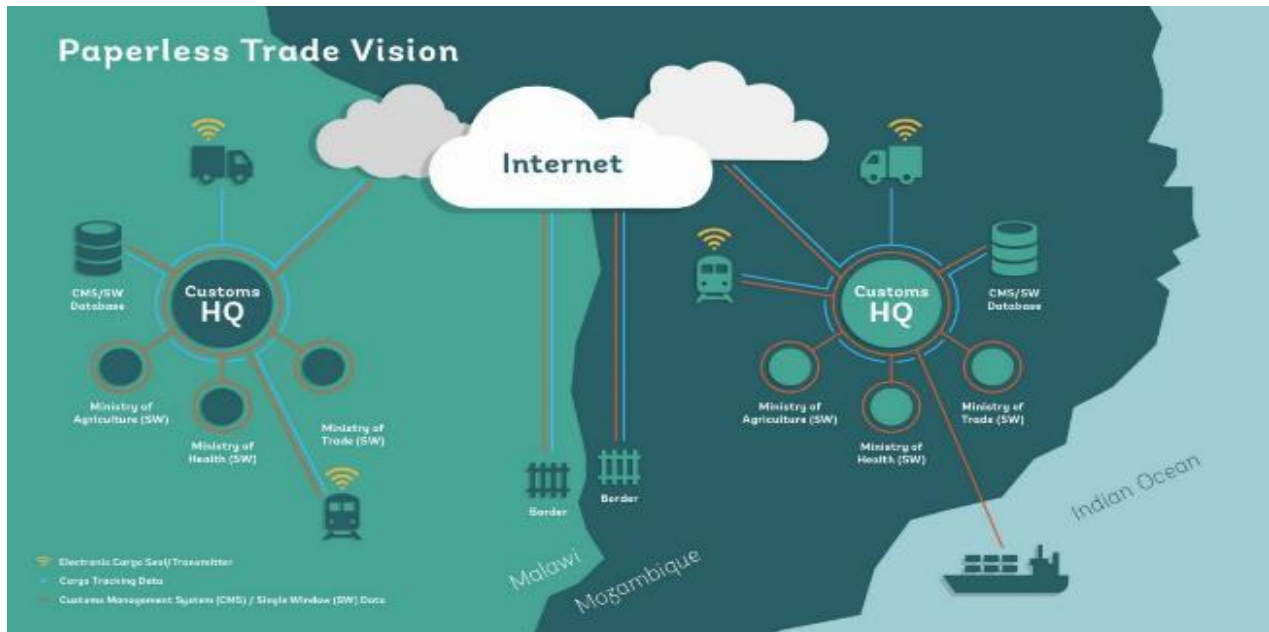


Figure 0-1: Paperless trade vision in the Nacala Corridor

Source: World Bank Group

Subcomponent 1.2. Improving borders and their management

The complementary nature of the Nacala and Beira Corridors implies the need to take a systemic view of the borders in the region. While current traffic volumes at different border posts are a result of a number of factors (i.e. road length, proximity to production or distribution centers, historical importance) some of which are variable (i.e. road quality, availability of railways, border infrastructure, availability of services) there is a need to ensure that all key borders (see Figure 2-2) provide a minimum level of service and facilitate trade to service the area appropriately. This trade facilitation requires automation of procedures (discussed in component 1.1), physical infrastructure investments, and improvements in coordination of border agencies. Coordination across countries of systems, infrastructure and procedures helps provide seamless cross-border trading. Further, small scale cross border traders will not be overlooked, and simple interventions can bring high returns, especially for women. This comprehensive approach to border reform is key to reducing trade costs in the project region.

The project will finance the rehabilitation of border posts in Malawi and Mozambique. The Southern Africa Trade and Transport Facilitation Project (P145566) is providing funding for Songwe, Mwanza and Dedza in Malawi. A joint EU-AFDB project is also funding the Mandimba (Malawi) - Chiponde (Mozambique) border posts. The proposed SATC project under this subcomponent will finance to support the expansion and rehabilitation of the Muloza⁶ (Malawi) border posts. An Abbreviated Resettlement Action Plan (ARAP) was already prepared and implemented for the OSBP. Affected people were compensated and had relocated from the

⁶ In Malawi, support will be provided to the expansion and rehabilitation of the Muloza border post (that is no longer being funded under P145566 due to limited finances).

project area. The land is currently under the Ministry of Trade and the Roads Authority has confirmed that the land is still available and there are no encroachers.

The project will support to improve border management that includes expediting the movement, release, and clearance of goods, including goods in transit which will also respond to the COVID 19 crisis. The project will fund measures to support business continuity for front line border agencies during and immediately after the COVID 19 crisis. This will include funding for Personal Protective Equipment (PPE) and training for safe handling of cargoes to reduce virus spread. The project facilitate safe cross-border trade given the COVID 19 crisis and with the importance of implementing modern trade facilitation practices through the enhanced use of risk management and increased internal and external border agency coordination and collaboration.

The Project will also finance the implementation of the recently developed Coordinated Border Management⁷ (CBM) model across Malawi's borders. Customs agencies in both countries will be provided technical assistance to implement preclearance, risk management, post clearance audit, and authorized economic operators to help reduce the burden of inspections for the private sector while improving compliance and security for government. . The project will also provide technical assistance in rolling out and implementing Coordinated Border Management⁸ and risk management in both Malawi and Mozambique's borders. Malawi recently issued a Cabinet Directive to reduce the number of public institutions operating at the border from 13 to a maximum of five. The directive aims to remove obstacles, regulatory burdens, and red tape to ensure a pro-business environment. The Malawi Trade Project (IFC 601527) has provided technical assistance to develop a new Coordinated Border Management (CBM) model to implement the Cabinet Directive. The project will finance the roll out of the CBM model across Malawi's borders. In Malawi, the project will also fund inland examination centres⁹ in Lilongwe and Blantyre and mobile cargo scanners integrated with the customs system to strengthen risk management implementation..

The subcomponent will support Micro, Small and Medium Enterprises (MSMEs), especially women traders who have been hit hard during the COVID 19 crisis in implementing simplified trade regimes and border residency cards. The subcomponent will also assist immigration departments in both countries pilot and implement a border residency card¹⁰ to reduce the costly

⁷ *Coordinated Border Management (CBM) refers to a coordinated approach by border control agencies in the context of seeking greater efficiencies over managing trade and travel flows, while maintaining a balance with compliance requirements (WCO).*

⁸ *Coordinated Border Management (CBM) refers to a coordinated approach by border control agencies in the context of seeking greater efficiencies over managing trade and travel flows, while maintaining a balance with compliance requirements (WCO).*

⁹ *An IEC is a legally established Customs and border agency examination facility that enables the MRA and other Malawian regulatory agencies to open, unpack, mark, weigh, unload any container or goods presented for import or export, at a designated location away from the prescribed land borders, airports and other approved places, under regulatory control.*

¹⁰ *Border Resident Cards are a viable means of regulating local border traffic without compromising the security and integrity of the borders and still complying with the immigration rules of the two countries engaged in a formal local border traffic agreement. The implementation of Border Resident Cards is also encouraged in article 13(e) of*

and cumbersome documentation and procedural challenges that traders and communities living near the border face through enabling easier movement for cross border trade with simplified identity documents.

The project will also support to streamline agricultural trade requirements through Standards and Sanitary and Phytosanitary (SPS) agencies working together with Customs through the NTFC to (i) identify critical products and design special regimes and Standard Operating Procedures (SOPs) for expedited clearance including the facilitation of entry and clearance of critical commodities (e.g. medicines, medical equipment, perishable foods, foods required for a potentially extended period of quarantine testing kits, clothing, etc.); (ii) streamline and decentralize trade procedures to improve service delivery for small farmers and traders; and (iii) implement risk management to strengthen pest and disease management while reducing the burden of inspections. SPS and Standards agencies will work together to (i) identify key critical commodities which are produced under equivalent processes¹¹ that allow clearance controls to be reduced or removed; and (ii) identify critical imports that receive pre-exit testing equivalent to or are mutually agreeable with import requirements so that they may bypass clearance procedures or may be required to undergo fewer clearance activities at entry.

To facilitate the movement of key export oriented agricultural commodities along the corridors and to meet specific demands of private operators, the project will upgrade strategic capabilities (equipment, international accreditation, and skills development). In Malawi, the project will support MBS and DARS with equipment, capacity, accreditation, and training to enable Malawi's key exports tea, coffee, groundnut, soya and mango reduce rejection rates in export markets and allow for tests and certification to be internationally recognized. Support will be provided to detect pesticide residues, mycotoxins, heavy metals, and microbial contamination. Malawi's DAHL's regional laboratories diagnostics capacities in Blantyre and Lilongwe will be strengthened to test and detect animal diseases and be accredited in microbiology, toxicology, and I-2 ND vaccine with the potential to increase Malawi's livestock and poultry exports along the corridors and in southern Africa.

the SADC Protocol on the Facilitation of Movement of Persons¹⁰ and the within the context of the African Union Free Movement Protocol (AUFMP)

¹¹ Under Article 4 of the SPS Agreement, Members shall accept the SPS measures of other Members as equivalent, even if these measures differ from their own or from those used by other Members trading in the same product, if the exporting Member objectively demonstrates to the importing Member that its measures achieve the importing Member's appropriate level of SPS protection.

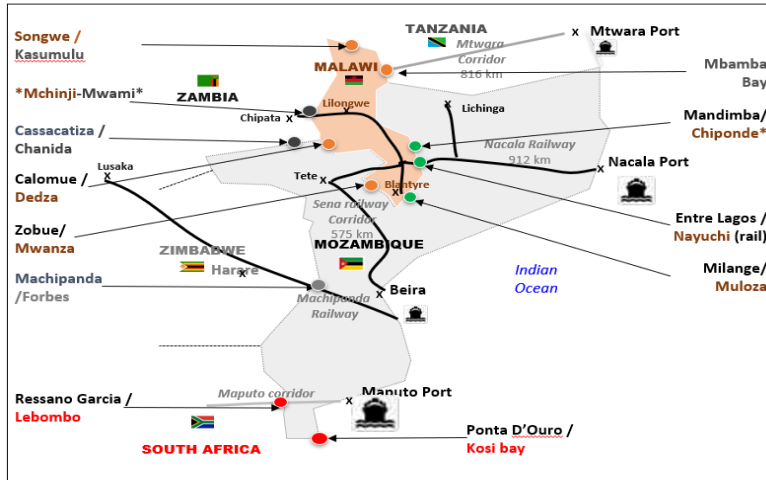


Figure 0-2: Borders in the region

Source: World Bank Group

Subcomponent 1.3. Strengthening trade and connectivity institutional capacity

The project will help transport ministries in both countries, and the Public Private Partnership Commission (PPPC) in Malawi to improve their institutional capacity and their strategies to develop transport, connectivity, and logistics. . In Malawi, technical assistance will be provided to the Ministry of Transport and Public Works (MTPW) to help setup the rail regulator, develop appropriate legislation for the sector, and support feasibility studies in the southern region; and provide technical assistance to support the implementation of the National Transport Master Plan (NTMP) by setting up the NTMP Secretariat and identifying and implementing at least three critical projects. Technical assistance will be provided to the Public Private Partnerships Commission (PPPC) in Malawi to expand expertise in key sectors to attract additional PPPs. Feasibility studies for international bus terminals and border markets for small traders operating in the Nacala and Beira corridors to complement streamlined agricultural, customs, and immigration procedures will also be supported under this component.

2.2.1 Component 2: Strengthen Regional Coordination and Support Project Implementation

The project will provide support to the existing Nacala Development Corridor Tripartite Committee (NDCTC)¹² that helps to strengthen regional coordination. The trilateral committee comprises of the Governments of Malawi, Mozambique and Zambia was formed to strengthen corridor operations and foster regional development through its organs at the Ministerial, PS/Director and technical expert levels. The project will provide financing for an interim secretariat and two meetings of the NDCTC each year for 6 years, as well as support to the

¹² The Nacala Development Corridor (NDC) was originally established in 2000 between Malawi and Mozambique who were joined by Zambia in 2003. The NDC was influenced by the SADC Protocol on Trade (1996) and the SADC Protocol on Transport, Communications and Meteorology (1998). In 2013-2017, after the rehabilitation and construction of new rail infrastructure here was an amendment to the 2000 Corridor agreement and the NDCTC has been tasked in revitalizing the corridor.

National Trade Facilitation Committees (NTFC).¹³ The activities related to the Beira corridor included in the project (primarily one stop border posts) are part of the NDCTC agenda given that both the Nacala and Beira corridors are part of one logistics system and overlap in agendas, geographies, and economic catchment areas. The Ponta do Ouro border post is part of the Maputo Development Corridor and will be coordinated through the Corridors Working Group (CWG) under the NTFC. It will be a vehicle for the project to engage with senior decision-makers for their buy-in and technical experts throughout the three governments to participate in project design, implementation and to carry them forward after the conclusion of the project. The project will provide financing for an interim secretariat and two meetings of the NDCTC each year for 6 years.

Under this component 2, the project will also support the development and implementation of pandemic/climate events-related corridor-wide responses to ensure adequate trade flows between the corridor countries. The COVID19 pandemic and the hurricanes Idai and Kenneth have highlighted the need for the corridor countries to have operational mechanisms to keep trade and in particular essential food and medicine flowing. Government agencies will identify priority products for special handling and tax treatment, draft Standard Operating Procedures (SOPs) and train staff to implement them. SADC is preparing SOPs to reduce spread of Covid-19 by cargo drivers, set standards for cleaning vehicles during pandemics and establishing a coordination mechanism for disaster risk coordination¹⁴. The NDCTC will prepare staff to use the SADC SOPs and guidelines.

Regarding the implementation of regional activities that have been identified through the tripartite process to reduce barriers to trade and investment, following activities will be supported through the project:

- **Develop and implement pandemic/climate-related responses to ensure adequate trade flows between the countries.** The COVID-19 pandemic and the Idai and Kenneth cyclones have highlighted the need for the corridors to have operational mechanisms to keep trade (particularly for essential food and medicine) flowing. Government agencies will identify priority products for special handling and tax treatment, support efforts with SADC¹⁵ to draft Standard Operating Procedures, and train staff to implement them.
- **Remove non-tariff barriers and facilitate trade between the corridor countries.** Trade regulations and procedures will be streamlined and harmonized. This includes assessing, monitoring, and mitigating NTBs, and reducing roadblocks and checkpoints. The project will assist the Ministries of Agriculture and Bureaus of Standards on agreements and implementation of harmonization, equivalence and mutual recognition of standards, tests and certificates for commonly traded commodities across the corridor. The project will also

¹³ *The project will support the NTFC and the corridor working groups under them*

¹⁴ *Insert source for SADC covid19 here. See also SADC to establish disaster risk coordination*

¹⁵ SADC's procedures aim to reduce the spread of COVID-19 by cargo drivers, set standards for cleaning vehicles during pandemics and establishing a coordination mechanism for disaster risk coordination.

support the development of an agreed upon simplified trade regime applicable in the corridor for small traders, mostly women.¹⁶

- **Implement improved transport, transit, logistics and immigration procedures.** In the transport area, project activities will support the harmonization of key transport related policies, laws, regulations and standards across borders (for instance in terms of speed management across the corridor, vehicle standards, enforcement of load control) in line with both The Tripartite Road Transport Agreement (TRTA)¹⁷ and the Tripartite Transport & Transit Facilitation Program (TTTFP). Project activities will support operational improvements in logistics systems, faster turnaround time at destination, increased automation of borders, and increased transit visibility through cargo tracking. Streamlined immigration procedures that encourage trade, tourism and investment will also be implemented.
- **Establish a corridor measurement and monitoring system.** The NDCTC will identify corridor performance measures to capture and sign agreements for sources of raw data. Collecting, analyzing and publishing data on transport operations, border operations and trade volumes will be critical to understanding shortcomings and to measuring corridor improvements. Designing the analytical system and developing the software will be a major component. Once developed, a website will be essential for data dissemination. Printed materials with updated data and analyses of corridor operations will also be included in this project

The component will also finance the operations and staffing in key fiduciary and technical positions of Project Implementation Units (PIU) within MoTPW in Malawi and MTC in Mozambique. The PIU will support the ministries in the daily management and implementation of the project in non-infrastructure related activities. In both Malawi and Mozambique, the infrastructure works in components 1 and 4, including rehabilitation of border posts, will be managed by the national road's agencies. The staff in these agencies are independently financed at market rates and will not be financed under the project.

This component will finance the implementation of environmental and social safeguards as well as the development, operation, and maintenance of a grievance redress mechanism (GRM) that will allow potential beneficiaries, the wider public, and other stakeholders to raise grievances, as well as respond to those complaints. This will include avenues to report and refer beneficiaries in cases of GBV. The PIU will have regional presence in the areas of focus of the project including on safeguards. The component will also finance steering committees that involve the main counterparts in each country. Activities under this component will support monitoring and evaluation (M&E) efforts including the design and implementation of Geo-Enabling initiative for Monitoring and Supervision (GEMS). This component will fund the collection of project data, gender analysis, and sector-based surveys to assess progress against

¹⁶ This will include simplified customs forms and an international trade desk at several border posts to assist traders.

¹⁷ TRTA guarantees effective transport services and transit, a competitive road transport industry, fair competition and public safety. It lays down rules about permits, registration and licensing, mutual recognition of driver's licenses, third party insurance and other issues.

project indicators, as needed. If possible, the project will also finance an impact evaluation to better measure impact of key initiatives. All activities and data collection will be gender disaggregated.

Communications, citizen engagement, and stakeholder coordination activities during the project will also be financed by this component and managed by the PIU. These will include (i) the development of a comprehensive communication strategy for each project target area, as well as the preparation of all communication materials and, where appropriate, the organization of awareness raising events; (ii) the coordination of stakeholder involvement in project activities; and (iii) the implementation of a citizen engagement plan and feedback mechanism to inform project implementation. Emphasis will be given to the participation of women in these activities, as part of the efforts to address the gender inequality gaps. Relevant sectorial ministries, regional development agencies, and subnational governments will be key implementing support counterparts.

2.2.3 Component 3: Value chain Development

This Component 3 aims to expand the productivity and market opportunities of the private sector, smallholders, and cross-border traders along targeted value chains in the catchment areas of the project. The activities under Component 3 are strong contributors to leverage in time and spatial location on the *infrastructure-plus* approach and have an impact on regional integration. Despite the existing programs in the two countries for economic growth and employment, none of these has this focus on regional development and integration, supporting cross-border traders as well as producers and firms in developing a regional lens to their development. In addition, the component's interventions support the economic recovery from the COVID-19 crisis and improve resiliency for both countries against future shocks, including those related to climate change. This component can help generate pipeline IFC investments and leverage on IFC's Real Sector Crisis Response Envelope.

The component will fund demand-driven risk-sharing solutions, as follows: (i) matching grants to aggregate market players and smallholders/firms with an export orientation and regional integration approach; and (ii) competition for grants with young entrepreneurs with innovative ideas/seed capital support. The objective is to increase access to markets for local producers in selected value chains along the targeted corridors through improved capacity, productivity, quality standards, logistics, typically in partnerships with lead firms. The financing provided under this component will support equipment (mechanization, etc), trainings, and irrigation/warehousing systems.¹⁸ The grants will include technical assistance to producers to ensure a level playing field with lead firms during implementation of subprojects.

The selection of value chains will follow a demand-driven approach, although the following are expected to be priority given their incidence and potential, as well as their current level

¹⁸ In addition to the direct support to agribusiness, the component will seek to expand these risk sharing solutions to proposals in complementary areas along the corridors, especially to drive new capital investment on logistics development. This may include, *inter alia*, support for establishing logistics cold chains (including in the Beira Corridor through linkages to airfreight); upgrading silos and assign warehousing management contracts (leveraging on public infrastructure that is underused); expanding financial services to improve logistics; developing tourism-related value chains in connection to opportunities in the Ponta do Ouro corridor; and developing aggregation points including dry ports connected to transport and port infrastructure

of regional integration and export potential: coffee, tea, groundnuts, macadamia, sugar, cotton, poultry, soya and maize, cashew, pulses, and fruits and vegetables.

