



Government of Malawi

MINISTRY OF AGRICULTURE, IRRIGATION AND WATER DEVELOPMENT

SHIRE VALLEY TRANSFORMATION PROGRAM -1 (SVTP-1)

**RESETTLEMENT ACTION PLAN FOR PHASE 1 PROPOSED CONSTRUCTION OF MAIN
CANAL FROM INTAKE TO LENGWE NATIONAL PARK**



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EXECUTIVE SUMMARY

I. INTRODUCTION

The Government of Malawi (GoM) is implementing the Shire Valley Transformation Programme (SVTP), with financial assistance from the World Bank (WB), the African Development Bank and the Global Environment Facility. The programme is aimed at developing large-scale irrigated agriculture in the Lower Shire Valley (on the west bank of the Shire River) within the administrative districts of Chikwawa and Nsanje. As part of the SVTP, main irrigation canals are planned to be constructed, to enable the conveyance of irrigation water, from the Shire River to targeted farming areas within the two districts.

Construction of the irrigation canals will affect some private land and property. Hence, this Resettlement Action Plan (RAP) has been prepared to outline steps and arrangements for compensating Project Affected Persons (PAPs) and ensuring restoration and enhancement of their livelihoods.

The Programme

The Shire Valley Transformation Program (SVTP) will include the development of irrigation on an estimated 43,370 (ha) of land, of which some 22,280ha will be utilised in the first phase and 21,090ha in the second phase of the Programme. The SVTP phase 1 will involve the construction of a main irrigation canal, for a distance of 33km and two branches of the main canal, covering 18.4km and 10.6km respectively. Construction of these main canals, together with other complementary infrastructure, will enable irrigation of the following areas in Chikwawa District:

- a. The existing 9,995ha Illovo's Nchalo Estate;
- b. The existing 2,179ha cane out-grower scheme at Kasinthula and Phata as well as Sande Ranch;
- c. 5,687ha of new land in the vicinity of Kasinthula and;
- d. 4,419ha of new land in the Mthumba Valley; and between Mwanza River and Lengwe National Park.

The current plan is to commence with the construction of the main canals under the SVTP phase 1. The construction works will include the canals running from the intake at the right bank of the head-pond of the Kapichira hydro-power dam, all the way to Lengwe National Park. Areas to be affected by construction of the SVTP-1 main canals include 29 villages in Traditional Authorities of Ndakwera, Kasisi, Katunga, Lundu, and Maseya in Chikwawa District. The proposed main canal construction will have impacts of resettlement and loss of livelihoods on the communities that are residing or doing their businesses within the 60m way leave of the proposed canals.

II. POLICY AND LEGAL FRAMEWORK FOR THE RAP

Malawi has enacted 10 land related laws including; Land Act, 2016; Customary Land Act, 2016; Land Survey Act, 2016; the Lands Acquisition and Compensation (Amendment) 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 have also been reviewed. In addition, relevant national policies and documents (including The Malawi Growth and Development Strategy III and the Malawi National Land Policy) were reviewed. The development of this RAP has also considered the international best practice, notably the African Development Bank's (AfDB) policy on Involuntary Resettlement and the environmental and social policy and safeguards requirements of the World Bank (OP/BP 4.12 - Involuntary Resettlement). The national and

international legislation and policies have been reconciled to ensure the PAPs are appropriately compensated and that they are better off after compensation than before.

III. RESETTLEMENT PRINCIPLES AND OBJECTIVES

The construction activities for the proposed main canals under SVTP-1 are anticipated to cause some loss of land and immovable assets, as well as some physical displacement of residential and other structures in the Project areas. Therefore, to minimise the social impacts, loss of property and loss of livelihoods associated with the Project, the GoM through the SVTP has procured the services of Water, Waste and Environment Consultants (WWEC) to prepare a Resettlement Action Plan (RAP), which details steps for ensuring minimization of impacts of physical and economic displacement of the Project Affected Persons (PAPs) in the Project locations.

The RAP presents a strategic and methodical process to ensure that there is appropriate compensation upon land acquisition, relocation, loss of assets and impact on livelihood in the Project areas. The specific activities for the RAP include determination of the physical limits, relevant issues and time frame for the RAP, information on the existing environment and methods of survey/data collection to establish number of PAPs; a list of PAPs and affected property; methods for the assessment and valuation of property; compensation amounts and analysis of the findings; and consultations with the affected communities and other interested stakeholders such as the Chikwawa District government offices.

This RAP also includes information on the PAPs in the proposed Project sites for the main canal construction. It includes potential negative and positive impacts likely to be generated from the sub-Project activities, options and alternatives to avoid, minimize or mitigate the negative impacts and an Entitlement Matrix to facilitate appropriate compensations to the PAPs. Implementing modalities for the RAP include guidance on activities that must be completed prior to commencement of compensation payments, prior to commencement of any civil works and before completion of all the Project activities; to safeguard PAPs interests and livelihoods. A Grievance Redress Mechanism, that aims to use the existing structures and that facilitates grievance resolution at higher levels (including the court of law, where necessary), has been drawn up.

The implementing agency for the Programme will be the Ministry of Agriculture, Irrigation and Water Development, through the Shire Valley Transformation Project Management Team (PMT). The implementing agency will be responsible for the entire Programme; being in charge of all the activities, including those related to compensation payment and grievance redress.

IV. BASELINE INVENTORY

Field investigations, public consultations and household surveys, were carried out from 14th to 25th May 2018, to collect both primary and secondary data. Follow-up field investigations were also conducted to investigate and address specific issues identified during the initial field investigations.

The width of the main canal, for the SVTP, is based on the lined canal design, which, according to the detailed design report, the upper reach of the Main Canal is 21.6 meters for the actual canal and 40-45 meters overall, including the maintenance road.

The field investigations focused on the identification of parcels of land and property, to be affected by the Project, within the 60-metre wayleave (which includes the maintenance road) of the irrigation canal. The affected land and property were identified and their positions and

sizes established using cadastral maps, the GPS and measuring tapes. Data collected from the investigations includes:

- a) Property sizes, location, ownership, construction materials for structures, current use and condition etc.;
- b) Number and sizes of trees to be affected by the Project, including types (whether indigenous or exotic; or fruit or not); and
- c) Type of crops likely to be affected by the Project

The methodology for the RAP involved four phases. The first activity was to determine the sample size for socio-economic survey which is 350 households. The second phase included preliminary interactions with stakeholders, desk review of the relevant literature and reconnaissance surveys that involved visits to the proposed canal route. The third phase included field surveys as the main activity. These field surveys involved community sensitization meetings, census, asset inventory survey and socio-economic surveys. The consultant deployed a team of 27 field workers sub-divided into 3 smaller teams.

As part of the field activities, community leaders, Chikwawa District Council officials and the PAPs themselves were consulted and engaged in the search for sites in the immediate vicinity and other parts of the project area to identify suitable alternative land for PAPs to move to, and to continue their farming, small-scale businesses and other economic activities. The last phase was the compilation and analysis of all data collected for report preparation.

The following information is based on a literature review and a socioeconomic/household survey, focus group discussions with community members and consultations with district council officials:

- a) Chikwawa District, has a projected population of 566,283; of which 49.51% is hosted by the impacted Traditional Authorities areas;
- b) The proposed canal passes through a number of villages, with both burnt bricks and iron sheets roofed houses; and some made of mud bricks with grass thatch;
- c) The average household size is 5.1 persons and 77% are male headed households;
- d) The Mang'anja are the most dominant tribe, followed by the Sena. Chichewa, Chinyanja and Sena are the most common languages spoken in the district;
- e) About 88% of the households practice the matrilineal system of marriage (chikamwini) whereby land is acquired through marriage and a man resides in the wife's village; while the rest practice the patrilineal system (chitengwa) of marriage, where the woman follows the husband to his village;
- f) About 64% of total surveyed land is under customary ownership, 25% is under leasehold and 5% was rented. Most of the land is inherited from parents or clan;
- g) The main income/ livelihood support activity is crop production (97%) followed by livestock production at 55% of the surveyed households;
- h) Main crops grown in the Project impact area are maize, sorghum, millet and beans. More than 50% of the households did not harvest enough to cover their food needs;
- i) All the households (100%) indicated that they owned at least a hoe and 20% said they owned a bicycle;
- j) There is limited access to credit and loan which affects businesses;
- k) Access to health and education services is constrained by poor and inadequate delivery systems, infrastructure and in some cases poor governance;
- l) About 95% of the households' access water from boreholes, 3% get their water from communal taps and piped water, while 1 % use unprotected wells;
- m) There is a high prevalence rate of bilharzia (619 reported cases) in T/A Lundu area due to the fact that people take their baths in the sugarcane irrigation canals; less than

the cases reported for the same period in T/A Maseya (30), Chapananga (188) and Kasisi (96);

- n) About 94% of the respondents use traditional pit latrines, 3% use improved pit latrines and the rest are using the Ecosan toilets;
- o) The most common disease is malaria, with more than 60% saying they had been affected within the last 3 months, followed by respiratory infections and diarrhoea;
- p) About 56% of the respondents had primary education, 27% did not have any form of education and about 16% had secondary school education;
- q) Levels of education are very low, especially amongst the girls. This is attributed to the cost of education; as recorded from 56% of the respondents, distance from 9% and laziness from 12% of the respondents. Winter cropping was also reported to contribute to increased pupil absenteeism. Drop out of school girls, due to pregnancies, is common among schools close to the sugar plantations and estates; as the men there have some disposable cash to lure the girls with;
- r) Disability proportion for the surveyed households is low, with 4% of the members of the households being handicapped or chronically ill; of which 2% are blind;
- s) The main source of energy for cooking is firewood (as indicated by 98% of the households); and for lighting. Eighty-five (85) percent of the respondents of the household survey said they used torches.
- t) The number of Project Affected Households that will lose land but will not be physically relocated is 873. Where the canal passes through villages, the number of households that will have their dwelling units physically relocated to other sites within the same villages is 108. The number of households that will be affected by non-land economic displacement (i.e. loss of structures, businesses, livelihoods, etc.) is 160.
- u) Of the total number of PAPs of 1,239, 563 are females and 676 are males. Of these 475 are vulnerable. These include the elderly (172), people with disabilities (69); chronically ill (57), female heads (114), child heads (3) and people living with HIV/AIDS (3).