Experienced independent teams (one in each country) will be used to help manage the risk-sharing solutions. The component will cover all costs of technical assistance to implement the programs. The support will include fund management, technical expertise, consulting services to help develop proposals, financial management support, and safeguard instruments to be developed with subprojects.

The selection criteria will follow objective and quantifiable criteria. Priority will be given to subprojects with a regional integration approach. In addition, the selection criteria will include having proposals that are technically and financially viable with market orientation, value addition, impacts, and not creating distortions in the market. For the main matching grants program, the proposals in good condition are submitted to a private/public investment committee.

Proposals with a significant gender lens strategy will score higher in the selection process. While women are highly present in agriculture production in both Malawi and Mozambique¹⁹, their share of ownership in medium to large firms is typically much smaller.²⁰ Integrating gender in leadership would be an important element for support.²¹ Additionally, women are less likely to have access to inputs, as well as resources allocated in the household including support from family members for agriculture production.²² Cognizant of the limited access to risk-sharing opportunities for women, this component will monitor the gender disaggregated results.

In addition to matching grant programs, the component will finance capacity building for main actors in the targeted value chains.²³ These actors include i) cross-border traders; ii) smallholders, emerging farmers and lead firms, and iii) financial institutions. The technical assistance under this component will be customized based on each actors' needs to meet gaps that are critical for developing value chains in the targeted corridors. The project will support:

- (i) **Small-scale cross-border traders with efforts of aggregation and organization, as well as management of inventories.** Since women constitute a larger proportion of small-scale cross-border traders, interventions will also seek to reduce harassment risks for women traders based on recommendations from recent studies.²⁴
- (ii) **Small-scale producers, emerging farmers, and firms.** For small-scale producers and emerging farmers, the component will focus on their organization building and price information, drawing on experiences in developing Agriculture Service Centers and other mechanisms of aggregation, cooperative development, and outreach. The Component will expand existing efforts to organize informal farmer groups, build their financial

¹⁹ Over 60% of the agricultural workforce is female, and more than 80 percent of the female workforce is in agriculture.

²⁰ The mapping of agribusiness firms completed in preparation to the project shows that over 80 percent of lead firms are owned and managed by men.

²¹ Previous programs in the region including the Innovation and Demonstration Catalytic Fund (IDCF) had already over 50 percent presence of women farmers as beneficiaries, but leadership of partner lead firms is where there is a gap in participation.

²² Boxho, Campos, Montalvao, and Ploen (2017). Enhancing Women's Market Access in Agribusiness in Mozambique. World Bank Publication. This study in the area of the project showed that the share of women farmers that received information from extension services was half of the men in the same communities. It also showed that less than 5 percent of women belonged to farmers' associations and had signed agricultural loans. Men had double these rates of participation.

²³ To put it simply, while the matching grants are demand driven, this technical assistance is more supply driven. There are several areas that actors in the value chain need support in terms of building capacity and knowledge, but due to the lack of information, lack of service providers, and limit knowledge about the potential benefits of these investments, the actors do not pursue them. The component will help bridge this gap.

²⁴ Croke, Garcia Mora, Goldstein, Mensah, O'Sullivan. 2020. Up before Dawn: Experimental Evidence from a Cross-Border Trader Training at the Democratic Republic of Congo-Rwanda Border. World Bank.

management and project development capacity, and provide hand-holding support to their organizations around key hubs.²⁵ For lead firms in targeted value chains, the component will provide technical assistance to improve their management capacity. In Malawi and Mozambique, the (agribusiness) companies' technical and entrepreneurial capabilities, financial knowledge, information about regulations, capacity to manage productive relationships with local communities, and comply with safeguards lag the standards in nearby countries such as Zambia, Zimbabwe, and South Africa.

Financial institutions. This component will provide technical assistance for innovative financial solutions to support potential opportunities. The component will provide capacity building to banks and microfinance institutions in developing agriculture insurance, fintech solutions to agribusiness, ways of improving credit scoring mechanisms, and support for long-term finance. These activities were highlighted to have potential in the demand and supply assessment conducted prior to project preparation. Such financial sector solutions are currently not available at scale. They can, however, be introduced during the lifetime of the project by financial institutions

2.2.4 Component 4: Strengthen transport infrastructure to improve market access

Significant investments have been made in the main road and in rail infrastructure along the targeted corridors. However, gaps remain. These include parts of the main highways and key roads that connect economic production centres with roads and rail. Poor road condition and connectivity to major economic and production centres makes it difficult to export agricultural and agro-processing products due to high logistics costs, constraining Mozambique and Malawi from playing a more active role in regional integration despite its strategic geographical location. Enhancing transport infrastructure will improve access to markets and enable better connection to rail heads. More generally it will reduce the average price of transport services in some of the poorest provinces in Malawi and Mozambique and provide efficient, safe, and resilient connectivity along the regional transport corridor and reduce post-harvest losses. The COVID-19 pandemic has further highlighted not only the need for enhancing the resilience and efficiency of transport connectivity between the agrarian northern region and population centers like Nampula, but also the need to improve the regional food supply chain

Climate resilient infrastructure is key to ensuring sustainability and uninterrupted trade along the corridor (climate change linked disruptions). Some of these networks have also been affected by the two consecutive severe cyclones, Idai and Kenneth that hit Mozambique and Malawi in March and April 2019. Significant impact was felt on people, businesses, and core infrastructure. The damage to roads was severe, and even though provisional access has been restored in many cases, the repairs are temporary, and roads will become impassable in the event of future rainfall.²⁶ It is estimated that Malawi incurred a total damage amounting to US\$ 220.2 million, of which US\$ 157.7 million (72 percent) was from the total or partial destruction of infrastructure and physical assets, and US\$ 62.5 million (28 percent) was losses due to changes in economic

²⁵ The main difference to the activities in the matching grants is that the training program will reach a wider group and the content and methods of delivery will be further under the control of the project team.

²⁶ Government of Mozambique. (2019). Post Disaster Needs Assessment; Malawi Economic Monitor June 2019

flows arising from the disaster.²⁷ Therefore, concerted efforts will be made under this component to make sure that principles of resilient designs are imbedded in the bidding documents to ensure “Built Back Better”.

Subcomponent 4.1: Rehabilitate Roads

The main objective of this subcomponent is to rehabilitate key road networks in areas that have experienced increased economic activity along the Nacala corridor. The component will finance the rehabilitation and maintenance of key corridor roads and anchors to economic centres in selected districts/provinces in both Malawi and Mozambique. This will include design studies and supervision activities.

The project focuses on addressing road infrastructure gaps in the Nacala Corridor in Malawi and Mozambique. Large investments (over US\$ 750 mn) have been made in the road sector along Nacala Corridor by both governments with the aid of development partners, but gaps remain. These gaps include both main corridor roads and anchors to key production and economic centers. These economic centers either aggregate production from rural farms in the area, have established agro-processing industries, and/or disaggregate inputs for farms and firms. The economic analysis indicates that these key roads connect firms not only across sectors but also across the country and borders. The rehabilitation will include graveling, or DBST treatment with routine maintenance to the prescribed level of service. The project will only finance road rehabilitation on the Nacala Corridor with a strong emphasis on building resilient infrastructure given climate impacts including design studies and supervision activities.

The rehabilitation will include graveling, surface treatment and routine/periodic maintenance to the prescribed level of service. The project will adopt, where possible, and advocate use of Performance Based Road Based Maintenance Contracting (PBMC) approach in line with good asset management practices²⁸ to implement rehabilitation and maintenance works. Under the PBMC approach, the contractor is responsible for conducting maintenance work to ensure that contractually agreed performance standards are achieved.²⁹ The approach shifts the planning and delivery risks from the government to the contractor as the government’s specifications focus on what is to be achieved rather than how to achieve it. This incentivizes the contractors to adopt cost effective measures that improve the condition of the road asset for the duration of the contract rather than ad-hoc repairs.³⁰ This approach is particularly relevant as travel restrictions during COVID-19 has refocused the need to hire locally and this approach has proven to

²⁷ Malawi Economic Monitor June 2019

²⁸ World Bank: Review of PBC in the Road Sector – Phase 1, Transport Paper TP-42A (2014)

²⁹ The risks involved in PBMC can be loosely categorized as physical risks, contractual, and financial risks. The extent to which these risks are divided between Contractor and Agency depends on the experience of the parties; nature of the roads to be maintained and is defined by the provisions in the contractual arrangement. Additionally, the contractor may perceive certain elements of financial risk outside the contract related to his own project financing requirements.

³⁰ The PBMC approach is preferred as it provides a financial incentive for the contractor to focus on achieving the performance standards; spurs innovation; and minimizes waste because the payments are based on a set level of performance rather on the value of inputs used. Ancillary benefits include greater expenditure certainty for the road agency; better allocation of delivery risk; reduction in contract administration due to reduced measurement of inputs; better customer satisfaction with road service and conditions; and stable and predictable multi-year financing of maintenance.

significantly increase entrepreneurship, community involvement, increase employment opportunities and ownership of roads, and can potentially engage women.

The Malawi Roads Authority intends to develop a road asset management strategy, including a comprehensive and prioritized road maintenance and rehabilitation plan, in which investments shall be prioritized through a multicriteria analysis system or tool based on strategic, social, economic, technical, environmental, poverty aspects and agricultural production potential³¹. A spatial tool for road prioritization that considers the network criticality, daily traffic, poverty rate in adjacent districts, proximity to potential agriculture cluster, and location of agri-businesses will be developed in consultation with the Roads Authority. The MCA analysis will complement the HDM4 that prioritizes investment decisions based on traffic conditions, road conditions, fuel saving and provide an assessment for highest investment return. The RA has conducted road and traffic survey that will be used for building the prioritization tool. The road survey was scheduled to be updated this year but has run into delays due to COVID19. Funding for these activities has been allocated through the project preparation facility (PPA).

For Malawi, the component will rehabilitate or maintain selected road sections along or connecting to the Nacala and/or Beira Corridor. To the extent possible, future proofing of these road assets will be enhanced by climate resilient design guidance, as well as consideration of any trenching, ducting and utility access for potential fiber optic installations. Consultant services will be engaged by RA to finalize feasibility and detailed engineering design studies including preparation of the associated environmental and social impact assessment reports, resettlement action plans, environmental and social assessment and framework documents, as well as bidding documents, as well as supervision services. The subcomponent will also finance workshops and trainings expected to sensitize construction industry practitioners on Output and Performance Based Road Contracting (OPRC) for rehabilitation and maintenance, including potential South-South learning opportunities that exist within the Africa region to demonstrate new approaches to asset management. Attention will also focus on national expectations and regional industry commitments to better managing environmental and social (E&S) risks by elevating ownership of environmental, social, health and safety performance in the preparation of bids as well as in the execution of civil works. They will also serve to further deepen on-going development of effective grievance redress mechanisms that are grounded in cogent mitigation strategies for handling of gender-based violence/sexual exploitation.

Subcomponent 4.2: Improve Road Safety

Given the road safety continue to rise to epidemic proportions in Southern Africa. The project will help to improve road safety along the corridors. This includes supporting new equipment at trauma centers, establishing call centers for emergencies, purchasing breath analyzers, and other related measures to target prevention and improve post-accident care. The focus on post-accident healthcare and capacity building is critical given that post injury health care response has a

³¹ This systematic process of road prioritization is anticipated to be coordinated through a Quality Infrastructure Investment (QII) Grant associated with the Southern Africa Trade and Transport Facilitation SATTF Program - Phase 2 (SATTFP SOP2) (P145566).

strong impact on reducing fatalities, improving wellbeing and economic growth. In Malawi, this component includes improving the flow of traffic, helping reduce speeding, building signage, and other safety measures which are in line with Malawi's National Transport Master Plan (NTMP).

The project will help to improve road safety along the corridors. Both Malawi and Mozambique face large numbers of annual road fatalities, with the cost of deaths and injuries amounting to approximately 10% of GDP annually.³² Ensuring smooth operation of the targeted corridors as such must include investments to improve road safety.

This subcomponent under road safety will finance a Road Safety Implementation Plan that will be prepared in the first year of project implementation. The plan will help assess accident prone zones in the corridors; condition report of post-accident medical response capacity/ call centers/ ambulance services in the corridors; impact of lack of health facilities on fatalities (days between injury and death); capacity of the trauma and health centers and database interconnectivity; Report on (ease of) access to medical facilities; Needed capacity building/ Training (both health as well as transport professionals); and policy/organizational and regulatory changes recommended. In Malawi, these actions are in line with the recommendations in the NTMP which suggest improving the accident response and acknowledging that Malawi has inadequate capacity for the post-crash response and care.

Road Safety Investment Prioritization and implementation: Based on the recommendations from the road safety implementation plan, and in cooperation with the Transport donors' coordination committee (MDBs, government agencies, NGOs etc.), a list of priority actions and solutions will be implemented to address the road safety challenges. The implementation of the prioritized solution will be based on the following principles, and these are i) Likely lives and injuries saved; ii) Known and significant benefit-cost ratio; iii) Clarity and manageability of delivery avoiding multiple diverse components; iv) Capacity to ensure the project is delivered through visible outputs; v) Sustainability with limited maintenance; vi) Minimal risk of loss (theft, breakage); and vii) Potential for the project to be evaluated

This subcomponent will focus on:

- i. **Axle Load Control:** Upgrading of Vehicle Load Control services that conform with SADC agreements will enhance enforcement through national training and capacity building. The subcomponent will finance (i) construction of semi-permanent weighbridge station along Nacala Corridor in Liwonde, Machinga to screen the goods vehicles with regard to overloading; and (ii) procurement of a multi deck scale for a new inland station Weighbridge Station between Mwanza and Blantyre (as part of its plans for relocation of the current Mwanza Border) that upgrades the equipment for to facilitate a once off

³² World Bank (2019). Guide for Road Safety Opportunities and Challenges: Low- and Middle-Income Countries Country Profiles. Washington, DC., USA: World Bank.

weighing of the vehicles at a station. A proposed site has not yet been identified. Training of operators. DRTSS intends to conduct trainings for transport operators on vehicle loading and standards.

- ii. **Enforcement of road traffic laws and regulations:** To enforce corridor speed limits, the activity will procure four double cabin vehicles and acquire 10 new speed cameras (increasing DRTSS total inventory to 33 cameras), which will be used to patrol the corridor, DRTSS officer training on road traffic and safety management enforcement will also be undertaken before and throughout campaigns to curb unsafe driver behavior.
- iii. **Road Safety Culture:** The project will focus on enhancing protection of vulnerable road users along the corridor and related trade connectors. Activities would look to improve knowledge of road safety behavior and practices among pedestrians, school going children, bicyclists and motorbikes to increase awareness that can nurture a road safety culture. DRTSS will be responsible for targeted road safety campaigns, distribution of reflective jackets and bicycle reflectors, safety patrol programs for schools, including media messaging and dissemination of DRTSS handbooks as part of a broader series of road safety programs.

Table 2-1: Summary of the Project activities that will require resettlement

Component	Activity	Mitigation	Proposed Safeguards approach	Responsible Institution for A/RAP
Component 1: Reduce Trade Costs: Lower trade costs through trade facilitation, including border infrastructure and regulatory reforms. This provides a further opportunity to harmonize trade facilitation regimes.				
Component 1.1 Enabling Digital Trade	<ul style="list-style-type: none"> • Development of disaster recovery site(s) (DRS) to build resilience for data storage establishment of secondary data centre for their mission critical systems 	<ul style="list-style-type: none"> • Sensitization and consultations with affected people • Assess the value of affected properties in line with prevailing market prices • Develop and implement RAP/ARAP as necessary 	Considering the type of technology, and the limited scale and nature of the proposed activities data automation facility, may require A/RAPs to be prepared.	RA, With the support from Malawi Revenue Authority (MRA), and Ministry of Agriculture’s SPS departments, MBS
Component 1.2	<ul style="list-style-type: none"> • Expansion and rehabilitation of the 	<ul style="list-style-type: none"> • Monitor the land use of the project 	<ul style="list-style-type: none"> • This activity has been transferred 	RA

Component	Activity	Mitigation	Proposed Safeguards approach	Responsible Institution for A/RAP
Improving borders and their management	Muloza border post	<p>site to ensure its availability for the project</p> <ul style="list-style-type: none"> • Sensitization and consultations with affected people • Compensate any encroachers in accordance to this RPF 	<p>from Southern Africa Trade and Transport Facilitation Project (P145566). Abbreviated Resettlement Action Plan (ARAP) have already been prepared for the OSBP. Affected people were compensated and had relocated from the project area. The land is currently under the Ministry of Trade and the Roads Authority has confirmed that the land is still available and there are no encroachers.</p>	
	<ul style="list-style-type: none"> • Finance the Malawi inland examination centers in Lilongwe and Blantyre 	<ul style="list-style-type: none"> • Sensitization and consultations with affected people • Assess value of affected properties in line with prevailing market prices • Develop and implement RAP/ARAP as necessary 	As applicable, a Site-specific A/RAP will be prepared	RA with the support from MRA and other Malawian regulatory agencies

Component	Activity	Mitigation	Proposed Safeguards approach	Responsible Institution for A/RAP
Component 3: Value chains Development: This Component aims to expand the productivity and market opportunities of the private sector, smallholders, and cross-border traders along targeted value chains in the catchment areas of the project.				
Component 3: Demand-driven solutions to support value-chains development provide risk-sharing opportunities to support value-chains;	This subcomponent will support demand-driven risk-sharing solutions through (i) matching grants to aggregate market players and smallholders/firms with an export orientation and regional integration approach;	<ul style="list-style-type: none"> • Sensitization and consultations with affected people • Assess value of affected properties in line with prevailing market prices • Develop and implement RAP/ARAP as necessary 	The nature and scale of the activity and the location will necessitate the preparation of specific RAPs or ARAPs depending on the number of affected people	RA
Component 4: Strengthen transport infrastructure to improve market access: aims at significant investments have been made in the main road and in rail infrastructure along the targeted corridors.				
Component 4.1 Rehabilitation of roads	Rehabilitate key road networks in areas that have experienced increased economic activity along the Nacala corridor The The rehabilitation will include graveling, surface treatment and routine/periodic maintenance to the prescribed level of service	<ul style="list-style-type: none"> • Sensitization and consultations with affected people • Assess value of affected properties in line with prevailing market prices • Develop and implement RAP 	The nature and scale of the activity and the location will necessitate the preparation of specific RAP.	RA
Component 4.2: Improve Road Safety	Improvements in road safety plan that include supporting assess accident prone zones in the corridors;	<ul style="list-style-type: none"> • Sensitization and consultations with affected people • Assess value of affected properties 	Given the nature of anticipated activities and potential locations, each sub projects will have	RA, with the support from MDBs, government agencies,.),

Component	Activity	Mitigation	Proposed Safeguards approach	Responsible Institution for A/RAP
	Axle Load control (Upgrading of Vehicle Load Control services);	in line with prevailing market prices <ul style="list-style-type: none"> • Develop and implement RAP/ARAP as necessary 	specific ARAPs,	

2.3. Project Beneficiaries

The beneficiaries of the project will include, road users, passenger and freight, Farmers, businesses and their families, communities along the road corridor and around the OSBP, Inland examination centers and the infrastructure for value addition, tradable sectors of the economy, and ultimately, consumers and producers both inside and outside the sub-region.

2.4 Generic Project Cycle and Linkages to Resettlement Issues

The generic project cycle of subprojects to be funded from the project will have six sub-steps. These steps are outlined in the diagrammatic flow of the project cycle in figure 2.1.