V. ELIGIBILITY CRITERIA

For this RAP, all PAPs including those who have no legal rights or claim to the land they are occupying are eligible for compensation or other assistance, commensurate with the nature and extent of the impact. Identification documents (IDs), legally recognized are used to identify eligible PAPs. Alternatively, local chiefs were called to identify their subjects. This led to the development of the Entitlement Matrix for different categories of PAPs and impacts.

VI. VALUATION AND COMPENSATION FOR LOSSES

Valuation of assets in this Project is based on the local laws and the African Development Bank, as well as the World Bank Involuntary Resettlement policy. The Standards of the two banks on Land Acquisition and Involuntary Resettlement require that when host regulations differ from their guidelines, Projects are expected to apply whichever legislation is more stringent. Where less stringent measures are appropriate, due to specific Project circumstances, a detailed justification for any proposed alternatives is needed.

VII. IMPLEMENTATION MECHANISM

Community participation and stakeholder engagement; using consultative and participatory meetings, interviews and discussions; and administration of questionnaires have been ongoing since the contract for the assignment was signed. During the socio-economic survey, census and asset inventory, over 90% of the PAPs were personally informed about the Project. A detailed explanation of the Project was presented and the anticipated positive and negative (adverse) impacts were extensively discussed. Generally, the communities are excited about the Project as it will improve agricultural development and food security. The

PAPs were informed about their rights and options. The grievance mechanism proposed to be instituted was also discussed and inputs were solicited from the stakeholders including the PAPs and it was emphasised that participation of local leaders, PAPs and the general public in disseminating information and resolving disputes will be of paramount importance.

Grievance Redress

The primary responsibility to address all complaints and grievances lies with Project developer, the MoAIWD through the PMT. The PMT to be responsible for operationalization of the following Grievance Redress Committees; and to provide them with specific terms of reference as well as appropriate training and resources:

- a) Group Village Grievance Redress Committee (GVGRC) to operate at Group Village Headman level;
- b) Area Grievance Redress Committee (AGRC) to operate at Traditional Authority Level;
- c) District Grievance Redress Committee to operate at District Level; and
- d) MoAIWD (Project Management Team) to operate at National Level.

A Grievance Redress Mechanism (GRM) for resolving all types of grievances, relocations and entitlements related to the Programme has been established. It is part of the SVTP Programme Management Team (PMT). The GRM is headed by the Social Safeguard Specialist and supported by a Communication Officer, Environmental Safeguard Specialist and the Monitoring and Evaluation Specialist under the supervision of the Project Coordinator

Complaints that are connected to the Project shall be referred to the Group Grievance Redress Committee (GGRC). The GGRC shall maintain a record/ register of all complaints/ grievances received so that these can be kept collectively in one place. At this step, all cases are to be heard by the GGRC and addressed through consultations conducted in a transparent manner; and aimed at resolving matters through consensus. Where the matter is not resolved, the affected party will have recourse to appeal to the AGRC, which will hear and provide feedback within 14 days. If the affected party is not satisfied with the ruling, they will be referred to another level of the grievance redress mechanism. If the complainant is not satisfied with the decision made at any level, he/ she will be informed of his/ her rights to take the grievance to the court of law, which includes magistrate courts, the high and supreme courts of Malawi. However, the courts should be the last option, in view of the lengthy process that is usually involved.

The main responsibilities of the PMT in the GRM include overall management of the GRM, including but not limited to managing the grievance redress process and procedures; registration of complaints; capacity building of the grievance committee(s), outreach and external communications; tracking performance and monthly reporting. The SSS is the overall responsible person for implementation of the GRM, while the Communication Officer is responsible for building community capacity on handling grievances, accessing the Shire Valley Transformation Programme Grievance Redress Mechanism and creating demand for the GRM through information, education and communication activities. The field officers under the DC's office are responsible for mobilising and supporting communities (PAPs) to access and use the Grievance Redress Mechanism.