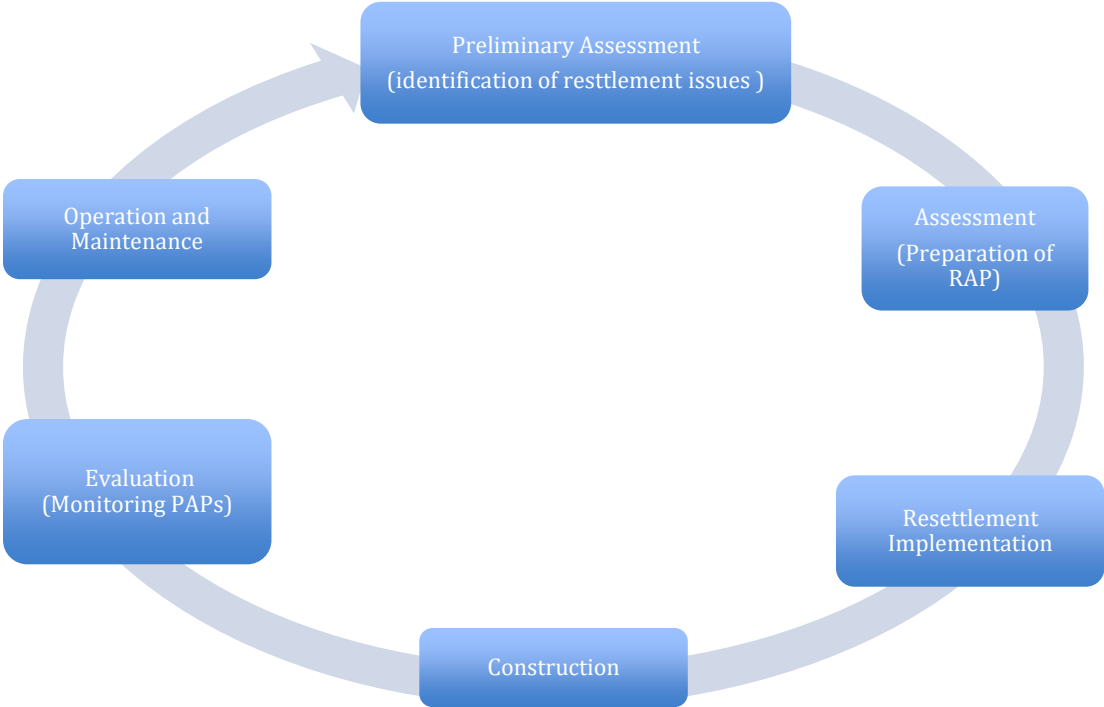


Fig.2.1: Project Cycle Related to Resettlement

2.5 Description of Potential Socio-Economic Impacts of Resettlements

The activities under the SATC project will involve some land acquisition and relocation of affected people from their homesteads, impact on assets even if the affected person does not need to relocate, restricted access to (natural resources) national parks, or legally designated protected areas, and negative impacts on livelihood. Such resettlement exercise undertaken whether within rural communities or urban setting trigger several negative externalities on the affected people. In general, some impacts emanate from the consequences following loss of access to their settlement sites, others from losses of physical assets, and loss of access to their traditional productive assets. Furthermore, some impacts arise from loss of social cohesion and relations. A description of the Examples of potential socio-economic impacts from such sources are outlined below and a summary is given in in Table 2.1:

2.5.1 Potential socio-economic impacts

The Project will have the potential to impact a wide range of households, business operators, institutions, and community members. These impacts, however, may manifest at the individual and group levels. Some of the losses which qualify for compensation and resettlement assistance include:

a) Loss of property

Cause: The project and different project components and activities will require land especially from the road construction,, inland examination centers and value addition and Agriculture infrastructure, irrigation schemes and laboratories. This will result in some people in the project area losing their property on those pieces of land.

Mitigation measures: Mitigation measure for this impact includes conducting more public awareness meetings on the project and consultations with stakeholders including project-affected persons on how best to compensate and resettle the affected persons according to loss and also use applicable laws.

b) Loss of cultivable land

Agricultural land will be lost to the project road, facilities, and infrastructure, creating a shortage of land for cultivation thereby creating land-use conflicts.

Mitigation measures: The developer will:

- i) Compensate all people who will have lost their cultivable land before starting construction;
- ii) Ensure that compensation will be made in good time to avoid disturbances to livelihoods and

project implementation respectively;

iii) Ensure that compensation packages will take into consideration the inflation rates before effecting payments;

iv) Liaise with chiefs to allocate alternative land to the affected persons to farm;

v) Ensure gender equity in compensation; and

vi) Ensure payment is made to the affected women and not to the heads of the families.

c) Loss of residence

The impact will occur as the different project components will require reasonable pieces of land for the different project infrastructure. The land being required may accommodate some residences for the farming communities who may be displaced by having to move their places of residence to allow for the implementation of the different project components or any other associated infrastructure.

Mitigation measures: As a mitigation measure, the developer will compensate properly all the affected people/properties

d) Permanent or temporary loss of business

In some project areas, the project activities will affect market places and in places where people are doing different business activities. Some people will be displaced by having to move their places of business to allow for the implementation of the different project components or any other associated infrastructure. These may include business shelters, places such as brick ovens, rice drying, and selling points, etc.

Mitigation Measures:

The Developer will be required to prepare an inventory of all the people whose businesses will be affected and appropriate compensation packages prepared for their business.

e) Disruption of public service utilities

Cause and Comment: There is a high probability that excavation and other project construction activities will cause damage to other utilities and communal resource base. These will include boreholes, water taps, communal playgrounds, market places, grazing sites, and other resources.

Mitigation Measures

The Contractor will be required to:

- i) determine in advance before any construction activities commence, the different infrastructures for other utility services;
- ii) repair the damaged utilities as quickly as possible to reduce the suffering the absence of particular utility services will cause on the people

f) Loss of cultural resources including graveyards

Cause and Comment: People in Malawi have strong attachments to traditional worship and graves and other related shrines have deep significance. The project will have the potential to affect some archaeological places remains and structures of historical importance in the country. These may include graveyards etc.

Mitigation measures: Mitigation measure for this impact includes conducting more public awareness meetings on the project and consultations with stakeholders including project-affected persons on how best to compensate for archaeological and cultural heritage.

g) Increased burden on and competition for public service provision

Cause and Comments: The presence of construction workers and service providers (and in some cases family members of either or both) can generate additional demand for the provision of public services, such as water, electricity, medical services, transport, education, and social services. This is particularly the case when the influx of workers is not accommodated by additional or separate supply systems.

Mitigation measures: The Developer will ensure that he provides some public services, such as water, electricity, medical services, education, and social services as part of his social responsibility to deal with the problem of increased burden and demand on social services.

Table 2.1: Summary of Main Social and Economic Impacts from Resettlement Activities

Category of losses	Social and economic impacts
loss of Land	<ul style="list-style-type: none">• Landlessness;• Loss of productive resource for agriculture and other businesses

Category of losses	Social and economic impacts
Loss of property	<ul style="list-style-type: none"> • Landlessness, homelessness; • Impoverishment of people; • Disturbance of house production systems; • Loss of sources of income; • Loss of or weakening of community system and social networks;
Loss of assets or access to assets	<ul style="list-style-type: none"> • Impoverishment; • Loss of sources of income; • Loss of employment opportunities (self – employment)
Loss of income sources or means of livelihood	<ul style="list-style-type: none"> • Impoverishment; • Loss of self – employment opportunities; • Disruption of attainment of services such as schools, health services resulting in further impoverishment, malnourishment.
Loss of identity and cultural survival	<ul style="list-style-type: none"> • Alienation of persons from their tribal society; and • Lack of access to community support.
Loss of access or proximity to social amenities e.g. water sources, (e.g. boreholes), schools, hospitals and clinics, markets	<ul style="list-style-type: none"> • Impoverishment; • Loss of sources of income; • Increased time to access resources; • Loss or shortage of time for other activities; • Increase in waterborne diseases
Blockage of footpaths/pathways	<ul style="list-style-type: none"> • Increase in travel distance due to longer route
Disruption of public service utilities	<ul style="list-style-type: none"> • Limited access to public service utilities

Chapter 3: Policy Legal and Institutional Framework on Resettlement in Malawi

3.1 Review of Policies and Laws on Resettlement in Malawi

In this chapter, the review of Policy and legal framework on resettlement and related land related issues was done. The reviewed documents included: The Constitution of Republic of Malawi, Malawi National Land Policy; Land Act, 2016; Customary Land Act, 2016; Land Survey Act, 2016; the Lands Acquisition and Compensation Act, 2016; Physical Planning Act, 2016; Land Survey Act, 2016; the Forestry (Amendment) Act, 2016; Malawi Housing Corporation (Amendment) (No.2) Act, 2016; Registered Land (Amendment) Act, 2016; Public Roads (Amendment) Act, 2016; and Local Government (Amendment) Act, 2016.

3.2 Policy Framework

3.2.1 The Malawi National Land Policy (2002)

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

3.3 Legal Framework

3.3.1 Constitution of Malawi (1995)

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

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

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

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

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

The same Constitution in section 44(1) says that no restriction or limitation may be placed on any constitutional rights unless such restriction is prescribed by law, is reasonable, is recognized by international human rights standards and is necessary in an open and democratic society. It needs to be noted that this criterion is cumulative. In implementing the project, SATC Project must therefore exercise care and caution in all the project stages, given those activities of the project may be the subject of constitutional challenges, even if they passed the statutory steps. However, the project’s RPF principles 1 and 2 are aimed at ensuring that cases of relocation of people, resettlement, and compensation are avoided or minimized as early as possible during project site selection and resettlement screening.

SATC undertakings will take into consideration all relevant constitutional provisions including key national legislation that may affect PAPs under the project, which are examined from Section 3.1.2.

3.3.2 The Land Act (2016)

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

Land Tenure Regimes in Malawi

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

(i) Customary Land

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

(ii) Leasehold Land

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

(iii) Registered Land

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

(iv) Freehold Land

This is land, which has been granted to persons for perpetuity. The government has no specific control on transactions except on planning permission on uses. This lease is now

limited to Malawian citizenship only. It is difficult to enforce conservation measures on this land because of the exclusivity, which the persons enjoy.

(v) Government Land

The land which is owned and used by government for public utilities, schools, hospitals, government offices and other properties, markets, government farms and other public goods through-out the country.

(vi) Public Land

Land managed by agencies of the government and traditional leaders in trusts for the people of Malawi, openly used or accessible to the public at large. This includes catchment areas, protected forest reserves, national parks, game reserves, dambos (flood plains), community forests, river lines, flood plains, wet lands, military sites and others.

Public Land

The Act defines public land as held in trust for the people of Malawi and managed by Government, a local government authority and a Traditional Authority. Public land includes; Any land held by Government or a local government authority consequent upon a reversion thereof to the Government or local government authority on the termination, surrender or falling in of any freehold or leasehold estate therein pursuant to any covenant or by operation of law; Land acquired and privately owned by Government or a local government authority used for dedicated purposes such as Government buildings, schools, hospitals and public infrastructure; Land gazetted for national parks, recreation areas, forest reserves, conservation areas, historic and cultural sites; Land vested in Government as a result of uncertain ownership, abandonment or land that cannot be used for any purposes; and unallocated and communal land within the boundaries of a Traditional Land Management Area.

Private Land

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

Relevant Provisions

Section 12 of the Act empowers the Minister responsible for lands to make and execute grants, leases or other dispositions of public land classified as Government land for any such estates, interests or terms and for such purposes and on such terms as and conditions as he may think fit. Section 21 of the Act enables the Minister, upon application by any person in a prescribed

manner, to grant or allocate leasehold or customary estate on terms and conditions as he may determine, however according to Section 22 he cannot grant freehold title.

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

Section 39 provides that where a holder of private land under freehold title has not developed the land and not shown his intention to develop or dispose of it within 2 years from the date of registration the Minister may in writing demand voluntary surrender of that land to the Government and if there is no voluntary surrender the Minister may acquire the land under the Lands Acquisition Act and its 2016 Amendment or exercise powers under section 64 of the Physical Planning Act 2016.

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

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

3.3.3 The Lands Acquisition and Compensation Act (2017)

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

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

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

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

Amended provisions relating to assessment of appropriate compensation provide that an assessment is to be done by an independent valuer appointed by the Minister, unless the parties agree otherwise. The Amendment to the Act also provides information on the grounds on which compensation can be calculated which include; loss of occupational rights, loss of land, costs of professional advice and disturbances which are a natural and reasonable consequence of the disposition of land. The Amendment has inserted substantive provisions on matters to be taken into consideration in assessing compensation for alienated land under section 10A.

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

3.3.4 The Registered Land Act (2016)

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

3.3.5 The Customary Land Act (2016)

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

- a) Land within the boundaries of a Traditional Land Management Area other than

Government or reserved land;

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

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

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

The Customary Land Act 2016 defines the terms for customary land in a Traditional Land Management Area transfer to Government or reserve land for public interest. It also focuses on the Declaration of Hazardous Land, on grant and management of customary estates, on adjudication of interest in customary land and on dispute settlement.

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

3.3.6 Land Survey Act (2016)

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

3.3.7 The Physical Planning Act (2016)

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

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

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

3.3.8 The Local Government (Amendment) Act (2017)

The Local Government Amendment Act, 1998 consolidates the law relating to local Government. Section 34 of the 1998 Act, provides for the acquisition of land by Agreement. It states that for the purpose of (a) any of its functions under this Act or any other written law; or (b) the benefit, improvement or development of its area, the Assembly may acquire whether by way of purchase, lease, exchange or gift, any land, whether situated inside or outside its area.

Subsection 2 of Section 34 of the 1998 Act has been deleted and substituted with a new Subsection 2 that provides that subject to the provisions of the Land Acquisition Act, the Council may acquire land to be used for any of the Council's functions.

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

3.3.9 Public Roads (Amendment) Act (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.

3.3.10 Environment Management Act (1996)

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

3.3.11 The Forestry (Amendment) Act (2017)

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

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

The Forestry (Amendment) Act amends some provisions in the Forestry Act of 1997 including the inclusion of a new definition of customary land committee which is in accordance with the

Customary Land Act, 2016. The Amendment Act also amends section 30 of the Forestry Act so that it provides that ‘any customary land committee may, with the advice of the Director of Forestry, demarcate on unallocated customary land a village forest area which shall be forest areas protected and managed in the prescribed manner for the benefit of that village community.

3.3.12 Employment (Amendment) Act (2010)

The Employment (Amendment) Act (2010) amends some sections of Employment Act of 2000 which makes provision for establishment, reinforcement and regulating minimum standards of employment with the purpose of ensuring equity necessary for enhancing industrial peace, accelerated economic growth and social justice and for matters connected therewith and incidental thereto.

The Employment (Amendment) Act (2010) amends Section 35 of employment Act by deleting subsection (1) and substituting therefor the following new subsection (1) : on the termination of contract as a result of redundancy or retrenchment, or due to economic difficulties, or technical, structural or operational requirements of the employer, or on unfair dismissal of an employee by the employer, and not in any circumstances, an employee shall be entitled to be paid by the employer, at the time of termination, a severance allowance to be calculated in accordance with Part 1 of the First Schedule

Section 5 (1) of the Act is on anti-discrimination states 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 of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment relationship.

Section 22 (1) of the Act states that no person between the age of fourteen and eighteen years shall work or be employed in any occupation or activity that is likely to be harmful to the health, safety, education, morals or development of such a person; or prejudicial to his attendance at school or any other vocational or training program. In line with this Act, the contractor working under the SATC Project will have to ensure that there is no discrimination of any form when it comes to employment. In addition, the contractor will ensure that only people who are aged 18 years and above are employed.

3.3.13 Gender Equality Act (2012)

An Act to promote gender equality, equal integration, influence empowerment, dignity and opportunities, for men and women in all functions of society, to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment, to provide for public awareness on promotion of gender equality and to provide for connected matters. Section 6(1) of the Act states that a person who commits an act of harassment if he or she engages in in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature in circumstances, would have

anticipated that the other person would be offended, humiliated or intimidated, and (2) a person who sexually harasses another in terms of the foregoing subsection is liable to a fines and imprisonment specified under subsection (2).

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

3.3 Key legislation on Resettlement

Table 3.1 provides details of key legislation on Resettlement. 38

Table 3.1 Details of key legislation on Resettlement

LEGISLATION	FUNCTIONAL RELATIONSHIP TO RESETTLEMENT
The Constitution of the Republic of Malawi	Basis for legislation on property, land, expropriation and compensation.
The Malawi National Land Policy, 2002	Provides policy objectives on land administration and resettlement.
The Land Act No.16 of 2016	Principal legislation dealing with land tenure and land use
The Customary Land Act No.19 of 2016	Provides for the management and administration of traditional land
The Lands Acquisition Act No. 21 of 1979 and the Lands Acquisition (Amendment) Act No. 9 of 2017	Provides for the acquisition of land for the public benefit. Empowers Government to acquire land for public utility if it is desirable or expedient in the interests of Malawi and sets out procedures for compensation.
The Registered Land Act No.6 of 1967 and the Registered Land (Amendment) Act No.7 of 2017	Provides for registration of title to land.
The Physical Planning Act No 17 of 2016	Provides that a person shall not commence the development land unless he first obtains planning and development permission
The Land Survey Act No.18 of 2016	Provides for land surveys
The Public Roads Act No.11 of 1962 as amended and the Public Roads Amendment Act No.8 of 2017	Provides for construction, care and maintenance of any road or class of road and payment of compensation where this has an impact generally and on surface rights

The Local Government Act, 1998 and the Local Government (Amendment) Act No. 10 of 2017;	Provides for the acquisition of land by the Council for any of the Council's functions and for the making of By-Laws by the Council
Environment Management Act No.23 of 1996 and Environmental Impact Assessment Guidelines	Provides for Environmental Impact Assessment and public consultation.

3.4 Overview of World Bank's Safeguard Policies

World Bank Policy on resettlement is outlined in Operational Policy (OP 4.12), and the overall objective of this safeguard is to avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs. Further the policy encourages community participation in planning and implementing resettlement. More specifically, where resettlement is unavoidable, the policy stipulates criteria for eligibility to compensation, resettlement assistance and rehabilitation assistance measures to displaced persons. In addition, the World Bank policy on resettlement stipulate those displaced persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

3.5 Gap analysis between national law and the Bank Policy on Resettlement

The World Bank Policy on resettlement as outlined in Operational Policy (OP 4.12) and the laws of Malawi have several common aspects in management of resettlement. The policy and the national laws; require compensation for expropriation of land, emphasize the need for meaningful consultation with persons and communities affected by the project and recommend fair (or reasonable) and adequate compensation to PAPs. However, there some gaps which exists between the World Bank policy and the laws of Malawi. Some selected examples are as follows:

a) Under World Bank Policy displaced persons are classified into the three groups mentioned in section 3.3 (a, b and c). Land owners under Group a and b, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance. With respect to those in Group c, where displaced persons have no recognizable legal rights, they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance. Under Malawian legislation, Group (a) and (b) are entitled to compensation. However, those under (c) are not entitled to compensation but they can be given compensation for the investment they made on the land. [1]
[SEP]

b) On aspects on compensation on land, the laws of Malawi consider the different intrinsic values associated with various classes of land (customary land, leasehold land, freehold land,

public land). In such cases, rates for compensation on land vary from one site to another and from one class of land tenure to the other. The World Bank OP4.12 also distinguishes whether it is land with formal legal rights/customary rights, land without recognizable legal right or claim (such as squatters and encroachers), or leased land. The compensation for each type is different accordingly. [SEP]

c) In cases of compensation of loss of land by project-affected people, the World Bank policy prefers land for land compensation. In Malawi an option of land for land compensation is normally preferred in customary land transaction while the option of land for money compensation is the preferred options in urban areas. [SEP]

d) The World Bank policies clearly stipulates resettlement as an upfront project – in that all issues of land acquisition and relocation of PAPs must be done prior to commencement of the project site on the acquired site. Malawian laws do not clearly spell out this approach and in practice; resettlement is treated as a separate exercise outside project planning and implementation. [SEP]

e) The World Bank policy clearly recommends adequate resettlement assistance and rehabilitation assistance to relocated people as a way of restoring and enhancing socio – economic living standards. This is supposed to be undertaken within the first years of relocation on the new sites. Malawian legislation does not clearly define the extent of resettlement assistance to relocated people. Much of available support is normally left in hands of District Commissioner and local chiefs within the district and area of relocation of the project affected people. [SEP]

f) The World Bank Policy advocates identification of persons who will be affected by the project to determine who will be eligible for assistance and also requires meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations. Malawian legislation and Guidelines also require sufficient [SEP]

public consultation to determine potential impacts of the project and to ensure the public can participate in decision-making.

Other gaps between the two approaches are in the following areas:

a) Extent of entitlement: World Bank OP/BP 4.12 includes affected parties with non-formal [SEP] property rights, while this does not apply in all instances in Malawi. [SEP]

b) Timing of payments: World Bank OP/BP 4.12 requires payment before loss of assets, while the Malawi legislation does not have this requirement. [SEP]

c) Relocation and resettlement: World Bank OP/BP 4.12 require additional assistance with resettlement (such as establishment of new sites) while this is not provided in Malawi’s laws. [SEP]

d) Livelihood restoration: The World Bank OP/BP 4.12 requires that livelihoods are improved or at least restored, while the Malawi's laws contain no requirements for livelihood restoration.

[L]
[SEP]

e) Grievance mechanisms: World Bank OP/BP 4.12 requires that a grievance mechanism is established as early as possible in the project development phase, while the Malawian legislation provides for dispute resolution mechanisms in the form of land tribunals and the court system requires. [L]
[SEP]

Table 3.2 summarizes selected differences between the laws of Malawi and OP4.12 and does not provide comprehensive comparison with the laws of Malawi.

Table 3.2 A summary of some selected differences between the World Bank Policy on Resettlement (OP 4.12) and Laws of Malawi

WORLD BANK Involuntary Resettlement Guidelines & World Bank Policies	Malawi Involuntary Resettlement Provisions	Gap	Resettlement practice under the project
Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives	The Malawi EIA Guidelines require that the ESIA explores alternative to the proposed project. Issues of involuntary resettlement and loss of livelihood are considered when exploring alternatives to the proposed project	No significant gap	Variation in the width configuration in the areas where the proposed corridor affects significant properties
When population displacement is unavoidable, effective measures to minimize the impact and to compensate for losses should be taken	Lands Acquisition (Amendment) Act (Act 9 of 2017) makes provision for minimizing the impact of relocation and to adequately compensate for losses incurred as a result of displacement.	No gap. The Land Acquisition Act provides the necessary legal framework for minimizing the impact of population displacement.	The methodology of valuation to be consistent with the provisions under the Land Acquisition Act and OP 4.12
People who must be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre- project levels.	The Public Roads Act provides for reasonable compensation in respect of disturbance and the amount of compensation is based on open market value on the loss suffered.	Malawi legal framework does not make specific reference to the improvement /or restoration of livelihoods to pre-project level	The provided for disturbance allowance to cater for relocation assistance in addition to compensation (at replacement cost). Disturbance allowance to cover the requirements of OP4.12 for restoration of standard of living income opportunities and production will be validated and if necessary complemented on a case by case basis under each RAP/ARAP

<p>Compensation must be based on the full replacement cost.</p>	<p>Lands Acquisition (Amendment) Act (Act 9 of 2017) comprehensively covers grounds for compensation while the Public Roads Act states that where the claimant is compelled to change his residence or place of business (outside the road reserve), the reasonable expenses compensation shall include expenses incidental to such change</p>	<p>No gap</p>	<p>Compensation will be calculated consistent with OP 4.12 and the provision of the Land Acquisition Act and the Public Roads Act and includes transaction costs</p>
<p>Compensation and other kinds of assistance must be provided prior to displacement.</p>	<p>Lands Acquisition (Amendment) Act (Act 9 of 2017) provides for appropriate compensation and payment of compensation in a lump sum.</p>	<p>Malawian policies do not clearly spell out this approach and in practice resettlement is treated as a separate exercise outside project planning and implementation</p>	<p>Payment of compensation should be paid before the property is relocated.</p>

<p>In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance.</p>	<p>Consultations with the PAPs is mandatory under the Malawi EIA Guidelines. Environmental Management Act describes “EIA report shall be disclosed” (article 25.3). And the Guidelines for Environmental Impacts Assessment describe details of stakeholder consultation including methods and timing of the consultation. The guidelines describe that timing of the stakeholder consultation should be flexible. The guidelines recommend (1) on preparation of TOR of EIA, (2) on implementation of EIA, (3) on evaluation of EIA report, (4) on approval of EIA report</p>	<p>No gap</p>	<p>Consultations will be held with the affected people during the preparation of the RAP/ARAPs</p>
<p>Appropriate and accessible grievance mechanisms must be established for the affected people and their communities.</p>	<p>Various legislation, including the Constitution of Malawi makes provision for grievances to be addressed through the formal court system. This is a constitutional right.</p>	<p>Practice has shown that settlement of disputes through the formal court this can be a costly and time-consuming exercise and may not be effective for PAPs</p>	<p>Grievance Redress Mechanism has been provided for by the project. However, if this fails the aggrieved party can refer the matter to the formal court system.</p>

<p>Affected people are to be identified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut - off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers and others who wish to take advantage of such benefits.</p>		<p>No Significant gap</p>	<p>Census and development of RAPs for projects yet to be identified will be carried out before projects start and cut off dates will be the last day that property assessments will be conducted</p>
<p>Eligibility of Benefits include, the PAPs who have formal legal rights to land (including customary and traditional land rights recognized under law), the PAPs who don't have formal legal rights to land at the time of census but have a claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying.</p>	<p>No provision compensates PAPs without a formal legal right</p>	<p>Laws of Malawi significantly deviate from World Bank policies regarding compensation to people who do not have legal rights to the land they are occupying.</p>	<p>Resettlement assistance in addition to compensation for lost assets for displaced homesteads will be provided to PAPs without formal legal right in line with OP.4.12</p>
<p>Preference should be given to land-based resettlement strategies for displaced persons</p>	<p>In Malawi an option of land for land compensation is normally preferred in customary land transaction while option of land for money compensation is the preferred options in urban areas.</p>	<p>No significant gap. For this project, the livelihoods of the displaced persons are not land-based</p>	<p>Preference will be given to land based resettlement strategies. PAPs will however be given option between land transition or monetary compensation</p>
<p>Provide support for the transition period (between displacement and livelihood restoration)</p>	<p>Malawi legislation does not clearly define the extent of resettlement assistance to relocated people.</p>	<p>Significant gap</p>	<p>Compensations will be paid before the property is relocated and start of works</p>

<p>Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women and children, ethnic minorities etc.</p>	<p>No special provision for vulnerable groups among the displaced persons</p>	<p>Significant gap</p>	<p>The subprojects will pay particular attention to vulnerable groups. Vulnerable groups will be given additional support for example offering them employment opportunities or linking them to existing support services.</p>
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Chapter 4: Socio-Economic Environment of the Project Area

4.1 Location

Malawi occupies a thin strip of land in between Zambia and Mozambique protruding southwards into Mozambique along the valley of the Shire River. In the north and northeast, it also shares a border with Tanzania. Malawi is landlocked and is connected by road and rail to the Mozambican ports of Nacala and Beira. The project will be implemented in the Nacala Corridor within Malawi. The project area stretches from the Zambian border in Mchinji, Lilongwe, Dedza, Ntcheu, Balaka, Machinga to the Mozambican border at Chiponde Mangochi District. Other components of the project will be implemented in Mulanje (Muloza OSBP) and Blantyre (Inland Examination Centre).

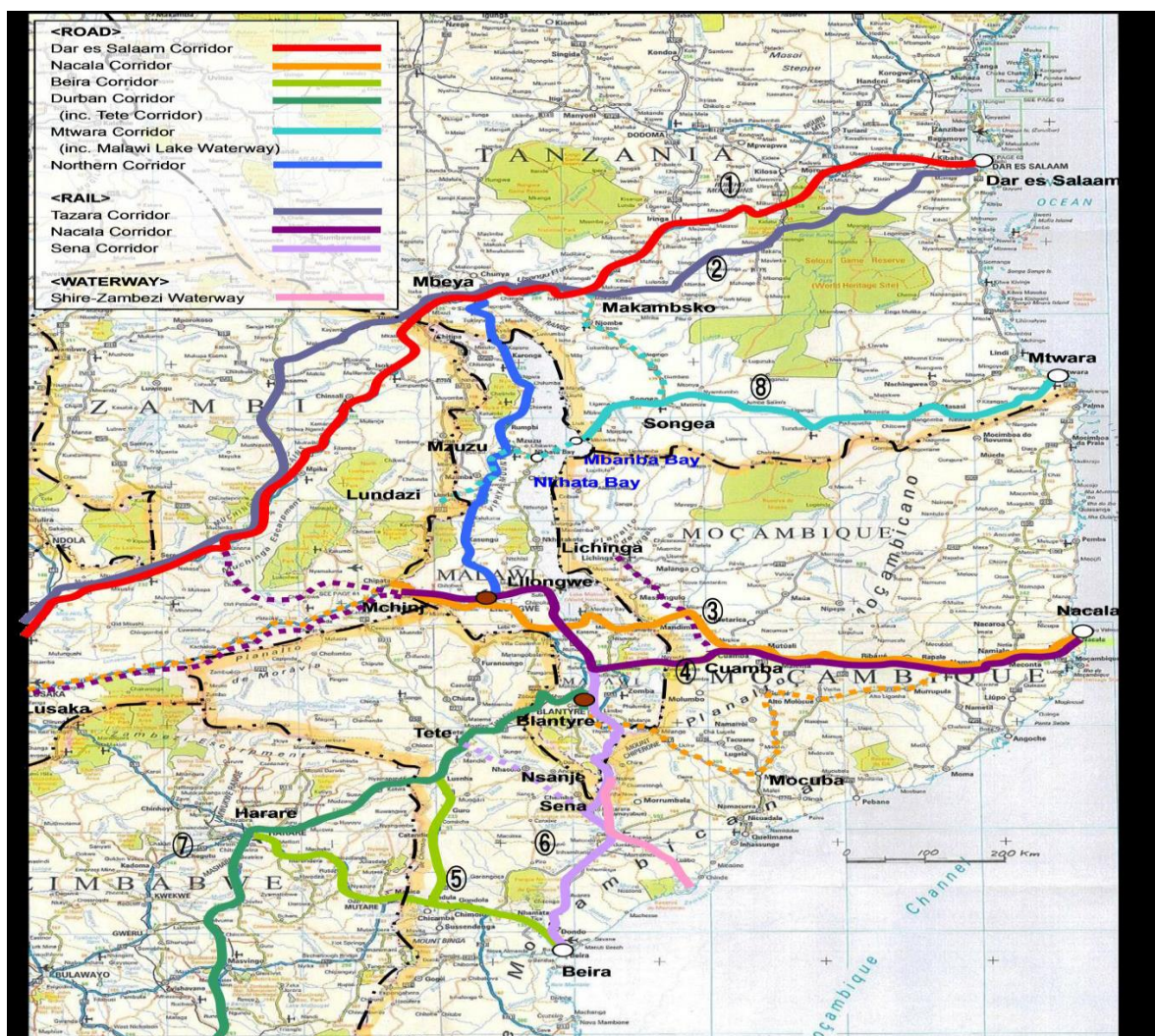


Figure 3 1: Map showing the Nacala corridor and other Corridors in the Region
Source: Nations Online Project.

4.2 Socio-Economic Aspect

4.2.1 Demographic Aspects

The estimated population of Malawi is 18 million, and the annual growth rate is 2.9%. Children under the age of 18 years constitute about 50% of the population size which indicates a high dependency ratio. Females are about 53% of the population while males are about 47% of the population. About 85% of the population live in rural areas and depend on smallholder farming while only 15% of the population live in towns where as much as 75% of the urban population live in poor peri-urban and informal settlements

The Lilongwe Kasungu Plains and Lake Chirwa Plain where some sections of the Nacala corridor lie, have among the highest population densities in Malawi, ranging from 200 - 350 persons per square kilometer. About 55% of the smallholder farmers have a landholding size of less than 0.5 ha of cultivable land. As a result of this constraint, most rural households face difficulties in producing enough crops for both food and cash. Poverty levels are estimated at 60% and 65% of populations in rural and urban areas respectively. The SATC project intends to address this in the Nacala corridor through improving access to markets and promotion of value addition.

Main urban areas in Malawi where the project will develop inland examination centers such as the City of Lilongwe has a population of 1,000,000, Blantyre City has about 800,000 people indicating that there is potential that the project will affect people and resettlement plans need to be prepared in line with the RPF for the project. The majority (about 70%) in urban areas live in unplanned settlements, where there are inadequate services. The quality of housing in unplanned settlements is quite poor. Poor quality of housing is also visible in most rural areas. Population and Housing Census (2008) results on Malawi's housing indicates that housing structure in Malawi consists of 43% as traditional housing, 34% semi-permanent housing, and 23% as permanent housing.

4.2.2 Economy of Malawi and the Corridor

Agriculture represents 37% of GDP, accounts for over 80% of the labor force, and represents about 80% of all exports. Its most important export crop is tobacco, which accounts for about 70% of export revenues. The country's heavy reliance on tobacco places a heavy burden on the economy as world prices decline and the international community increases pressure to limit tobacco production. Most districts in the corridor such as Mchinji, Lilongwe, Ntcheu, and Mangochi produce a lot of tobacco. Malawi's dependence on tobacco is growing. Rural poverty stands at 56.5% compared to urban poverty at 25%. The components on improving access to markets and promotion of value addition to be supported by the project are intended to reduce poverty levels, address food insecurity, and reduce overreliance on tobacco within the Nacala corridor.

Chapter 5: Principles Governing Resettlement and Procedures for Preparation and Implementation of Resettlement Plans

The Resettlement safeguard policy (OP/BP 4.12) is triggered when a specific Southern Africa Trade and Connectivity project requires land to be appropriated for project use, and people may be affected because they are cultivating on the land, they may have buildings on the land, they may use the land for water and grazing of animals, or they may otherwise access the land economically, spiritually, or in another way that may not be possible during or after project implementation.

5.1 Principles

The project will avoid or minimize the disturbance and displacement of human populations. Where such disturbance is unavoidable, this negative impact on the people should minimize through re-routing or siting of project facilities. In this regard, the purpose of this RPF is to ensure that people who are physically or economically displaced as a result of a project construction end up no worse off - and preferably, better off - than they were before the subproject.

The main principles that should be taken into account when the resettlement/compensation safeguard is triggered are the following:

- i. Involuntary resettlement and land appropriation should be avoided where feasible or minimized, and all viable alternatives explored;
- ii. Where involuntary resettlement and land appropriation are unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons economically or physically displaced by the project the opportunity to share in project benefits.
- iii. Displaced and compensated people should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement/compensation plans; and
- iv. Displaced (economically or physically) and compensated persons should be assisted in their efforts to improve, or at least restore, their livelihoods and standards of living, in real terms, to pre-displacement levels or levels prevailing before the beginning of project implementation, whichever is higher.

5.2 Involuntary Resettlement

Resettlement is involuntary when it occurs without the informed consent of the displaced persons or, if they give their consent, without having the power to refuse resettlement. People occupying or otherwise dependent on that land for their livelihoods will be offered fair compensation for their losses. OP 4.12 requires that displaced persons are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of

assets attributable directly to the project.

5.2.1 Type of involuntary resettlement

The displacement may be either physical or economic:

- a. **Physical displacement:** Is the actual physical relocation of people resulting in a loss of shelter, productive assets, or access to productive assets (such as land, water, and forests).
- b. **Economic displacement:** Results from an action that interrupts or eliminates people's access to productive assets without physically relocating the people themselves. The safeguard policy applies in either situation.

The implementation of resettlement activities under the Southern Africa Trade and Connectivity project will ensure the following:

a. Stakeholder Consultation Process

Community sensitization and consultation meetings will take place in all the project areas during RP preparation process. Community sensitization and consultation process will involve the creation of awareness among community members. Villages in the project area are identified for community meetings and their Chiefs and other prominent members of society will be identified for key informant interviews, and potential PAPs isolated for Focus Group Discussions. A draft Resettlement Factsheet will be used as a reference document during stakeholder sensitization and consultation. In case the Government intends to implement some activities of the project component on a piece of land that shall lead to resettlement, the Government will adequately consider the views, rights, and interests of the displaced and to-be-resettled people.

b. Census and Asset Inventory Exercise and Cut-off date

A team of experts comprising a Valuation Expert, Mapper/Cartographer/surveyor, Regional Land Officer, District Lands' officer will be formed to conduct a census of the PAPs and their assets and prepare an inventory of the same. The Census questionnaire aimed to enumerate all PAPs in respect of household demography for the members, their gender, marital status, education, physical conditions (handicap by birth/chronic sickness), occupation, assets (structures both affected and non-affected), land tenure, and use, income and expenditure, compensation choices and preference of compensation mode of payments will be prepared and administered. The Asset Inventory form will be used to record details of the PAP with respect to the assets within the project area – trees, crops, structures, and land. Information on: i) trees and crops by type and by stage of growth and ii) structures with all specifications for material used for construction will be recorded. A cut-off date will be established by the project and accepted to the Bank to ensure that persons who encroach on the area after that date are not compensated or do not receive any other form of resettlement assistance

c. Socio-Economic Surveys

The Socio-Economic survey questionnaire will be designed to capture the Social and Economic variables such as demographic characteristics of the Household members, sex, Education, Age, Children, place of residence, type of marriage and ethnicity, income and ownership of property, and the types of property owned, economic activities, types of crops – cash versus food crops, division of labor and control of the agricultural produce, households services, household movable assets (ownership and control), fixed assets ownership and control, Livelihood improvements, social-economic services available, social networks, coverage under government or NGO development schemes, level of indebtedness. The questionnaire will be conducted on a stratified sample size of about 30% of the affected households. The selection of Affected Households for the Socio-Economic survey will consider the following criteria. Gender Assessment checklists will be developed to capture aspects such as gender, women-asset-ownership status, division of labor, women’s sources of livelihoods, community perceptions on policies and traditional landholdings and lineage systems, anticipated impacts from compensation aftermath, and suggested mitigations.

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

d. Asset valuation and computation of compensation packages

The proposed project will involve the displacement of people and loss of livelihoods. Compensation whether in a form of money, replacement of land or structures will arise from:

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

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

e. Disclosure and Compensation Agreement Forms Signing

Disclosure and Compensation Signing will involve the compilation of all data that will be collected and its analysis towards report preparation and the signing off of compensation packages.

A Disclosure database will be prepared using the database developed for the RAP with valuation data incorporated. Specifically, the database will comprise the following:

- i. Data with Asset valuation – Valuation of different Assets of PAPs will be included like - number of trees, varieties of trees (Indigenous, Fruit, Exotic, etc.) with sizes.

ii. Disclosure Database - Status of Ownership, area of plot, occupation, vulnerability status along with their signature will be included in the database apart from the valuation data for assets.

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

f. Report Preparation

The RP reports will be prepared including analyzed data from the Census and Socio-economic survey. Land Availability Assessment and Videography footage will be analyzed along with minutes of all meetings with communities and institutional stakeholders and will be appropriately documented for usage in the report.

g. RAP Approval process

After the preparation of the RPF, it will be sent to the World Bank for approval. After approval, the RPF will be ready for use during project implementation specifically the preparation of project or site-specific RPs.

The RPs prepared for specific projects will have to first be approved by the Government of Malawi, through the Ministry of Lands, Housing, and Urban Development. The Ministry, where necessary will deploy its staff to verify certain components of the projects to ascertain details of the RPs. After this process, the RPs will be sent to the World Bank for final approval.