The PMT has operationalized the GRM structures at GVH, TA and District level to ensure that PAPs have easy access to legitimate, reliable, transparent, and efficient institutional mechanisms that are responsive to their complaints. As much as there are different tiers of the redress mechanism, PAPs will be free to use any facility they deem approachable and efficient to them. However, the design of the GRM is to ensure that grievances are resolved at the lowest tier and, as much as possible, avoid escalating cases to higher levels. But the decision to appeal to higher levels will solely lie in the hands of the aggrieved person. A PAP representative will sit in all the different grievance levels and where necessary the system will

ensure that there is female, youth and the vulnerable representation by co-option. The proposed composition of the committees and their roles and responsibilities are presented in Table 7.3.

Rap Implementation Responsibilities

The RAP implementation will be conducted by the District Commissioner's Office. The RAP Implementation Team will work with the communities, local leaders and Traditional Authorities. The RAP Implementation Team will among others undertake the following:

- Conduct awareness and outreach meetings
- Prepare monthly progress reports
- Making payments
- Confirming PAPs valuation schedule and compensation
- Assisting in grievance redress process
- Preparing the RAP Completion report

At the national level, the Ministry of Lands, Housing and Urban Development will be responsible for provision of advice, to Chikwawa District Council and the PMT. In terms of livelihoods restoration, the PMT will facilitate the process.

Monitoring Arrangements

Internal monitoring by the PMT will commence soon after the RAP approval. This will include recording Project inputs, including readiness of the institutions such as the Grievance Committees and the Payment Agent. It would also include Project outputs (e.g. number of persons affected and compensated); and the overall physical and financial progress on readiness to site handing over and commencement of construction. Internal monitoring shall be based on reviews of reports produced by the Office of the District Commissioner, supplemented by field visits to Programme areas, with regular updating of the RAP Database. Internal monitoring will facilitate production of fortnightly reports for use within the SVTP technical team, the African Development Bank, the World Bank and the technical design/construction supervision consultant. The activity will continue across subsequent stages and until the end of the Programme or up to a desired period as necessary, based on review of progress and completion of activities.

VIII. BUDGET AND BUDGET ASSUMPTIONS

The Budget estimate for the RAP Implementation is **MK1.295 billion (US\$1.749 million)** and details are presented in Chapter 8 of this report. This cover the total number of Project Affected Persons is 1,239. The number of Project Affected Households that will lose land but will not be physically relocated is 873. Where the canal passes through villages, the number of households that will have their dwelling units physically relocated to other sites within the same villages is 220. The number of households that will be affected by non-land economic displacement (loss of structures, businesses, livelihoods) is 160. The number of vulnerable PAPs is 475. These include the elderly (172), physically challenged (69); chronically ill (57), female heads (114), child heads (3) and HIV/AIDS (3).

Land costs are based on the provision of the entitlement matrix and the land values per hectare in the Project area as well as on other recent similar Projects. The quantum of affected land for each land parcel was multiplied by full (100%) value of the land per hectare to reflect the idea that PAPs will no longer be allowed access to the way leave land and that any further access will be at their own risk, with no more compensation for any incidents that may occur. Details of the sizes of the quantum of land on the proposed canal corridor are given in the first table of chapter 8. The costs of structures represent the full replacement

costs, without depreciation.

The value of natural and exotic trees was based on the rates of 2010 from the Forestry Gazette. The values of fruit trees were based on the 2010 table of values, sourced from the Ministry of Agriculture, Irrigation and Water Development. The compensation rates (Annex 8) for fruit trees has considered the duration from tree transplanting to fruit bearing age. Seedlings shall be supplied besides the cash compensation for loss of fruit trees. The cost for purchase of the fruit seedlings has been included in the budget.

Disturbance allowance, levied on the total compensation amount, was taken as 20% of the value of the land lost, based on the Central Bank Lending Rate of 16 percent with a 4% allowance. A shifting/moving allowance was added to the budget to cater for those PAPs who are required to relocate from their current location due to loss of structures under the canal. A top-up of 20% on the base compensation amount payable is provided for livelihood restoration and support to vulnerable groups. A contingency of 5% of the total has been included, to accommodate cost escalations. An exchange rate of US\$ 1.00=MK 740.00 is used in the cost calculations for the total budget of **MK1,275,470,927.85**. (equivalent to **(US1,723,609.36)**).

IX. MONITORING, EVALUATION AND REPORTING

This RAP will be implemented to support a large number of Project Affected Persons and will require involvement of multiple stakeholders such as the Chikwawa District Commissioner's Office and the canal construction contractor, etc. Therefore, there is need for a robust mechanism for tracking progress, highlight bottlenecks and redressing the issues effectively and in a timely manner. It also requires that at the end of the RAP implementation period, an evaluation should be carried out, to ascertain that the planned activities have achieved the originally set objectives; i.e. whether livelihoods and living standards of the PAPs were restored to pre-Project status or enhanced. For this reason, the Ministry of Agriculture, Irrigation and Water Development (MoAIWD) through the SVTP Technical Team will conduct internal monitoring; and an End Evaluation for the RAP.