Once approved, the Ministry of Finance will be informed of the compensation packages required for them to release funds for compensation. Annex 5.6 of this RPF gives a template of an outline for preparing the RP.

h. Disclosure of RPF/RP:

After approval, the RPF/RAP will be disclosed to the communities and PAPs with translation into a language they understand. The RPF/RAP will also be disclosed on the World Bank external website. For any changes to the disclosed RPF/RAP, the same approval/disclosure protocols will be followed".

i. Establishment of a pre-resettlement baseline data

The government will prepare a Resettlement Plan to guide compensation and relocation processes. The preparation of these action plans will be based on baseline and census surveys of the project affected persons and the locality of the project.

j. Provision of resettlement assistance to PAPs

PAPs will be provided with the necessary support in case of relocation. The support will include provision of transport and basic services on the new sites of settlement.

k. Negotiation for fair compensation options

In case of any resettlement to implement some of the project component activities, Government will put in place different compensation options for the PAPs to choose based on replacement values.

l. Special consideration of vulnerable social groups

Compensations and resettlement assistance will cover all entitled categories of project affected persons including special assistance to vulnerable groups such as female-headed households, widows, unmarried females, the aged, child-headed families, orphans, widowers, and people with disabilities.

m. Setting up of accessible grievance redress mechanisms

Government will put in place user-friendly and cost-effective mechanisms for addressing complaints from project-affected persons. The mechanisms will include the use of local grievance redress mechanisms administered by a project committee, local village heads, Traditional Authorities as well use of formal courts under the Judiciary. The use of the Customary Land Tribunal in every Traditional Land Management Area, District Land Tribunal, and Central Land Board established under the Customary Land Act No.19 of 2016 will allow project-affected people in Traditional Land Management Areas to access such services within short distances.

n. Compliance to relevant policies and laws

Land acquisition and resettlement activities by government will be implemented in compliance with the World Bank OP.4.12 and Malawi Government policies and laws.

5.3 Methodology for RP preparation/Preparation of RP

The RP will be prepared following the principles and guidelines provided in this RPF and the Roads Authority in conjunction with the Ministry of Lands and Urban Development will provide Terms of Reference for the preparation of RAPs or ARAPS in alignment with this RPF.

5.3.1 Desk Review

Key documents already prepared on the proposed project and different project components will be reviewed which will include: this Resettlement Policy Framework; Project Appraisal Document; Environmental and Social Management Framework and Stakeholder Engagement Plan. In addition, Socio-Economic profiles and District Development plans of concerned districts will be reviewed for appropriate usage in RP preparation.

5.3.2 The Screening Process

The resettlement screening process will be done by the Village Development Committee or Area Development Committees on the proposed site of the project. The committee would be assisted by the District councils in the screening process. The committee will carry out the exercise based on checklist and screening form (sample in Annex 2). The committee will be trained on the use of the screening forms and prepared checklists on social impacts.

The aim of this exercise will be to assess the suitability of the proposed site or identify any form of hindrances. The Screening Process will principally be looking at Site Selection, Size of land required, and type of assets/property that will be affected. In case the land on the chosen site is owned by someone or has assets for somebody, village development committee will have to identify necessary compensatory measures for affected persons.

5.3.3 Census of Displaced Persons and Cut-off Date

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

A Census of the PAPs and their property is conducted to get pre-resettlement data and information regarding those PAPs that will be re-located to plan for their compensation and resettlement. The exercise involves headcount of the people and their property in the project area. All heads of households who were not residents in the area before the cut-off date are not eligible for resettlement assistance and compensations. The steps which are undertaken to conduct census of the PAPs, and their property include the following:

- i. Site visit to the project areas: This will help to appraise the pattern of the structures, scope of activities and density of residential properties on the site;
- ii. Identifying boundaries of the proposed project areas: The purpose would be to prepare boundaries of the site within which to work on;
- iii. Determining the size of land to be lost: The exercise will involve estimating the size of land the PAPs will lose to the project;
- iv. Conducting physical check and count of the houses within the project area: The activity will be conducted to find out the number of houses and heads of households who will lose their property to the project;
- v. Establishing number of persons per household: The activity will establish the number of persons living in one house in the project area especially those people who will lose their houses to the project;
- vi. Socio-economic survey: This will be done to identify the persons who will be affected by the project to determine who is eligible for assistance and benefits, determine levels of asset loss (i.e. land, structures, or crops/trees), and assign economic values to them. To effectively do this, a socioeconomic survey will be undertaken, which will coincide with an inventory of all assets for PAPs.

The socio-economic survey process will involve a review of tenure documents owned by occupants, and interviews with individuals, households, and groups in the affected area(s). Resettlement plans would be based on recent information about the scale and impact of resettlement on the displaced population. In addition, to documenting standard household characteristics, the socio-economic survey will describe:

- a. The magnitude of displacement;
- b. Information on the full resource base of the affected community;
- c. Extent to which the groups will experience total or partial loss of assets;
- d. Public infrastructure and social services that will be affected;
- e. Formal and informal institutions (such as community organizations, ritual groups, etc.) that could assist with designing and implementing the resettlement program; and
- f. Patterns of group and individual livelihood strategies and how these would be affected by resettlement.

5.4 Desk Appraisal of the Proposed Site and Project

Desk appraisal of sub-projects from the community will be carried out by the District Executive Committee led by the District Lands Officer in districts of site location. This would help to appreciate the scale and size of the proposed plans. The project appraisal form has to indicate that the proposed site is either free from hindrances or that all resettlement related issues have been sorted out by the community well in advance.

5.5 Field Appraisal of the Proposed Site and the Project

The purpose of the site visit would be for the District Executive Committee to verify the indications by the community that the proposed site is free from encumbrances or that any resettlement related issues have been sorted out. In this connection, while in the field, District Executive Committee members will undertake RP verification screening of the site and proposed activities. This will be undertaken by use of the 'Resettlement Screening Form' provided in Annex 2.

5.6 Preparation of Resettlement Plan

In implementation of project activities, where there is any involuntary land acquisition, a RAP will be required. The RP will be prepared under Sample ToRs provided in Annex 6. If such is the case an Expert/Consultant/Firm will be engaged to prepare a Resettlement Plan within a reasonable time. Communally held resources will be included the RAP when such resources are affected and PAPs experience any losses or restriction of access. An outline of the contents of a Resettlement Plan is provided in Annex 7. In general, a Resettlement Plan for a community-based subproject must consist of at least the following aspects:

- a. Description of the location of the proposed subproject;
- b. The size of land which the subproject will take up and its existing uses;
- c. Detailed inventory of all assets to be lost or impacted by all households and individuals affected by having to move their place of residence or business to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future wellbeing of the household can be measured. A plan of action for the resettlement of the homestead must be drawn. Sample Inventory of Land and assets to be affected has been provided in Annex 3.

- d. Inventory of the people who will lose land over which they have established ownership or rights of usufruct (either permanently or temporary fashion) to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future wellbeing of the households can be measured. A plan of action for the resettlement or replacement of homestead and/or impacted assets must be drawn. This should also detail how compensation for crops will be paid, where replacement of land will be found (if necessary), and which steps will be followed to ensure that the households productive base is re-established; and
- e. A plan of action for ensuring that the communally held resource base is replaced/re-established to ensure that no one is worse off after project implementation than before is established.

The preparation of a Resettlement Plan would be done as collaborative efforts between the community and the District Executive Committee. Key officials to be involved would be the District Lands Officer, Director of Public Works, District Forestry Officer, Environmental District Officer, and Community Development Officer. Local Authorities will need support from the Department of Lands at the Ministry of Lands, Housing, and Urban development where there are inadequate technical skills (such as valuation experts) at district level. As required by the Government regulations, Resettlement Plans prepared by the team of experts will be reviewed and approved by the Ministry of Lands, Housing, and Urban Development.

5.7 Livelihood Restoration

The project will provide additional livelihood improvement measures for PAPs to improve livelihoods or restore livelihoods to pre-project levels to reduce vulnerability and inequality. In the case where the subprojects will affect livelihoods or income generation, measures will be put in place to improve or at least restore livelihoods and incomes. Eligibility for livelihood restoration will pay particular attention to gender aspects and the needs of vulnerable groups. Some of the strategies that will be used to enhance livelihoods for the PAPs will include judicious usage of compensation amount by the provision of effective training and sensitization; providing PAPs with construction-related work that would enable them to supplement incomes; and inclusion into project activities. Other strategies will include support to farmers in intensive agriculture and provision of start up inputs. The project will consider business development skills for vulnerable PAPs. Also, products such as value addition and credit schemes, financial discipline and income generating activities will be considered.

Chapter 6: Eligibility Criteria, Entitlement, Valuation and Compensation

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

6.1 Asset Valuation Methodology

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

6.1.1 Basis of Valuation Methods

The valuation of assets in this Project is based on national laws and World Bank OP/BP 4.12 on involuntary resettlement.

6.1.2 Malawi National and Legal Provisions

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

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

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

In line with OP.4.12 however, the SATC project will ensure that compensation of affected people is at Full Replacement Value (FRV). This will be done by;

- Unexhausted improvements do not result in a depreciation discount;
- Transaction costs will be included; and
- Calculations will meet the FRV criteria.

The World Bank requires international best practice in resettlement matters and expects the host government entity to apply OP 4.12 on involuntary resettlement to all activities under the project. Involuntary resettlement is defined as physical displacement (relocation, loss of residential land or shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The policy states that Replacement Cost as a rate of compensation for lost assets must be calculated at market value plus transaction cost and other assistance as may be necessary to help improve or at least restore the standard of living or livelihoods. It further expects the Project to compensate affected people for loss of physical assets, revenue, and income resulting from economic displacement or physical relocation regardless of whether these losses are temporary or permanent.

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

- a. Agricultural land: The market value (MV) of land and the transaction cost of acquiring land of equal productive potential located in the vicinity of the affected land;
- b. Land in urban areas: The market value of the land of equal size and use and transaction cost of acquiring land with similar or improved public facilities and services located in the vicinity of the affected land;
- c. Household and public structures: the cost of purchasing or building a new structure within the area, with land size and quality similar or better than those of the affected structure or of repairing a partially affected structure

6.1.3 Valuation Practice in Malawi

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

6.1.4 Valuation Methods Applied

The method used in valuing the assets affected is dependent on the use, type, and market conditions of the asset. Based on the knowledge of the asset impacted by the project, the

appropriate methods used in the valuation of the affected asset are Cost approach, Investment approach, and Comparison approach. The following categories of assets will be affected:

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

6.1.5 Valuation for Loss of Land, Structures, Crops, and Trees

a. Valuation for Loss of Structures

Cost Approach/Replacement Cost method of valuation will be used for this RPF. The first step in this approach will be to carry market research within the subproject areas by collecting costs of materials having identified the types of structures impacted. It also will involve meeting contractors in areas of potential impact where possible and applicable. The cost of the structures will be divided into three categories to simplify calculations. These categories were the main structure, the roof structure, and the floor construction materials. These categories are mainly based on the material used, which determines the type of labor used and workmanship. This division will help to simplify the valuation of assets with different combinations of materials.

b. Valuation for Loss of Land

Land values are derived by using two main methods of valuation: Sales Comparison and Income/Investment Method. These are market-based valuation methods. The use of each one of these methods results in derivation of land market values. However, in cases of scarcity of market evidence on sales of land within the project area, the preferred method of valuation for such land has been investment method. The valuation of commercial, retail, and industrial property is always based on the primary method of valuation being an income-based valuation method, rather than by the use of the direct comparison method (API, 1997). Despite the importance of agriculture to the Malawian economy, there has not been the same importance placed on the valuation of rural property based on the income potential and profit generation of this asset class compared to other income-producing property sectors.

Profit based property sectors, such as the tourism and leisure sectors, as well as all businesses are valued by adopting an income method, which reflects the potential of the property, as well as the management ability of the current property owner/operator (Whipple, 1995; Fischer, 2002, API, 1997). It would be only on very rare instances that a valuer would value a hotel, resort, or business -based property solely on the direct comparison method, as this method would not provide a value based on the actual income generated by the property. With such property sectors, value is not directly based on the size of the land and buildings or the construction and quality, but the income stream and the risk of maintaining that income stream.

Rural property is a property that has its value based on the level of productivity associated with the property with regards to location, soil type, climate, and topography. The better these physical attributes combine with the management of these assets to produce income, the higher the value of the land (Eves, 1996, 2000, 2001). Although the location of the rural property will determine the general characteristics of rural property and therefore the potential productivity, individual farmers within specific rural property markets can have considerable variations in both the commodity yields achieved from year to year and commodity prices received. These production variations also result in considerable differences in farm net profits across all farms in any one location. As over 80% of Malawian land is under agriculture, it offers a good reason to value rural registered freehold estate (in this project area) but agricultural land using the income approach. This gives an objective approach to deriving land value. This approach considers the gross revenue less production costs, the result of which is capitalized at a market cap rate for a period of time. In deriving the values in our current situation, the crops grown in the district of impact were identified through the District profile documents and other research articles including the data from the Ministry of Agriculture's Agri-economic Survey section, which provided the current prices of the crops on market. This helped to calculate the gross revenue and also the net revenue.

c) Loss of crops

The approach described in the section is provided for the damaged crops during the rehabilitation of roads and other infrastructures i.e. for value addition. If annual crops have been damaged, the calculation of the amount payable would be based on the average market unit price of the crop over a period of the past three years multiplied by the highest annual yield in kg and that multiplied by the land size on which it is grown. The market prices and yield per crop would be obtained from the Ministry of Agriculture, Irrigation, and Water Development. At the time of asset inventory crops will be avoided in line with principle 1 of this RPF.

d) Tree Assessment

Unlike the assessment of land, the tree assessment will be based on the Malawi Government Gazette of 2010 from the Department of Forestry. This provides different approaches for the assessment of trees for both commercial and domestic purposes. In view of this report which is the subject, assessment for commercial purposes has been considered to be more reasonable. An upward adjustment would be made to the rate provided by the Forestry Department to cater to the prevailing market trends.

e) Fruit Tree Assessment

In terms of the assessment of fruit trees a consideration will be made to use the average yield/tree/year, average current market price, and expected productive life span. Fruit Compensation schedule attached and the number of each claimant's fruit trees, the assessors obtained the compensation payable to each fruit tree owner basing on the current market. Considering the productive life only, the establishment cost was calculated by averaging the cost of a tree with the duration and longest duration of production. In

calculating the yield per fruit tree and average prices, the assessor disregarded the size of the trees as is the case with the forest tree above. Prices adopted are the highest that could be obtained in the market at the time of the research.

f) Valuation and Compensation for Loss of Profit

Loss of profit refers to damages payable to the owner of the business whose business is to be shut down to give way for the implementation of a certain project. The value for each type of loss of profit will be paid to the affected person. The appraisal will cover the type and number of such losses that individuals will suffer, in addition to total compensation payable in loss of Land and improvement thereon.

g) Disturbance allowance

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

6.2 Category of Project Affected Persons

It is estimated that the number of people that are likely to be affected under the SATC subprojects will not exceed 2000. The affected groups under SATC sub-project investments in this RPF will include:

- i. Affected Individual – An individual who suffers loss of land, property, other assets, or investments made on land, livelihood, and/or access to natural and/or economic resources as a result of the subproject investments funded under the project.
- ii. Affected Household – A household is affected if one or more of its members is affected by SATC sub-projects, either by loss of property, land, and access or otherwise, his or her livelihood could be affected in any way by project activities. They include:
 - a. any members in the households, men, women, children, dependent relatives and friends, tenants;
 - b. vulnerable individuals who may be too old, disabled or sick;
 - c. relatives who depend on each another for their daily survival;
- iii. Vulnerable Groups and Households – Vulnerable groups, individuals, or parts of households may have different land needs or needs unrelated to the amount of land available to them. Vulnerable people include:
 - a. Female-headed households. These households are mainly dependent on male relations for a livelihood. However, there are also cases where women are the sole breadwinners for households even while the men have remained within the household. There are also situations where the land being appropriated is used by females without formal rights to it or by females who are dependent on a male other than their husband for their primary income. These women should not be resettled in a way that separates them from these sources of support because the very survival of their households may depend on them. When preparing compensation these factors must be considered.

- b. Disabled people and the elderly: Disabled people and the elderly are especially vulnerable as they depend on the assistance of family, relatives, friends, and neighbors. Land and any form of asset loss could severely affect their livelihoods.
- c. Persons living with HIV/AIDS: Relatively high percentages of the poor are living with HIV or are terminally ill with AIDS. While many are beneficiaries of numerous health programs from government, international organizations, and NGOs, loss of assets could affect their livelihoods.
- d. Orphaned children: Due to the impacts of the HIV/AIDS crisis in Malawi, there are a considerable number of children who are orphans because their parents died from AIDS-related diseases. These children fall into three categories of care: (i) those being looked after by relatives; (ii) those being looked after by the government, local authorities, or NGOs; and (iii) those living alone and providing for themselves and other siblings. These children tend to live in proximity to large towns and cities engaging in any form of economic activity to provide for themselves and their siblings, including selling different items, artisanal mining, and exploitative employment, among others. Many orphaned children also end up in the streets as street children. Should they be impacted by any subproject, consideration should be made for compensation in the form of rehabilitation and vocational training.
- e. PAPs below the poverty line: These are project-affected persons living on less than a dollar a day. These are people who may not meet their daily needs such as food, shelter, and clothing.

Vulnerable groups will be identified during the preparation of investment-specific SATC Resettlement Plan preparation during the census survey.

6.3 Vulnerable Assistance Measures

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

- a. Analysis of RP socio-economic survey data and casework on household composition, assets, source of income, and food security
- b. Community identified households receiving charity
- c. Analysis of records or casework on each household being compensated.

6.4 Eligibility for Vulnerability Assistance

The identification of vulnerable households will be on the following criteria:

- a. Predisposition to economic vulnerability;
- b. Age;
- c. Disability and Infirmary; and
- d. Gender.

6.5 Form of Assistance to Vulnerable Groups

Assistance may take the following forms, depending upon vulnerable persons' requests and needs:

- a. Assistance in the compensation payment procedure (e.g. specifically explain the process and procedures, make sure that documents are well understood);
- b. Assistance in the post-payment period to secure the compensation money and reduce risks of misuse/robbery;
- c. Additional cash to enable them to restore their livelihood
- d. Counselling in matters such as family and health;
- e. Ensuring that the vulnerable enjoy equal opportunity during employment procedures; and
- f. Where alternative farming land is to be found, ensure it is at the most easily accessible locations.

6.6 Eligibility for Compensation

The following are some of the categories of impacts eligible for compensation. The list, though, can be added to when socio-economic study and census undertaken for individual investments under the SATC project, where other types of impacts could be identified.

- a. Land
- b. Property
- c. Structures on land
- d. Crops and trees
- e. Livelihoods
- f. Grazing land
- g. Businesses
- h. Community assets
- i. Sacred sites

All affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out for the preparation of investment-specific RPs.

Table 6.1 below summarizes the entitlements for each group of affected persons.

Land and Assets	Types of Impact	PAP	Compensation
LAND			
Agricultural Land	Less than 20% of land holding affected	Land Owner	Cash compensation for affected land equivalent to replacement value
	Land remains economically viable.	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to market value of last 3 years, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.
Agricultural Land	More than 20% of land holding lost OR Less than 20% of land holding lost but remaining land not economically viable	Land Owner	Land for land replacement where feasible, or compensation in cash for the entire landholding (PAP's choice). Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature) Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature).
		Tenant/ Lease holder	Cash compensation equivalent to last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature.

Land and Assets	Types of Impact	PAP	Compensation
		Non-title-holder	Grazing area replacement to land of sufficient carrying capacity to sustain herd size, with support infrastructure. Secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.
		Squatter/informal dweller	Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job placement, skills training).
Commercial Land	Land used for business partially affected Limited loss	Title holder/business owner	Cash compensation for affected land. Opportunity cost compensation be based on the business income and the portion of the year actually affected.
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
Commercial Land	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance). Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).

Land and Assets	Types of Impact	PAP	Compensation
		Squatter/informal dweller (including on road reserves)	Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job placement, skills training).
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting).
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land.
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal).
		Title holder	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance).

Land and Assets	Types of Impact	PAP	Compensation
Residential Land	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal. Cash compensation equivalent to 3 months of lease/ rental fee. Assistance in rental/ lease of alternative land/ property. Relocation assistance (costs of shifting + allowance)
		Squatter/informal dweller (including on road reserves)	Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job placement, skills training).
ASSETS AND IMPROVEMENTS			
Buildings and structures	Structures are partially affected Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs.
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + allowance). Rehabilitation assistance if required (assistance with job placement, skills training).