The Chapter includes performance indicators, a description of process monitoring, the timelines for the RAP implementation, evaluation and follow-up of RAP implementation, the composition of the team that will implement the monitoring as well as the reporting frequencies.

X. RAP IMPLEMENTATION SCHEDULE

The programme is ready to implement the resettlement plan for the main canals this year but the actual construction at the lower reaches of the canals may take place 2 to 3 years after compensation. To mitigate for the unforeseen challenges including failure to surrender land or the land being occupied by other people not included the RAP, a number of measures have been put in place as follows:

- i. All structures shall be removed from the canal alignment once compensation has been made.
- ii. PAPs/PAHs shall sign an agreement to requirement (i) and also sign to acknowledge receipt of compensation;
- iii. The project shall ensure that all structures have been removed from the canal alignment and that government takes 'possession' of the alignment upon PAPs receipt of compensation;
- iv. The project shall undertake comprehensive publicity and awareness creation on the ownership of alignment by government;

- v. The RAP cut-off date of 15th July 2018, while widely publicized in the project area, still requires an official gazetting. The gazetting process has taken quite long but it is now nearing its conclusion. During RAP preparation, PAPs have been informed about their options and rights. In this case PAPs have chosen to receive cash compensation for the loss of land and assets. In line with OP 4.12, i) the project has put in place a mechanism to ensure that compensation is paid to individual PAPs and spouses; ii) the moving allowance should not be dispensed to PAPs unless there is evidence of location and structures to be erected; and iii) the project should put in place a mechanism for follow up on the reconstruction of structures by PAPs.

The activities that need to be completed prior to commencement of compensation payment are:

- Operationalisation of the GRM – this has been completed already;
- Clearance of the RAP by the World Bank and AfDB before approval by the Client;
- Disclosure of the RAP;
- Finalisation of the RAP database;
- Financial literacy training of the PAPs;
- GVH and TA level meetings to counsel the PAPs; and
- Opening of Bank accounts. The payment modes have been detailed.

All the activities are planned to take place from June to July so that payments of compensation can start in August 2019.

XI. CONCLUSIONS AND FURTHER MEASURES TO BE OBSERVED

The proposed canal route traverses six T/As of Kasisi, Katunga, Maseya, Ndakwera and Paramount Chief Lundu in Chikwawa District. It affects 1,239 PAPs, two schools and a church. There are considerable impacts but these can be mitigated. Furthermore, there must be a prioritisation on community engagement in the RAP implementation phase, to ensure that the communities and especially the PAPs are supporting the Programme even during the construction phase. In general, there was no dissenting opinion about the proposed Programme from the affected communities. However, conducting effective engagement with the communities would inspire strong support from the people. It is also recommended that the Programme should consider compensating the PAPs in a fair and timely manner, to avoid claims of undervaluation, due to delayed payment of compensation. PAPs will need to be prepared socially and economically (e.g. in financial literacy, skill and business development trainings livestock production, crop management and diversification and irrigation water management, for proper use of the compensation packages and improvement of livelihoods. It is also recommended that PAPs should be given enough time (at least a month) for relocation and operation phases.

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ACRONYMS AND ABBREVIATIONS

%	Percent
ADCs	Area Development Committees
AIDS	Acquired Immune Deficiency Syndrome
ADC	Area Development Committee
ADD	Agricultural Development Division
ADMARC	Agricultural Development and Marketing Corporation
AfDB	African Development Bank
AGRC	Area Grievance Redress Committee
AWF/AfDB	African Water Facility/ African Development Bank
BP	Bank Policy
CADECOM	Catholic Development Commission in Malawi
CAVWOC	Centre for Alternatives for Victimised Women and Children
CBO	Community Based Organization
CBO	Community Based Organization
CCJP	Catholic Commission for Justice and Peace
CGRC	Central Grievance Redress Committee
COI	Corridor of impact
COMSIP	Community Savings and Investment Promotion
CPEA	Coordinating Primary Education Advisor
CSO	Civil Society Organisation
DADO	District Agricultural Development Officer
DC	District Commissioner
DEC	District Executive Committee
DGRC	District Grievance Redress Committee
DoA	Director of Administration
DPD	Director of Planning and Development
DRR	Disaster Risk Reduction
DSIP	District Strategic Investment Plan
EPA	Extension Planning Areas
ESCOM	Electricity Supply Corporation of Malawi
ESIA	Environmental and Social Impact Assessment
EAM	Evangelical Association of Malawi
FINCA	Foundation for International Community Assistance
FGD	Focus group Discussion
GBV	Gender Based Violence
GoM	Government of Malawi
GPS	Global Positioning System
GRM	Grievance Redress Mechanism
GRMCs	Grievance Redress Mechanism Committees
GVH	Group Village Head
GGRC	Group Grievance Redress Committee
ha	Hectares
HIV	Human Immunodeficiency Virus
HMIS	Health Management Information System
ICT	Information and Communications Technology
ID	Identification
IVSC	International Valuation Standards Council
JCE	Junior Certificate of Education
km	Kilometres
LO	Lands Officer
m	Metres
MASEDA	Malawi Social Economic Database
MGDS	Malawi Growth and Development Strategy

MHM	Menstrual Hygiene Management
MK	Malawi Kwacha
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
MoLHUD	Ministry of Land, Housing and Urban Development
MSCE	Malawi School Certificate of Education
NAPHAM	National Association for People Living with HIV and AIDS in Malawi
NICE	National Initiative for Civic Education
NGO	Non-Governmental Organisation
NSO	National Statistical Office
OP	Operating Policy
PA	Payment Agency
PAHs	Project Affected Households
PAPs	Project Affected Persons
PHC	Population and Housing Census
PIU	Programme Implementation Unit
PMT	Project Management Team
RAP	Resettlement Action Plan
RoW	Right of Way
RPF	Resettlement Policy Framework
SEP	Socio-economic Profile
SIM	Surveyors Institute of Malawi
SVTP	Shire Valley Transformation Program
SVTP-1	Shire Valley Transformation Program Phase 1
SVIP	Shire Valley Irrigation Project
TA	Traditional Authority
ToR	Terms of Reference
UP	United Purpose
USD	United States Dollars
VDCs	Village Development Committees
GVGRC	Group Village Grievance Redress Committee
VH	Village Head
VSL	Village Savings Loan
WASH	Water Sanitation and Hygiene
WB	World Bank
WHO	World Health Organisation
WOLREC	Women's Legal Resource Centre
WVEC	Water Waste and Environment Consultants
YONECO	Youth Net and Counselling

GLOSSARY OF TERMS

This glossary of terms has been developed from different sources including the World Bank, the African Development Bank and some literature quoted in the reference section

- **Agriculture:** The practice of growing crops and raising of animals on land for human use
- **Agricultural land:** Any land under cultivation of crops and raising/rearing of animals
- **Annual crop:** crop that completes its life cycle, from germination to the production of seed, within one year, and then dies. Examples are Maize, ground nuts, soya beans, cotton, pigeon peas, etc.
- **Building or Structure:** refers to a dwelling unit/house or anything constructed for habitation or housing of a business enterprise or kitchen, toilet, kraal, etc.
- **Census:** A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing a Resettlement Action Plan (RAP).
- **Compensation:** Money or payment in kind to which the people affected by the Project are entitled, as decreed by government regulations or laws in order to replace the lost asset, resource or income
- **Corridor of impact (COI) or way-leave:** Refers to the minimum land width required for the proposed main canals (measuring 30 metres each way from the canal centre line).
- **Customary Estate:** Under the Customary Land Act 2016, 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 (Amendment) Act 2016.
- **Cut-off date:** According to World Bank's operational policy OP/BP 4.12 on Involuntary Resettlement, normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.
- **Dwelling unit:** It may be defined as any structure – permanent, semi-permanent or traditional where people live and sleep. This is irrespective of the size of the household and building. A household may contain one or several dwelling units.
 - **Permanent structure:** Dwelling units built with durable materials, a roof made of iron sheets, tiles, concrete or asbestos and walls made of burnt bricks, concrete or stones
 - **Semi-permanent structure:** Dwelling units lacking materials of a permanent structure for wall or roof. These are built with non-permanent walls such as sun-dried bricks or non-permanent roofing materials such as grass thatch
- **Dwelling (or Structure) owner:** The owner of a dwelling unit/house or anything constructed for habitation or housing of a business enterprise
- **Eligibility:** The criteria for qualifying to receive benefits under a resettlement program.
- **Entitlement:** Range of measures comprising compensation, income restoration, transfer assistance, income substitution and relocation, which are due to affected people, depending on the nature of their losses, to restore and improve their economic and social base.
- **Expropriation:** The action of a government in taking or modifying property rights of an individual in the exercise of its sovereignty;
- **Fruit trees:** Any tree which is planted for fruit purposes are referred to as Fruit Trees
- **Perennial crops:** Any plants/crops that live for more than two years;
- **Graveyard:** Any area designated and being used as a burial site in the community
- **Grievance Redress Mechanism:** Complaint mechanism is a locally based formalized way through which Project affected people and communities may raise their concern directly with the Programme when they believe the Programme has caused or may cause them

harm. The Grievance Redress Mechanism ensures that complaints are being promptly received, assessed and resolved by those the responsible for the Programme, in this case the SVTP.