Land and Assets	Types of Impact	PAP	Compensation
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). Assistance to help find alternative rental arrangements. Rehabilitation assistance if required (assistance with job placement, skills training).
		Squatter/informal dweller (including on road reserves)	Cash compensation for affected structure without depreciation. Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job placement, skills training).
		Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting). Assistance to obtain alternative site to re- establish the business.
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
TEMPORARY ACQUISITION			

Land and Assets	Types of Impact	PAP	Compensation
Temporary Acquisition	Temporary Acquisition	PAP (whether owner, tenant, or squatter) Business person is lease holder	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed) Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the period effected and any longer terms effects as a result of limited ability to replant etc. Opportunity cost compensation be based on the business income and the portion of the year actually affected

6.7 Eligibility Criteria for Compensations for Project Affected People

The procedures for determining eligibility for compensation, resettlement assistance, and the actual displaced persons shall consider the following:

- a. Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of Malawi. This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations;
- b. Those who have no formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Malawi. This class of people includes those that come from outside the community and given land by the local chief to settle;
- c. Those who have no legal right and/or claim to the land they are occupying. This class of people includes those that settle at a place on a semi-permanent basis, or those settling at a place without any formal grant or authority. These include squatters on titled private land or on public land as well as squatters on community land held in trust by the traditional authorities but who have no recognizable claim to such land, as well as any squatters without recognizable membership to the ranches. All PAPs who are eligible for compensation under any of the three eligibility criteria, including unregistered community lands and squatters, will be compensated for all their eligibility entitlements, especially land, before start of works following the provisions of this RPF and the RPs that will be prepared for the subprojects based on this RPF.
- d. Impacted persons classified under paragraph (a) and (b) shall be provided compensation from the community for the land, building, or fixed assets on the land and buildings taken by the project following the provisions of this framework if they occupy the project area before the cut-off date (date of commencement of the census). Impacted persons classified under paragraph 4(c) shall be eligible for compensation of other assets and a resettlement assistance for land. Persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

6.8 Entitlements for Compensations

Entitlements for compensation by project affected persons from the local community shall be based on the criteria outlined in 6.7 and the various categories of losses identified in the desk studies and field consultations. The matrix in Table 6.1 will be used in the settlement of claims for compensation for lost assets of project affected persons based on the aforementioned principles in 6.7 above and legal framework where land is involuntarily taken. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given by the local community to the head of households and not individuals. For PAPs without who are informal land holders will be compensated for assents and will be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as provided for under World Bank OP4.12.

Table 6.1 provides details of entitlements to compensations to various potential categories of project affected persons.

6.9 Approach and Procedures for Delivery of Compensations

Once the valuation of land and assets has been finalized, there is a need to disclose the compensation schedules and values to the PAPs. This helps to get views from the PAPs in terms of rejecting and or accepting the values as this eventually reduces levels of queries in the schedules. The PAPs shall accept the compensation payment values by signing on forms that will be designed. After disclosure, the District Land Officer will circulate the compensation schedule to the District Executive Committee for their information and knowledge while the same is submitted to the Chief Valuation Officer for approval. The process of compensation payments which is done by the office of the respective District Commissioner has to be fast-tracked to reduce risks of inflation and devaluation of the sums of the money. Normally the compensations have to be delivered to project affected persons before resettlement of the affected persons. The recommended procedure for the community to deliver compensation to project-affected people is as follows:

- a. Delivery of compensation based on official valuations. These are arrived at after applying guiding principles for compensation.
- b. This delivery mechanism is based on what the project offers such sums deemed adequate as compensation to displaced persons; and that person may accept that amount as compensation payable to him. Normally, the sums are disbursed to the District Commissioners or Chief Executive Officer (CEO) for the district in question for payment to the displaced persons. Local village headmen, traditional authority, and council shall maintain records of impacted persons their claims and entitlements. During compensation payment, the RCC is used to identify the PAPs in case some PAPs do not have identification cards. After payment of such sums, council documents the name(s) of the impacted persons, the amount of compensation, and the records of how the compensation was arrived at. A copy of such records shall be made available to the government, local authorities, and the general public.
- c. Delivery of Compensation based Values Arbitrated by Formal court

Normally this approach is based on the recommended figures for compensations from courts. Such incidents occur when some people appeal to courts for review of the compensation packages. What is decided by the courts can be used for compensation to project-affected people.

It should be highlighted that in case some project-affected persons have objections to land acquisition and resettlement, their objections have to be done in writing to District Commissioner or Commissioner for Lands within 21 working days after the public notice, or formal complaint through the set Grievance redress system. It should also be pointed out that normally claims are not entertained after five years from the date of the proclamation; and or 6 months after the

execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired. These limits shall not apply to claims under the SATC Project and its RAPs. PAPs will be informed and counseled with respect to the time limits that are imposed by local law with respect to local remedies. All PAP claims shall be channeled through the set GRM structure for the project.

6.10 Establishment of Resettlement and Compensation Committee (RCC)

Each project area will have a Resettlement and Compensation Committee (RCC) that will be established to help ensure that all legal processes involving valuation and compensation are followed in a just and transparent manner. This committee is proposed to ensure the participation and inclusion of stakeholders.

The RCC will ensure effective communication among affected persons, the Ministry of Lands, Housing and Urban Development, District Councils, and implementing entities. The RCC will include representatives of District Councils, Ministry of Lands, Housing and Urban Development, representative of implementing entity, representative of an NGO, and gendered representation of the PAPs, among other members.

Chapter 7: Stakeholder Identification, Consultation, Communication and Procedures for Grievance Redress

7.1 Stakeholder Identification Process

Stakeholders will be identified based on the impacts of the project on them, their influence on the project outcome, and their interest in the project. The stakeholders will be categorized into Primary and Secondary Stakeholders. Based on these guidelines the project will draw up the list of various stakeholders for the different project instruments.

As part of the stakeholder identification and analysis process, it is important to identify individuals and groups who may find it more difficult to participate and those who may be differentially or disproportionately affected by the Project because of their marginalized or vulnerable status. It is also important to understand how each stakeholder may be affected – or perceives he/she may be affected – so that engagement can be tailored to inform them and address their views and concerns in an appropriate manner.

7.2 Stakeholder Consultations

The preparation of this RPF has followed an extensive consultation process with various stakeholders. These included members of the District Executive Committee for participating District Councils; Government Departments and Agencies; Community Members around one of the proposed project sites including vulnerable groups such as women and youth; Non-Governmental Organizations; and the World Bank. A number of issues were raised some of which were general in nature and others were related to resettlement issues. Annex 9 provides a list of people that were consulted while Annex 8 provides comments that were made during consultations and how the comments have been incorporated.

Further consultations with various concerned stakeholders will be undertaken during the preparation and implementation of Resettlement Plans where the need for RPs arises. The process of stakeholder engagement for RPs will be based on the principles of providing information to all stakeholders over different communication platforms, promoting dialogue between all stakeholders including civil society players as needed, and promoting access to information by availing it to all stakeholders at all levels. During the preparation and implementation of RPs, stakeholders (individuals or groups) will be consulted to foster constructive and responsive platforms important for mitigating land-related conflicts. Participation and consultations will take place throughout all the planning and implementation phases of the RP process including the data collection, implementation, and monitoring and evaluation phases.

a) Data Collection Phase

Information on land ownership and land acquisition for subproject implementation will be collected from communities to ensure mitigation of the occurrence of land disputes and to minimize grievances.

b) Implementation Phase

It is expected that during the implementation of the Project, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate, and all grievances will be recorded. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RP implementation starts. A dynamic participatory approach involves PAPs in decision-making about the public works and livelihood support programs.

c) Monitoring and Evaluation Phase

Stakeholder consultations shall be an integral part of the monitoring and evaluation of the RP planning and implementation process.

7.3 Disclosure of the Resettlement Policy Framework and RPs

After approval, the RPF/RAP will be disclosed to the communities and PAPs with translation into a language they understand. It will also be disclosed in the World Bank external website following the Bank Policy on Disclosure of Information. For any changes to the disclosed RPF/RAP, the same approval/disclosure protocols will be followed.

7.4 Grievance Redress Mechanisms on Resettlement Activities

The project will have a Grievance Redress Mechanism (GRM) where the Project Affected Persons (PAPs) will have the ability and opportunity to lodge complaints or concerns on resettlement activities, without cost, and with the assurance of a timely and satisfactory resolution of the issue. All PAPs under the project will be informed of the GRM and the procedures that will be involved. The PAPs will be informed about the procedures during the preparation of the investments' specific Resettlement Action Plans (RAPs).

In order to resolve all grievances effectively, the Project will establish a Resettlement and Compensation Committee (RCC) at the community level or the Community Grievance Redress Mechanism Committee (CGRMC). At District level, the District Grievance Redress Management Committee (DGRMC) will be responsible for resolving grievances that have not been resolved at the community level.

Grievance Types

The Project will receive all resettlement related grievances and complaints such as those about the following:

- Unfair compensation;
- Objections to use of someone's land;

- Encroachment on private land;
- Delayed compensations;
- Property damage by the project:

Implementation of the GRM

The RA will facilitate the formation of two committees at Community Level and District level respectively. The committee at the community level will be referred to as the Resettlement and Compensation Committee (RCC) or the Community Grievance Redress Committee (CGRC) and the committee at the District level will be referred to as the District Grievance Redress Committee (DGRC).

The GRM structure will have 5 stages from when a grievance is first reported to when it is resolved. These stages are outlined below as follows;

Stage 1: Complaint Uptake

All the PAPs in the community will present their complaints or grievances to the CGRC. In addition, complaints drop-in boxes will also be provided in all the villages to facilitate easy uptake of grievances. Complaints may also be channeled directly to the following address in writing or telephone:

*The Project Coordinator
Southern African Trade and Connectivity
Roads Authority
Private Bag B346
Lilongwe 3*

The RCC or the CGRC will record all received complaints or grievances in a Community Grievance Log and Resolution Form (Annex 1). The case shall only be referred to the District Grievance Redress Committee and Project Management GRC respectively if it has not been resolved at the CGRC. Otherwise, the preferred scenario is to have grievances resolved at the lowest levels possible. Criminal cases will not be handled by the respective CGRC, will be reported directly to the police.

Stage 2: GRM Registry

All grievances received will be publicly entered into an accessible entering recording system as the GRM registry shall be maintained at both community and district levels. The community log and resolution form shall be in triplicate. For any case heard, closed, or referred, a copy of this case shall be sent to the DGRC. This shall enable the district to keep a register of all cases recorded and handled by any GRM committee in their district. Using this information, councils will be able to generate a matrix of cases and agreed resolutions and be able to follow up if the resolutions are being implemented.

Stage 3: Assessment, Analysis, and Response

When a complaint is received by GRC, the GRM provides that a resolution be provided within 15 working days. This is so to make sure that grievances/complaints are resolved as early as possible and that feedback is provided to the complainant. Once complaints are received, the CGRC shall assess whether the complaint/grievance is related to the project or not. In case, complaints are not related to the project, Persons Affected with Project (PAPs) shall be advised to channel their complaints to the right institutions.

Stage 4: Resolution and Closure

Where a resolution has been arrived at and the PAP accepts the resolution, the PAP shall be required to sign the resolution and closure section in the Grievance Community Log and Resolution Form as attached. Two members of the CGRC (Chairperson and Secretary) shall also be required to countersign. If the grievance has not been resolved at CGRC, it will be referred to District GRC and if the resolution is not reached at this level, the grievance will be referred to the Project Management GRC. If the grievance is not resolved at this level, PAP has the option of seeking legal redress from civil courts.

Stage 5: GRM Monitoring and Evaluation

The GRM evaluation can be undertaken alongside any other evaluation exercises for the project. This will be possible using copies of registers that Councils and RA will be keeping. The monitoring will assist to track whether the GRM system is working efficiently and effectively and will inform the project to make any necessary adjustments. The evaluation will help to assess the impact of GRM in response to people's complaints and whether the GRM principles were met or not during the project implementation.

Processes and Institutional Arrangements

The Grievance redress system shall be established at three levels, Community Grievance Redress Management Committee (CGRMC) at the community level, District Grievances Redress Mechanism (DGRMC) at the District level and Project Management Grievance Redress Committee (PMGRC) at PIU level.

Membership will be as follows:

Community Grievance Redress Management Committee (CGRMC)

- i. Representative of the people directly impacted by the project (PAPs)
- ii. Lands Officer
- iii. Contractors Representative
- iv. Engineers Representative
- v. Representation of Chiefs

- vi. Women Representative
- vii. Youth Representative
- viii. Village Development Committee Chairperson

District Grievances Redress Management Committee (DGRMC)

- i. Director of Public Works
- ii. The District Lands Officer
- iii. The District Community Development Officer
- iv. Environmental District Officer
- v. District Labour Officer
- vi. Gender Officer
- vii. HIV/AIDS Officer
- viii. Consultants Public Liaison Personnel

Project Management Grievances Redress Management Committee (PMGRMC)

- i. Project Coordinator
- ii. Safeguards Specialist
- iii. Ministry of Lands
- iv. Environmental Affairs Department
- v. District Commissioner
- vi. Ministry Gender
- viii. Roads Authority Public Relations Officer

Roads Authority in collaboration with District Council shall establish and orient the RCC or CGRMC for every sub-project. The contractor, workers, and the communities shall be sensitized of the existence of RCC or CGRMC at this level. The committees at this level shall record, vet, and hear cases as submitted to them by PAPs at community and construction site levels. If the PAP will be satisfied with the resolution, the case will be closed.

If cases at the CGRMC are not closed, the grievances shall be referred to the DGRMC. The PAP shall be communicated that his/her issue was referred to the upper committee for a hearing. The DGRMC shall receive and record the cases as referred to them by the CGRMC. This committee shall hear the case from the PAP and review the decision made by either CGRMC or RCC. If the PAP will be satisfied with the decision, the case will be closed.

Where the case was not closed at DGRMC level, the grievance shall be referred to the PMGRMC who will hear and resolve the case. If the PAP is not satisfied, they shall be advised to seek justice from the Court of Law and the decision made by the Court of Law shall be final. Some cases such as rape and theft which need evidence in the court may go straight to court by PAPs to avoid destruction of evidence required legally.

Chapter 8: Organizational Arrangements for Implementation, Budget Estimates, Implementation Schedule Linking to Civil Works

8.1 Institutional Roles for RAPs preparation and implementation

The overall responsibility for the coordination of the projects will be provided by the Roads Authority. The Roads Authority will coordinate the preparation of specific instruments such as RAP.

8.1.1 Institutional Arrangements

Resettlement exercises have been traditionally the responsibility of the Ministry of Lands, Housing and Urban Development (particularly the Department of Lands and Valuation), the District Commissioner, Traditional Authorities, and village headmen within the chosen area. However, today because of the multi-dimensional nature of resettlement activities, successful implementation of resettlement depends on the collaboration of different stakeholders, at local level (village/area level), district level, and national level. This is necessary because the implementation of the activities requires input, expertise, and resources which necessitate parties to liaise throughout the process.

The following sections outline key responsibilities of the institutions involved in resettlement planning and implementation within the context of the implementation of the Southern African Trade and Connectivity Project.

8.2.1 Responsibilities of the Local Authority

The District Executive Committee (DEC) is the key implementation arm of a local authority, and responsibilities in relation to resettlement activities will be as follows:

- i. Local authorities will be the main implementing government institutions on resettlement activities within the implementation schedule of the rural road improvement works under the project. The main tasks will include project screening for resettlement, implementation of compensation measures in line with Resettlement Policy Framework. Necessary annual budget provisions for resettlement related activities will be made for and by each district assembly.
- ii. District Executive Committee in collaboration with Village Development Committees (VDC)/Area Development Committee (ADC) will screen the site before land acquisition and resettlement. The District Executive Committee will verify that the land on the site is free from encumbrances.
- iii. Making recommendations on rejection for sites that would bring about unwarranted involuntary resettlement of households or communities when implemented.
- iv. The District Executive Committee will be responsible for monitoring the community level activities on resettlement to ensure that compensation measures are adequately taken care of before the commencement of the project.

Some institutional weaknesses at the district assembly level include inadequate technical skills for the valuation of properties, inadequate knowledge on the use of screening forms on resettlement, and inadequate skills in scoping social impacts from resettlement. There are District Lands Officers at the local authority level who assist District Commissioners in land administration and property management matters. The District Lands Officers are graduate professionals, and they provide technical leadership in land administration and property management.

Training in resettlement screenings will be provided to existing staff at the district level such as District Environmental Officer, Director of Planning and Development, and District Community Development Officers. Such training would assist these officers to undertake the initial screenings and assist with the administration of resettlement in absence of the District Lands Officer.

8.2.2 Responsibilities at national level

Resettlement activities require a multi-sectoral approach and as such several line ministries would be involved in the process. However, in case of resettlement issues related to the road project, the following ministries have to be involved adequately: - Ministry of Lands, Housing and Urban Development; Ministry of Transport and Public Works, Roads Authority, Malawi Revenue Authority, Ministry of Trade; Ministry of Local Government and Rural Development; Ministry of Finance, Economic Planning and Development; and Roads Administration Fund.

The main activities to be done at national level are as follows:

- i. Mainstreaming resettlement planning within project management systems by synchronizing resettlement screening with project appraisal systems.
- ii. determine the requirements of the environmental and social impact assessments. determining the requirements on land take and resettlement
- iii. Preparation of comprehensive and user-friendly checklists on social impacts from land acquisition and resettlements
- iv. Securing and channeling resources to districts for the project and allocating financial resources including compensation funds.
- v. Provision of necessary resources for conducting resettlement awareness meetings for district-level staff and Village/area development committees in selected districts. vii. Provision of necessary resources to district level staff for monitoring resettlement activities.
- vi. Sensitization of stakeholders on resettlement planning in the implementation of the project.

8.3 Capacity Building for Management of Resettlement Activities

While at the moment the specific locations for the subcomponents are not known, it is necessary to put in place measures for ensuring knowledge and skills development among the staff to be

involved in resettlement screening and identification of compensation measures. Some of the key capacity building activities which will be carried out are as follows:

- Adaptation of checklists for social and economic impacts from resettlement activities to be used at the local level. Such tools would guide the communities in avoiding involuntary resettlement in site identification processes. The target group for this exercise would be RA, District Environmental Subcommittee, area executive committee, village development committees, and area development committees.
- Training and awareness in the use of resettlement screening forms in the appraisal of sub-projects. The target group for this exercise would be staff of RA, DESC, AEC, and VDCs.
- Training of local communities, District frontline staff, on the preparation of RP, the GRM, M&E, and GBV/SEA.

The implementation of this Resettlement Policy Framework has an inherent Capacity Building arrangement for frontline staff that is responsible for facilitating training and screening for resettlement. Four key categories of extension staff members will be targeted at the area level and these include the Agricultural Extension Development Officer (AEDO), Lands Clerks, Community Development Assistant (CDA), and the Forestry Assistant (FA).

The training will be done annually and will be facilitated by a team of expert members of the DESC from the Local Authorities including the Environmental District Officer, District Lands Officer, the District Community Development Officer, the District Forestry Officer, and the District Extension Methodology Officer. The indicative Budget for training is as outlined in Table 8.1.

8.4 Budget Estimates

The actual cost of resettlement and compensation for each project will be determined during each socio-economic study for the preparation of the individual RAPs. The Government of Malawi will finance all resettlement and compensation costs including expenses for capacity building in relation to involuntary resettlement.

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

However, when locations are known, and after the conclusion of the site-specific socio-economic surveys, information on specific impacts, individual and household incomes, and numbers of affected people and other demographic data will be available, a detailed and accurate budget for each RAP will be prepared. Each RAP will include a detailed budget, using the following template.

Table 8.1: Indicative Budget for Resettlement Activities at Community, Local Authority and National levels

Serial Number	Losses or Impacts Budgeted for Expected on Proposed Site	Unit of Budget	Budget Estimates (MK)	Budget (US\$) Exchange Rate 1USD:740 MK	Source of Funding
1	National stakeholder awareness workshops on resettlement issues	Lump sum	37,000,000	50,000	SATCP
2	Preparation of checklists for social and economic impacts of resettlement	Lump sum	7,400,000	10,000	SATCP
3	Sensitization of the communities on resettlement issues	Lump sum	74,000,000	100,000	SATCP
4	Training communities in resettlement screening process, GRM	Lump sum	37,000,000	50,000	SATCP
5	Training of Front-Line Staff in Resettlement Activities	Lump sum	37,000,000	50,000	SATCP
6	Assessments exercises	Lump sum	74,000,000	100,000	SATCP
7	Preparation of Resettlement Plans	Lump sum	44,400,000	60,000	SATCP
8	Resettlement compensations	Lump sum	592,000,000	3,000,000	Malawi Government
9	Administrative and Monitoring activities	Lump sum	29,600,000	40,000	SATCP
10	Livelihood	Lump sum	74,000,000	200,000	Malawi Government
11	External monitoring, contingency	Lump sum	22,200,000	30,000	SATCP
12	Contingency (10%)	Lump sum	102,860,000	139,000	
Total			1,131,460,000	3,829,000	

8.5 Project Schedule Linking to Civil Works

PAPs entitled to compensation will be determined and compensated in accordance with this Resettlement Policy Framework before any project activity is implemented. In particular, the use of acquired land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and disturbance allowances will be provided to displaced persons by the community. The measures to ensure compliance with this RPF will be included in the RPs that will be prepared for each project activity involving resettlement or compensation. A

schedule of chronological steps covering all resettlement and compensation activities and agencies responsible for each activity will be prepared for the RPs. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project. The schedule should also include target dates for the achievement of expected benefits to PAPs and hosts and terminating the various forms of assistance.

Table 8.3: Indicative RP implementation schedule.

No.	Project Phase	Activity Description	Months											
			1	2	3	4	5	6	7	8	9	10	11	12
1	RP preparation phase	Prepare an inception report including overall work plan and schedule setting out the various activities in RP												
2	RP preparation phase	Mobilize, and resource, the team as per the agreed schedule to carry out the various resettlement activities												
3	RP preparation phase	Prepare a consultation plan for the project identifying what project information will be communicated, how it will be communicated and to whom and when it will be communicated throughout the assessment and preparation of the RP;												
4	RP Preparation/ Implementation	Conduct trainings, stakeholder and												

No.	Project Phase	Activity Description	Months												
			1	2	3	4	5	6	7	8	9	10	11	12	
	Phase	community consultations and project information education and communication with affected people, District and relevant government agencies and civil society organizations at all levels;													
5	RP preparation Phase	Conduct a survey in order to prepare an inventory of lost/affected assets (land and other improvements), affected people and database for the same and identify the appropriate entitlements for all classes of PAPs including livelihoods restoration and rehabilitation and additional assistance for vulnerable PAPs													
6	RP preparation Phase	Identify the needs for livelihood													

No.	Project Phase	Activity Description	Months											
			1	2	3	4	5	6	7	8	9	10	11	12
		restoration activities and income generation transition support by type of PAP.												
7	RP preparation Phase	Carry out valuation assessment of affected land and improvements and other losses/impacts and prepare compensation assessment schedules.												
8	RP preparation Phase	RP approval and public disclosure based on established processes and schedules for land and assets acquisition and secure the agreement between the project proponent and APs;												
9	RP implementation Phase	Operationalization of Grievance Redress Mechanisms												
11	RP implementation Phase	Finalize compensation and entitlements (payment of												

No.	Project Phase	Activity Description	Months												
			1	2	3	4	5	6	7	8	9	10	11	12	
		compensation)													
12	RP preparation phase	Preparation of the technical plan and schedules for land and asset acquisition, livelihood restoration activities, and development of relocation site(s), if ascertained to be needed;													
13	RP preparation phase	Dismantling of structures and relocation of PAPs to new location and handover of site for construction													
14	RP Implementation Phase	Internal monitoring													
15	RP Implementation Phase	Workshop for review of the RP implementation and evaluation Preparation of a Consolidated Implementation Completion Report													
16	RP Implementation Phase	Preparation of a Consolidated Implementation Completion Report													

Where applicable, the timing mechanism of these measures will ensure that no individual or affected household will be displaced due to civil works or any works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for the individual or household affected.

Chapter 9: Arrangements for Monitoring and Evaluation and Reporting

This chapter sets out requirements for the monitoring and evaluation of the implementation of the RAPs which will be prepared in accordance with this RPF.

9.1 Overview

Monitoring and evaluation mechanisms for resettlement activities within the programme will be linked to existing government monitoring and evaluation systems at community level, district level and national level. Monitoring and evaluation at community level will be undertaken by the District Executive Committee (DEC) with technical support of the extension workers. Monitoring resettlement activities at community level should be done by the District Executive Committee (DEC) as opposed to the community structures so that the District Executive Committee provides independent results. The District Monitoring and Evaluation Officer will provide technical support in tracking key monitoring indicators on the exercises.

Monitoring at national level will assess the effectiveness of the stakeholders in mainstreaming of resettlement principles in the administration and implementation of rural road improvement works and other infrastructure development. The key stakeholders in monitoring at national level will be Roads Authority, Ministry of Lands, Housing and Urban Development, and Ministry of Local Government and Rural Development (MLGRD). Information from district assemblies will be collected by District Monitoring and Evaluation Officer (M&EO) and will be transmitted to the Ministry of Economic Planning and Development. The ministry will produce consolidated annual monitoring reports.

Key issues to be monitored at community level will be the type of resettlement losses, delivery of compensation to affected people, and provision of resettlement assistance to project-affected people. Table 3 below here outlines a suggested monitoring plan at the community level. The plan outlines typical resettlement losses, entitlements, monitoring indicators, authorities responsible for monitoring, and means of verifications.

The objective of the monitoring will be to determine;

- a. If affected people are satisfied with the actual resettlement process.
- b. If affected people have been paid in full, before implementation of any SATC Project subproject that is causing resettlement.
- c. If affected individuals, households, and communities have been able to maintain their pre-project standard of living and even improve on it.
- d. The census and/or the socio-economic survey study which are the basis for the preparation of investment-specific RPs under the SATC Project will be used as the baseline for the evaluation of the individual RPs.

9.2 Indicators to Determine Status of Affected People

Several indicators from the above studies will be used to determine the status of all affected people under the SATC Project sub-projects. These include:

- a. Size of land being used compared to before,

- b. Standard of house compared to before,
- c. Status of income compared to before
- d. Level of participation in project activities;
- e. Access to water, access to schools and health centres as it was before the project
- f. Status of vulnerable people compared to before

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

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

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

The pre-project census information will provide most, if not all of the required information to set a baseline against which performance can be tracked. In addition to the existing baseline data, the following steps will be taken to ensure the proper monitoring of the RPs:

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

9.3 Monitoring of RPF/RP Implementation

The Resettlement and Compensation Committee (RCC) will assist in compiling basic information related to compensation and send them to the implementing agency, through Monitoring and Evaluation (M&E) Section of participating District Councils, as part of the regular monitoring. This information will be relayed to the project through M&E Specialist that will be engaged by the SATC Project. The M&E Specialist will set up an M&E system for the SATC Project and this will be used by RCC and participating District Councils.

Some of the information which will be collected at the RCC level will include:

- a. Number of unresolved grievances.
- b. Number of vulnerable people assisted.
- c. Length of time from project identification to payment of compensation to PAPs;
- d. Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in-kind);
- e. Number of people raising grievances in relation to each project investment;
- f. Timing of compensation in relation to commencement of physical works;
- g. Number of livelihoods restored and types of the livelihood restoration;
- h. Amount of land acquired and method used;
- i. Number of structures, trees, grazing land, etc., acquired;
- j. Amount compensated with timelines; and
- k. Number of consultations held.

The Roads Authority will review the statistics to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. Financial records will be maintained by the Implementing Entity to permit calculation of the final cost of resettlement and compensation per individual or household and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted on an annual basis to monitor the implementation of the RPs.

Quarterly Reporting and Performance Review on RP

Quarterly progress reports will be prepared on RP by the environmental and social safeguards experts within RA with input from district and community levels. These reports will form part of the overall ESF report to the Bank.

The overall responsibility for the coordination of the projects will be provided by the Roads Authority. The Roads Authority will coordinate preparation of specific instruments such as RAP.

10. References

- Government of Malawi (2002), **Malawi National Land Policy**, Ministry of Lands, Physical Planning, and Surveys.
- Government of Malawi (1995), **The Constitution of Republic of Malawi**.
- Government of Malawi (2016), **Town and Country Planning Act**, Department of Town and Country Planning.
- Government of Malawi (2016), **Land Act**. Department of Lands and Valuation.
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- Government of Malawi (1998) **Local Government Act**. Ministry of Local Government and Rural Development
- Government of Malawi (1997) **Forestry Act**. Ministry of Forestry, Fisheries and Environmental Affairs.
- Government of Malawi (2016) **Public Roads Act**. Ministry of Transport and Public Works.
- Government of Malawi (2019) **Resettlement Policy Framework**. Malawi Watershed Services Improvement Project. Ministry of Agriculture, Irrigation and Water Development
- World Bank Group (2004) **Involuntary Resettlement Policy**, Washington.
- Roads Authority (2014) **Environmental And Social Management Framework for Southern African Trade and Transport Facilitation Project**, Lilongwe, Malawi.
-
- Roads Authority (2008) **Environmental And Social Management Guidelines in the Road Sector**, Lilongwe, Malawi.
- Roads Authority (2014) **Resettlement Policy Framework for Southern African Trade and Transport Facilitation Project**, Lilongwe, Malawi.

11. Annexes

Annex 1: Resettlement/Compensation Screening Form

If in Section 5 of the ESSF, the information about the Involuntary Resettlement is “checked”, the next form should be applied.

RESETTLEMENT/COMPENSATION SCREENING FORM

Probable Involuntary Resettlement Effects	Yes	No	Not known	Possible	Remarks
– Will the project include any physical construction work?					
– Does the project include upgrading or rehabilitation of existing physical facilities?					
– Is any project effect likely lead to loss of housing, other assets, resource use, or incomes/livelihoods? Estimated number?					
– Is land appropriation likely to be necessary? Estimated area?					
– Is the site for land appropriation known?					
– Is the ownership status and current usage of the land known?					
– Will easements be utilized within an existing right of way?					
– Are there any people without land titles who live or earn their livelihood at the site or within the right of way? Estimated Num.?					
– Will there be loss of housing? Estimated number?					
– Will there be loss of agricultural plots?					
– Will there be losses of crops, trees, or fixed assets?					
– Will there be loss of businesses or enterprises?					
– Will there be loss of incomes and livelihoods?					
– Will people lose access to facilities, services, or natural resources?					
– Will any social or economic activities be affected by land use–related changes?					
If involuntary resettlement impacts are expected:					
– Are local laws and regulations compatible with the World Bank’s Involuntary Resettlement Policy?					
– Will coordination with the RA be required to deal with land appropriation?					
– Does the IA retain sufficient skilled staff for resettlement planning and implementation?					
– Are training and capacity-building interventions required prior to resettlement planning and implementation?					
Information on affected persons:					
– Any estimate of the likely number of households that will be affected by the project?					Number: __
– Are any of the households poor, headed by a woman, or vulnerable to poverty risks?					Number: __
– Are any of the PAP from vulnerable groups? If yes, explain:					Number: __

Involuntary Resettlement/Compensation Classification:

After reviewing the answers above, the project team leader and social development/resettlement specialist agree, subject to confirmation, that the project is categorized as noted below.

- Classification A** Significant resettlement impact (more than 200 people affected), Full Resettlement/Compensation Action Plan (RAP) is required.
- Classification B** Limited resettlement impact (less than 200 people affected), Abbreviated Resettlement Action Plan (ARAP) is required.
- Classification C** o resettlement impact, No resettlement plan is required.

Annex 2: Census and Land Asset Inventory Form

Socio-economic Household Datasheet of PAPs

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

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

Date:
Day Month Year

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

Household Interview

Name and Surname	Relationship to Head of Family	Sex		Place of Birth	Age	Marital Status	Residence Tenure	Ethnic Group	Religion	Educational Level	Income Earner		Economic Activities	
		M	F								Yes	No	Primary	Secondary
1.														
2.														
3.														
4.														
5.														
6.														
7.														

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

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

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

Occupations: -

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

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

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

Annex 3. Land asset inventory for Project Affected People

Village: _____

Date: _____

Cell: _____

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

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

- | | |
|----|----|
| 1. | 3. |
| 2. | 4. |

Entitlements of Project Affected People

Location: _____

Date: _____

Village: _____

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

Annex 4 Community Assets and Infrastructure

1. Village/town/city					
2. Location					
3. Camera and Photograph Number					
4. Type of structure or asset					
01	School	08	Well	15	Water Supply
02	Clinic	09	Public Latrine	16	Sewerage
03	Church, Mosque or Temple	10	Public Laundry	17	Garbage Site/Dump
04	Shrine	11	Play ground	18	Fish Pond
05	Town Hall	12	Cemetery	20	Other
06	Meeting Hall	13	Electric	If other (please Specify)	
07	Well	14	Public Telephone		
Name of structure					
5. Formal owner of the structure					
01	Sub-County Government				
02	Community or Voluntary Organization				
03	Private Individual				
04	Other (please Specify)				
6. Name and Address of owner (Please state name and address of responsible chairman or secretary if the structure is owned by a community organization or by government)					
6. Plot Number					
7. Telephone Number					
8. Number of users of structure per month					
9. Plot Dimensions					
M					
10. Plot Area					
M ²					
11. Land value per m²					
MWK					
12.	Land Value (no.s 11x12 from Above)				MWK
13.	Estimate of building area				M ²
14.	Building materials				
a. Floor			b. Walls		
1.	Earthen	1.	Earthen	1.	Earthen
2.	2Cement-plastered earthen walls	2.	Cement-plastered earthen walls	2.	Cement-plastered earthen walls
3.	Straw or bamboo	3.	Straw or bamboo	3.	Straw or bamboo
4.	Unbaked brick	4.	Unbaked brick	4.	Unbaked brick
5.	Baked Brick	5.	Baked Brick	5.	Baked Brick
6.	Cement block	6.	Cement block	6.	Cement block
7.	Galvanized tin	7.	Galvanized tin	7.	Galvanized tin

8	Tile	8.	Tile	8	Tile
9	Other (Specify)	9.	Other (Specify)	9	Other (Specify)
15. Building Value per m²			M ²		
16. Building Value					
Signature of owner of structure					
Print name (Block Capitals)					
Signature of Valuation Surveyor					
Print name (Block Capitals)					
Date					

ANNEX 5: Community Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant Sub Component:	Household Identification:	Phone Number, email:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of Grievance	Summary description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair _____
 Name & Signature of Project Affected Person /Beneficiary _____
 GRM Committee Secretary _____
 Date: _____

SECTION D: REFERRAL OF CASES

Referred to DGRMC

Ref No.	Date of Referral	Follow up / Investigation		Summary of action undertaken
		Date	Person Assigned	
G1				
G2				
G3				

RECEIPT: SUBMISSION OF GRM

Form number

Complaint:	
Household ID:	TA:
Districts:	Program:
Name of Complainant:	Reporting officer:
Case: - Closed { } - Referred { }	Signature of complainant:

Workers' Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant Sub Component:	Household Identification:	Phone Number, email:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of Grievance	Summary description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

WGRM Committee Chair _____
 Name & Signature of Project Affected Person /Beneficiary _____
 WGRM Committee Secretary _____
 Date: _____

SECTION D: REFERRAL OF CASES

Referred to DGRMC

Ref No.	Date of Referral	Follow up / Investigation		Summary of action undertaken
		Date	Person Assigned	
G1				
G2				
G3				

RECEIPT: SUBMISSION OF GRM

Form number

Complaint:	
Household ID:	TA:
Districts:	Program:
Name of Complainant:	Reporting officer:
Case: - Closed { } - Referred { }	Signature of complainant:

District Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant component:	Sub Household Identification:	Phone Number, email:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of receipts of Grievance	Summary Description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair _____

Name & Signature of Project Affected Person /Beneficiary _____

GRM Committee Secretary _____

Date: _____

District Grievance Redress Mechanism Register



DISTRICT GRIEVANCE REGISTER

GRM...../..... District Reference No.

Name of the District:

Ref #	Recording Date	Name of the Household	Household Identification	TA	Type of Grievance/Complaint:	Resolution Made:	Program	Status (Open, Closed)
G 1								
G 2								
G 3								
G 4								
..								
..								
...								
..								
..								

Annex 6: Draft TORs for the Development of RAP

The scope and level of detail for the development of Resettlement Plan will involve the following the following.

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

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

c) Census and Socio-economic Assessments

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

- **Census:** Delineate the area of direct and indirect potential resettlement impacts and identify all the affected persons through a census survey. Indicate the extent of physical and economic displacement and provide an inventory of assets to be affected. Ensure that the PAPs census survey covers all people and assets in the affected area and using a cut-off date establish a baseline for the design of the resettlement program and exclude subsequent inflows of people from eligibility for compensation and resettlement assistance. Develop a gender and age disaggregated profile and a data-set for the PAPs, providing personal identification numbers corresponding to photo log and assets (structures/properties/crops) to be affected.
- **Socio-Economic Survey:** This will include a demographic profile of the population (i.e., full time and seasonal); land use (i.e., year-round and seasonal) and land tenure systems including common property and non-title based land ownership or allocation recognized locally; production systems, and household organization, planned development activities; Public infrastructure and social services; employment and labor markets; distribution of income, livelihood patterns and standards of living, goods and services; recreation; public health; education; cultural properties (e.g., archaeological and historically significant sites); customs, aspirations and attitudes. The socio-economic survey should also describe magnitude of the expected loss (total or partial for individual or group assets) of assets, and the extent of displacement, whether physical or economic.
- **Vulnerability and Gender Baseline:** As part of the socio-economic baseline study, develop a profile on vulnerability clearly stipulating the levels of vulnerability of different categories of PAPs through an appropriate set of indicators and classification tool. Such groups and persons include those living below the poverty line, the landless, the elderly, children, and displaced persons who are not protected through national land compensation legislation. A specific gender analysis should be undertaken within this component and should clarify among others, gender

roles, responsibilities, relations and power differences; examine gendered resource allocation, distribution and access; and clarify gender based differences that constrain the distribution of development opportunities and benefits, how the project intervention will affect men and women and the risks of men and women benefiting or being disadvantaged disproportionately as a consequence of the planned interventions.

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

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

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

e) Community Participation: This sub-section includes:

- Description of the consultation and participation of the displaced and host communities in design and implementation of resettlement activities including a summary of the views expressed and how these views were incorporated during the preparation of the resettlement plan.
- A review of the resettlement alternatives identified and choices made by the displaced people, including choices related to forms of compensation and resettlement assistance,

relocating as individual families or as part of pre-existing families and to retaining access to cultural property (e.g. cemeteries, places of worship etc)

- Description of procedures for redress of grievances by affected people throughout the planning and implementation period.
- Description of measures aimed at sensitizing and educating the affected and host communities on matters of resettlement.

f) Integration with host communities

- Arrangements for consultation with host communities and procedures for prompt payment to the host for land and other assets should be provided to the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons and host communities should be put in place.
- Appropriate measures to augment public services such as education, water, health in host communities to avoid disparities between resettled persons and the host communities should be put in place.
- Plan for resettled persons should be integrated economically and socially into host communities so that adverse impacts to host communities are minimized.

(g) Institutional arrangement and responsibilities

The institutional framework generally covers:

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

(h) Eligibility

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

(i) Valuation and Compensation for losses

- The methodology to be employed for valuing losses to determine their replacement cost. This is a description of the levels of compensation under the local laws and supplementary measures aimed at determining replacement of cost for lost assets.
- A description of the packages of compensation and other resettlement measures that will ensure that each category of eligible displaced persons get their fair compensation. In conformity with the World Bank Environmental and Social Standard 5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), displaced persons should be provided with enhancement measures to assist in their efforts to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels or to levels prevailing prior to the start of project implementation whichever is higher.

j) Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of ESS 5. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

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

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

l) Shelter, infrastructure and social services

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

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

n) Implementation Schedules

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

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

p) Costs and Budget

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

q) Monitoring and evaluation

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

r) Commitment to follow RPF guidelines and requirement

A statement of assurance that the implementing agency will follow the guidelines and requirement of the RPF should be included in the RP.

s) Description of programmes for improvement and restoration of livelihoods and standards of living of the affected people.