- **Host Community:** Community residing in or near the area to which affected people are to be relocated.
- **Household:** The term household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
- **Household Head:** For purposes of the census, the household head was considered to be that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household. Hence the people presented in this report as household heads are those males or females who were reported as heads by members of their specific dwelling units.
- **Improvement:** In relation to any land, improvement means any work or product of work which materially adds value to the land and which is suitable to the land and consistent with the character thereof;
- **Income:** Income of the PAP shall mean the amount, prior to the cut-off date, from all occupations/ sources taken together calculated by an objective assessment;
- **Involuntary Resettlement:** Development Projects result in unavoidable resettlement losses, that affected people have no option but to rebuild their lives, incomes and asset bases elsewhere. Involuntary resettlers are thus people of all ages, outlooks and capabilities, many of whom have no option but to give up their assets. African Development Bank and World Bank policies designates involuntary resettlers as requiring assistance;
- **Kraal:** a pen or other enclosure for livestock, especially cattle;
- **Land:** means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock or other substance and includes the surface covered with water, all things growing on that surface, buildings, other things permanently affixed to the land and free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the airspace imposed, and rights in the use of airspace granted, by international law.
 - **Customary Land:** Land held in trust by the chief for the people
 - **Private Land:** All land which is owned, held or occupied under a freehold title, or a leasehold title and is registered as such under the Registered Land Act;”
 - **Freehold land:** Land held absolutely privately in perpetuity on which no ground rent is paid.
 - **Leasehold land:** land held privately for a term of years
 - **Public land:** land held in trust for the people of Malawi, managed by government, and includes any land held by the government or local authority and, land gazetted for national parks, forest reserves, and recreation areas, historic or cultural sites.
- **Land Acquisition:** The process of acquiring land under the legally mandated procedures of Malawi
- **Land owner:** Means holder of a parcel of land or a proprietor of land (whether private or public, according to the GoM Land Act of 2016), who is responsible for the payment of land revenue;
- **Livelihood Restoration:** Livelihood Restoration means the measures required to ensure that Project Affected Persons (PAPs) have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-Project levels. Inventory of Losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
- **Other trees:** natural trees and exotic trees as contained in the Forestry Gazette, Government of Malawi

- **Person:** Includes an individual, a firm, a company or an association or a body of individuals whether incorporated or not;
- **Programme:** Refers to the Shire Valley Transformation Program being implemented by the Malawi Government through the Ministry of Agriculture Irrigation and Water Development, with financial support from the African Development Bank and World Bank. It also refers to the sub-Programmes to be taken up under this Programme;
- **Project Affected Person (PAP):** Any person, tenant, government lessee or owner of other property, or non-titleholder (unauthorized occupant) who on account of the Project has been affected from such land or other property in the affected area will be considered as a PAP;
- **Project Areas:** Areas in and adjacent to the construction areas and other areas to be modified by the Project;
- **Rehabilitation:** In terms of matters of compensation for lost assets, it refers to the re-establishing of incomes, livelihoods, living and social systems.
- **Rent:** payment made in respect of use of someone' property;
- **Renter:** A person who has made payment in respect of use of someone' property
- **Replacement Cost:** Replacement cost, as a rate of compensation for lost assets, must be calculated as market value plus transaction costs. i.e. a replacement cost/value of any land or other asset is the cost/ value equivalent to or sufficient to replace/ purchase the same land or other asset;
- **Relocation:** Rebuilding housing, assets, including production land, and public infrastructure in another location;
- **Resettlement:** The entire process of relocation and rehabilitation caused by Project related activities;
- **Resettlement Impacts:** The direct physical and socio-economic impacts of resettlement activities in the Programme and host areas;
- **Resettlement Plan:** A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation;
- **Shop:** Means any premises where any trade or business is carried on and where services are rendered to customers;
- **Squatter:** A person who has settled on public/government land, land belonging to institutions, trust, etc. and or someone else's land illegally for residential, business and or other purposes and/or has been occupying land and building/asset without authority;
- **Temporary Impact:** Impact expected during implementation of the Project in the form of earth spoil, tremors and vibrations, etc. affecting land and structure or loss of access;
- **Tenant:** A person who: holds or occupies land or structure of another person (but for a special contract) and would be liable to pay rent for that land/structure.
- **Unauthorized Occupant:** Person occupying land he does not own, for livelihood purposes, cultivation, shop or any other purposes;
- **Vulnerable groups:** In accordance with the practice at Chikwawa District Council, vulnerable groups of people are identified as: women, children, child-headed households, people living with HIV/AIDS, people with disabilities, orphans and the elderly.
- **Wage earner:** Wage earners are those whose livelihood would be affected due to the displacement of the employer. The person must be in continuous employment for at least six months prior to the cut-off date, with the said employer and must have reliable documentary evidence to prove his/her employment; in absence of formal agreement, identification through premises owner or neighbour communities would be undertaken.

Chapter 1 : INTRODUCTION

1.1. Programme background and description

Agriculture is the main source of Malawi's economic activity, contributing about 85 per cent of employment and over 80 per cent of the country's total export earnings. The country has been heavily dependent on rain-fed agriculture to achieve food security, increased income and to ensure sustainable socio-economic growth and development. This over-dependence on rain-fed agriculture has led to low agricultural production and productivity due to weather shocks and natural disasters.