Programmes aimed at improving and restoring the livelihoods and standards of living of the affected people in line with the Resettlement Environmental and social framework

Annex 7: Outline of Resettlement Plan

Introduction

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

Minimizing Resettlement

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

Census and Socio-economic Surveys

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

Legal Framework

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

Resettlement Sites

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

- Do the host communities have a share of the resettlement benefits.

Income Restoration

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

Institutional Arrangements

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

Implementation Schedule

- Lists the chronological steps in implementation of the RP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepares a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation.

- Describes the linkage between resettlement implementation and initiation of civil works for each of the project components.

Participation and Consultation

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

Grievance Redress

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

Monitoring and Evaluation

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

Costs and Budgets

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

- Describes the provisions to account for physical and price contingencies.
- Describes the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

Annexes

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

Annex 8: A Summary of Views of Stakeholders Consulted


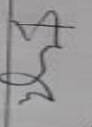
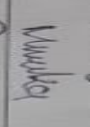


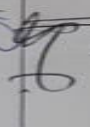

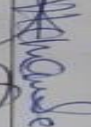

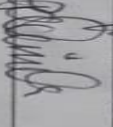
Issues	Response/ Comment
Stakeholders at district expressed concern on the impacts of the project on the biophysical surroundings (land-use, natural resources, water, etc.). Despite ESIA or ESMPs being prepared for subprojects how will the project as a whole ensure that the District council is involved in the implementation of ESIA/ESMP especially in monitoring	The project will require each contractor to set aside resources for the monitoring of the ESMPs for the District Council. The councils will also be involved throughout the project lifespan.
Stakeholders were concerned with the increase of road accidents especially on cyclist who are rampant in many town in the Nacala corridor;	The Roads authority will work closely with the Directorate of Roads Traffic to sensitize communities along the road corridor. The Contractors will also be required to develop and implement a Traffic Management Plan
Communities were worried that they will not be able to live harmoniously with contractors for the project based on their previous negative experiences with other contractors.	The project will put in place a Grievance redress mechanism for the community to voice out all their concerns. All workers of the contractor will be required to sign and adhere to a Code of Conduct to ensure that they do not misbehave in the community.
How will the project ensure that the local community benefits from the project such as (increased trade and transport) and Employment opportunities;	The project will ensure that as much as possible surrounding communities are employed for unskilled work in the project. A component of the project will involve a value addition element that will benefit local farmers to earn more from their produce
What will happen to people having structures along the roads; what will happen to those people that are in the road reserve.	All PAPs will be compensated regardless of having legal ownership of land. this is in line with the world bank policy on involuntary resettlement
How will the project mitigate against Gender and HIV/AIDS issues;	The project will engage specialized people to conduct GBV and HIV/AIDS awareness in the area. Firms will be engaged as GBV, HIV/AIDS service providers
How will the project ensure that sensitive areas and protected areas such as the two graveyard along the road and Forest Reserves are protected;	The project will undertake an inventory of all protected and sensitive areas in the corridor and consult with relevant authorities on their protection.
The stakeholders expressed concern on the increase of pressure on social services in the area due to the coming in of the project such	The contractors will be required to provide for their workers separate services such as water and electricity. The Roads Authority

as market, schools, clinics, Water and electricity	will lobby for additional services in the area such as schools clinics, etc from relevant ministries
How will the project ensure that communities and animals are protected from the negative impacts of quarries, borrow pits.	The contractors will be required to develop Quarry site rehabilitation plans to be approved by relevant ministries. The plans will include an element of perimeter fence to stop people from accessing the site.

Annex 9 List of Stakeholders Consulted during the preparation of the RPF




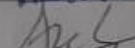
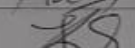
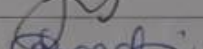
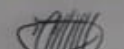
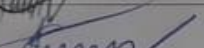
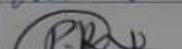

MANOCHI - CHIPONDE ROAD PROJECT PUBLIC CONSULTATIONS (DESC)

ATTENDANCE SHEET

No	NAME OF OFFICER	ORGANISATION	CONTACT	SIGNATURE
	Bob M. Egun	MDHS	088455135	
	ISAAC MATHIMATA	Mt. Police	0998220892	
	Moderis MKAUQ	MH DC	0888288369	
	Rose Nyika	Mt Team	09911490490 09911490490	
	Chimwemkese Mlangala	DEP Mt	0882847779	
	Fany Abar	DHO	0992246061	
	ANTHONY KAPUSA	DANGO	0888865365	
	Khadimi Mwalu	Health	09550693	
	Khadimi Mngwalo	DHO	099195572	
	Nyema Kapwamala	Messenger	09969100	

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ATTENDANCE SHEET


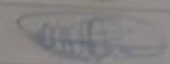
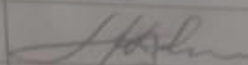
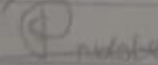
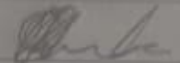
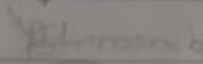
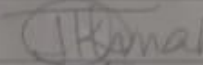
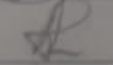
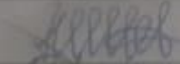


No	NAME OF OFFICER	OGANISATION	CONTACT	SIGNATURE
	Gift Chunda	GIZ ESDEV	088518020	
	CHRISTA ROTH	Consultant GIZ Exh	0334652130	
	Newton Muntzhi	MH D. Council	0999421964	
	Anthony Zimba	Comm. Dev	0888586680	
	Kristjana Sigurdjónsdóttir	Embassy of Ireland	0999988526	
	Alicia Mneniga	MH. DC	0999536071	
	Fredrick Kapute	Water Dev	0999288868	
	Owen Kumbwenda	AluB Kulture	0999009606	
	Philimon Kamanga	GIZ - EnDev	0888864210	
	Aggrey Mfune	SEED Malawi	0999828824	

MANGOCHI - CHIPONDE ROAD PROJECT PUBLIC CONSULTATIONS (DESC)
ATTENDANCE SHEET







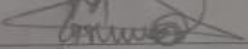


No	NAME OF OFFICER	OGANISATION	CONTACT	SIGNATURE
	Bruno K. KAMANDA	MH-DC- ENVIRONMENT	0997656728	
	ALLAN C. KAZIPUTA	ROADS AUTHORITY	0888639441	
	JUSTICE M. LIMULA	MH-DC-P/WORKS	0888336375	
	FRANCIS MBIRISA	MA DAD/AGRIC	0998205992	
	HAPPY MOFFAT	METEOROLOGY	0882709750	
	Alphaso Sokosa	ICEIDA	0999249890	
	Inford Kanyimbo	MA DC - Agric	0992748445	
	Mary Kamanga	Forestry ADFO - MH	0888892032	
	Constance Makonokaya	TOURISM	0888486302	
	Justin Makonola	ENVIRONMENT MH-DC	0884345696	
	Nevarson Msusa	Fisheries	0888581907	

Checked by:

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ATTENDANCE SHEET

No	NAME OF OFFICER	OGANISATION	CONTACT	SIGNATURE
45	Collins Jagyalunda	CEGORE	0882920653	
	Madeliso Muntshu	PROPER-CD	0995614099	
	Levy Mwebakulu	Concern Worldwide	0997642542	
	Phillipino Nizoto	Wamoa Pamedu	0884884158	
	Charles Mbaba	YONFECO	0884484302	
	Beatrice Chimombo	Mangoch CTC	0882160351	
	Joseph Ntwana	MST	0995236890	
	Aaron Lunkanga	LGAP	0888239015	
	AUSTIN MANGA	Labour-MH	0881413463	
	HARVEY MBELE	SOUL WORKS	0888006520	
	Doris Jonathan Bwanisa	Umoyo-fun Common Radio	0998732229	

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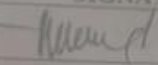
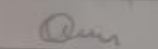
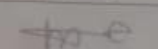

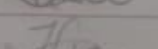






No	NAME OF OFFICER	OGANISATION	CONTACT	SIGNATURE
34	Daniel Mwale	DNE COMMUNITY	0999604326	
35	Harold Madimbo	Mangochi DC	0882266543	H. Madimbo
36	Robert Chavula	UNEP Proj. Rep.	0999317657	
37	Felista Chulu	united purpose	0998252625	
38	Cliff Phiri	UNFPA	0999467784	Cl
39	Macdonald Gondwe	MOHO	0999364936	
40	JAMB NANGOMA	SAFE	0999672325	
41	Olive Muthali	mangochi district Kopka	0998259055	
42	Cliff Goumwe	MOA DRU	0884297615	
	Joseph NANGOMA	ONSE	0997230032	
44	Newson Mfusa	Fisheries	0888581907	

ATTENDANCE SHEET

No	NAME OF OFFICER	OGANISATION	CONTACT	SIGNATURE
12	Inford Kanyimbo	MH-DC - DAENR	0992748445	HA WISE
13	Sinthani mbaluku	Radio Lilangwa	0884 612213	SH
14	Leonard Kamangadzi	forestry - MH	0999 727066	LUDAN
15	Frédéric Kapite	Water Dev MH	0999288668	SH
16	CHAMBERO MANONKA	Comm - Health	0888 514156	SH J. J. J.
17	Laitan Chilcoba	Gender	0991881440	SH
18	METRO CHIROGAI	Gender	0999 104011	SH
19	Aisha SIKOR	Radio Islam	0999210197	SH
20	Joyce Chavus	mayadi	0999 860176	SH
21	Victor Kaduga	UNFPA	0888851476	SH
22	Collins Kachoka	Education	0882571434	SH

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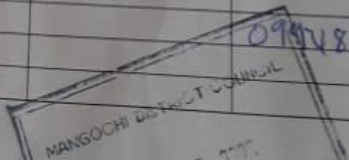
ATTENDANCE SHEET

No	NAME OF OFFICER	OGANISATION	CONTACT	SIGNATURE
23	Walter Donald Jimeli	JPGF	0971070299	
24	Kulthum Abdullah	NGO Board	0996 1194 11	
25	Francis NKLONG	MDH	0888371064	
26	Innocent Khama	CHAI	0888321674	
27	Ishmael Chinguwo	Christian Aid	0998096998	
28	Mphahoo Kumwenda	KNCV	0888658681	
29	Elizabeth Chamwalela	KNCV TB Forum	0999948551	
30	Nwaha Muntteli	MH DC	0999421964	
31	Francis Liyah	Malawi Redcross	097752749	
32	Emmanuel Kachya	KNCV/IMPACT4TB	0992891646	
33	Francis Mwanaka	MDH	0884424957	

MANGOCHI CHIPONDE ROAD PROJECT
PUBLIC CONSULTATION

Name	Designation	Signature	Phone Number
Mbumba Issa	Nyenje		
Amina Amosi	Idmisi		
Ernest Amosi	Idmisi		0997350165
Zainab Kabidi	Idmisi		
Zainab Sita	Idmisi		
Shamina Abdullah	Idmisi		0999 217799
Ahna Onaar	Idmisi		
Tasawwa Mussa	Idmisi		
Mawala Thoni	Idmisi		
Agness Muntzfa	Mbera		0997855878
Magret Issa	Idmisi		
Fatima Yumt	Mbera		0995151562
Ernest Azizi	Nyenje		
Fabia Malesi	Idmisi		
Doreen Chitemwe	Idmisi		
Ernest Yandi	Nyenje		
Bibiana Yumt	Walembe		0997091872
Zahab Simoni	Nyenje		
Fatima Asimu	Nyenje		
Fazila Elliot	Nyenje		
Magret Paturik	Nyenje		
Luzia Silaji	Idmisi		0998415268
Mwaimeli Ajaka	Idmisi		0998979266
Shamita Paturik	Nyenje		0995984229
Jandiso Daudi	Idmisi		0994635451
Amina Butalani	Idmisi		0993123277
Dahuma Chavi	Nyenje		
Mwanam Mussa	Nyenje		
Luzia Ali	Idmisi		
VH Mbera	Mbera		
VH Jafali	Jafali		

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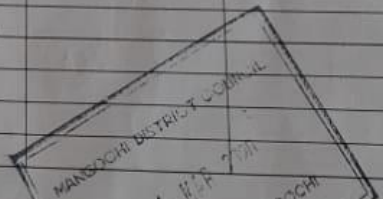
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MANGOCHI CHIPONDE ROAD PROJECT
PUBLIC CONSULTATION

Name	Designation	Signature	Phone Number
ALLAN KAZI PUSTA	SFSO	<i>[Signature]</i>	089863946
AUSTIN MAKONDA	MH-DC ENV	<i>[Signature]</i>	0898245696
GVH MALUKULA	Malukula		0995843505
VH M'balula	M'balula		
VH MALUKULA 2	Malukula		0994738832
VH Chilumba	Chilumba		
Wilson Mwanji	Malukula		0999259205
Lifa Mwanji	Malukula		
Thomas Kapela	Malukula		0995360099
Kazembe Saidi	Malukula		0994358726
Atidi Idana	Chilumba		
Mariam Jafana	Malukula		0884896079
Enita Adini	M'balula		
Mary Juma	Malukula		
Datuwa Mwanji	Malukula		0882503607
Emily Tabu	M'balula		0880624198
Dennis Mambidi	Sumaiti		
Miriam James	Sumaiti		0996684977
Mary Gilbert	M'balula		
Elisa Jona	M'balula		
Biraji Adamu	Malukula		
Abiba Mwanji	M'balula		
Kose David	M'balula		
Zainab M'dala	Malukula		
Hawa Kassim	M'balula		0882945163
Evelyn Amusa	M'balula		
Flowers Jhu	M'balula		
Ellen Said	Malukula		
Lusiana Jaitu	M'balula		
Talisa Ali	Malukula		
Egnast Mustafa	Sumaiti		
Abiba Juma	M'balula		
Elen Petulo	M'balula		



MANGOCHI CHIPONDE ROAD PROJECT
PUBLIC CONSULTATION

Name	Designation	Signature	Phone Number
Okumu Sa Kutina	Chiponde		0996807606
Saimu Saka	Chiponde		0995474376
Kanjoma Kunda	Chiponde		0865290914
Malich Malich	Mtchipondo		0995788844
Kazembe Abudala	Chiponde		09991480591
YusuFu Asani	Chiponde		0991771234
Patilock Kamani	Chiponde		0999741116
Majaliwa Sumeni	Chijeta		0882528658
Namlumbwa			
Ratilo Sumaili	Namlumbwa		6991771234
Wilison Musa	Ngwale		0995494381
Doli Mkando	Ndumbi		
Bilali Jekete	Mtanga		0881012118
Jonasi Njah	Masonga		0995836851
Idilisa Abudu	Makumula		0998065022
Kajengele Rwandi	Matananda		
Edward Nhalusa	Mbosongwa		0999280649
Elias Andwochi	Chiponde		0882365409
Mdala Befulo	Chiponde		0994681170
Chikusa Maluma	Namlumbwa		
Wasili Saidi	Chiponde		
Doctor Sani	Chiponde		0996181447
Kiltinesi Jackson	Mlomba		
Jackson Wilad	Mlomba		
Samson Matela	Likosa		0999208502
Mary YusuFu	Makumula		
Enifa Sinosi	Likosa		
Manes Iweni	Likosa		0996501324
Nunu Anusa	Chindamba		
Patuma Alani	Mtchipondo		
Zione Ineck	Mtongo		
Mariam Asani	Chindamba		
Alesi Mussa	Likosa		

MANGOCHI DISTRICT COUNCIL
64 KHA 7000
MANGOCHI

MANGOCHI CHIPONDE ROAD PROJECT
PUBLIC CONSULTATION

Name	Designation	Signature	Phone Number
Elube Marita	Mnyanya		
Jenssi Rutile	Chiponde		
Patuma Issa	Likosa		
Hatima Alawi	Likosa		
Musa Ischidi	Mkutu		0990061455
Salad Mnyanya	Chiponde		0995663819
Alesi Ali	Likosa		
Esinati Musa	Chiponde		
Patuma Asim	Kansimawa		
Patuma William	Makumbala		

MANGOCHI DISTRICT COUNCIL
11/12/2011

Name	Institution	Designation
Mulanje District Council		
Gregory Kulemeka	Forestry Department	District Forestry Officer
S. Kamwagha	District Agriculture Office	DADO
James Banda	Department of Irrigation	District Irrigation Officer
Anthony Makhanga	Ministry of Sports	District Sports Officer
George Manda	Fisheries Department	District Fisheries Officer
M. Ngondo	Land Resources Department	Land Resources Department
Sydney Kananji	Forestry Department	Assistant District Forestry Officer
Osbert Kapachika	Ministry of Trade	DBPO
AchaChawinga	Ministry of Tourism	District Tourism Officer
Patrick Ndawala	Department of Information	District Information Officer
Pearson Mphangwe	Mulanje District Council	DAC
SuzenSodzapanja	Community Development Department	Community Development Officer
Dorothy Paulosi	Ministry of Education	DEM's Representative
Jarvis Mwenechanya	Environmental Affairs Department	Environmental District Officer
William Kulapani	Mulanje District Council	Director of Public Works
Golden Mbale Phiri	EAM	Project Officer
Mulanje Joint Border Committee		
MasozimWenefumbo	MBS	Inspector
EwaSibale	Combine Cargo	Supervisor
Patricia Chayekha	MRA	Deputy Station Manager
Brian Ng'omba	Prime Insurance	Underwriter
Eddings Jambe	Department of Agriculture Research	Inspector
Francis Meleke	Department of Parks and Wildlife	Inspector
Misheck Zulu	Ministry of Health	Inspector
Dickens Chikaphonya	Road Traffic Department	Road Traffic Officer
P. Kumwenda	Breakthrough Insurance	Managing Director
K. Yesaya	Immigration Department	Officer in Charge
O. Matewere	MRA	Station Manager
PAPs at the Mloza Border		
Mariam Idi	Villager	Namasalima GVH
Owen Liphevo	Villager	Namasalima GVH
MalitaOdala	Villager	Namasalima GVH
Isabel Saidi	Villager	Namasalima GVH
Judith Milimbo	Villager	Namasalima GVH
ThokozaniMateyu	Villager	Namasalima GVH

MagretMussa	Villager	Namasalima GVH
LidsonJali	Villager	Namasalima GVH
Isabel Saidi Ii	Villager	Namasalima GVH
Mary Benito	Villager	Namasalima GVH
MalitaOdala	Villager	Namasalima GVH
Ester Noniwa	Villager	Namasalima GVH
MagretMussa	Villager	Namasalima GVH
Mary Matola	Villager	Namasalima GVH
William Chauluka	Villager	Namasalima GVH
Annie Lucias	Villager	Namasalima GVH
Estere Maxwell	Villager	Namasalima GVH
BeritaSemani	Villager	Namasalima GVH
Elias Feston	Villager	Namasalima GVH
Isaac Idi	Villager	Namasalima GVH
JineSemani	Villager	Namasalima GVH
John Mutawa	Villager	Namasalima GVH
Mary Idi	Villager	Namasalima GVH
Owen Liphevo	Villager	Namasalima GVH
Petro William	Villager	Namasalima GVH
Mary Fulakishoni	Villager	Namasalima GVH
Feston John	Villager	Namasalima GVH
Friday Gowelo	Villager	Namasalima GVH
Petro Magubu	Villager	Namasalima GVH
Cecilia Charles	Villager	Namasalima GVH
LovenessNgwamire	Villager	Namasalima GVH
DelinoMbewe	Villager	Namasalima GVH
Isaac Bilai	Villager	Namasalima GVH
Estere Jonas	Villager	Namasalima GVH
	Villager	Namasalima GVH
Emma Horace	Villager	Namasalima GVH
Efeness Idi	Villager	Namasalima GVH
JineLigomeka	Villager	Namasalima GVH
Rose Joseph	Villager	Namasalima GVH
David James	Villager	Namasalima GVH
Collings Siliya	Villager	Namasalima GVH
Stephano Thomas	Villager	Namasalima GVH