In light of the negative outcomes stemming from this over reliance on rain-fed agriculture and the fact that agriculture is very vital to the nation's development, the GoM is embarking on small, medium and large-scale irrigation development, in line with the Government's overall development agenda, as stipulated in the Malawi Growth and Development Strategy III (MGDS III). As part of the initiative, the GoM intends to develop irrigated agriculture in the Shire Valley (on the west/right bank of the Shire River) within the administrative districts of Chikwawa and Nsanje.

The development of irrigated agriculture in the two districts is being planned for implementation under the Shire Valley Transformation Programme (SVTP), with financial assistance from the World Bank (WB), The African Development Fund and the Global Environment Facility (GEF).

1.2. Programme objectives and components

The SVTP is planned to develop 43,370 hectares (ha) of irrigated land and will be implemented in two phases, with the first phase covering 22,280ha of land, involving construction of a main irrigation canal for a distance of 33km and two branches of the main canal (main canal 2 covering 18.4km and main canal 3 covering 10.6km). This RAP covers Main Canal 1 and 2 with a total length of 51.4kms.

The program development objective (PDO) for the Shire Valley Transformation Program is to increase agricultural productivity and commercialization for targeted households in the Shire Valley, and to improve the sustainable management and utilization of natural resources. The SVTP-I Project Development Objective is to provide access to reliable gravity fed irrigation and drainage services, secure land tenure for smallholder farmers, and strengthen management of wetlands and protected areas in the Shire Valley.

The SVTP is a 14-year program (2018-2032) structured around three coordinated pillars: (i) providing reliable, professionally managed and sustainably financed irrigation service to a large number of irrigators in a phased construction of the Shire Valley Irrigation Scheme and providing multiple services, including water supply; (ii) supporting farmer organizations within a comprehensive land use plan, supporting land tenure strengthening and consolidation, as well as natural resources management; and (iii) establishing smallholder-owned commercial farm enterprises transitioning into commercial agriculture from subsistence farming and integrating them into commercial value chains. These pillars all contribute to the overarching goals of the program, and build on each other in a phased approach.

There are three sequential, but partially overlapping phases, with different donor and private financiers expected to enter the programme at different times, either under co-financing or parallel financing arrangements.

SVTP-I will initiate the process on all pillars with a major focus on irrigation services provision to the SVIP-I area, including on-farm developments in part of the area, land tenure, farmer organization, and natural resource management. While not investing heavily yet in areas of agricultural commercialization and investment promotion, it incorporates the vision and principles of agricultural modernization and commercialization and prepares for downstream investments under SVTP-II.

SVTP-II will shift focus to agricultural investment, private sector and value chain support, particularly in the SVIP-I area, as well as investments in bulk irrigation water supply and other infrastructure for the SVIP-II area and remaining on-farm developments in SVIP-I area.

Finally, SVTP-III will be the scale-up phase of investments to the SVIP-II area and ensuring that developments in both areas are sustainable. These phases will be overlapping. Subsequent phases will depend on the satisfactory progress of the previous phase, including achievement of interim results, and shall incorporate lessons learnt from earlier phases.

The first phase will see the construction of other important structures which will include an intake structure, 16 lined secondary canals, 16 primary off-takes, some night storage reservoirs, siphon structures, aqueducts, dykes, drainage structures and access roads among others. It will target the district of Chikwawa and will enable irrigation of the following areas under gravity water supply system:

- a. The existing 9,995ha Illovo's Nchalo Estate;
- b. The existing 2,180ha cane out-grower scheme at Kasinthula and Phata as well as Sande Ranch;
- c. 5,705 ha of new land in the vicinity of Kasinthula to be commanded from the proposed Main Canal and;
- d. 4,420 ha of new land in the Mthumba Valley; and between the Mwanza River and Lengwe National Park, to be commanded by Main Canal 2 and 3.

The second phase of the SVTP will cover 21,090ha and will be commanded by Bangula Canal which is the continuation of main canal 2. Of the 21,090ha, approximately 3,580ha have already been developed by Illovo Sugar Company and Kaombe estates for irrigated sugar cane through existing irrigation system that abstracts water from the Shire River by pumping. It is expected that this system will be converted to a gravity water supply once the canal is completed. The remaining 17,520ha is currently under smallholder holdings. This area is targeted for land consolidation to transform the smallholdings into consolidated smallholder farms; managed professionally and producing largely commercial crops.

Figure 1.1 shows the location of the Shire Valley Agriculture Development Division (ADD), which will benefit from the SVTP; and figure 1.2 shows the areas that are to be impacted by the irrigation canal system, to be constructed under phase 1 of the SVTP in Chikwawa District. Construction of the main canals for phase 1 of the SVTP, from the intake to Lengwe National

Park is anticipated to affect communities in 29 villages of Traditional Authorities Kasisi, Ndakwera, Katunga, Lundu, and Maseya in Chikwawa District.

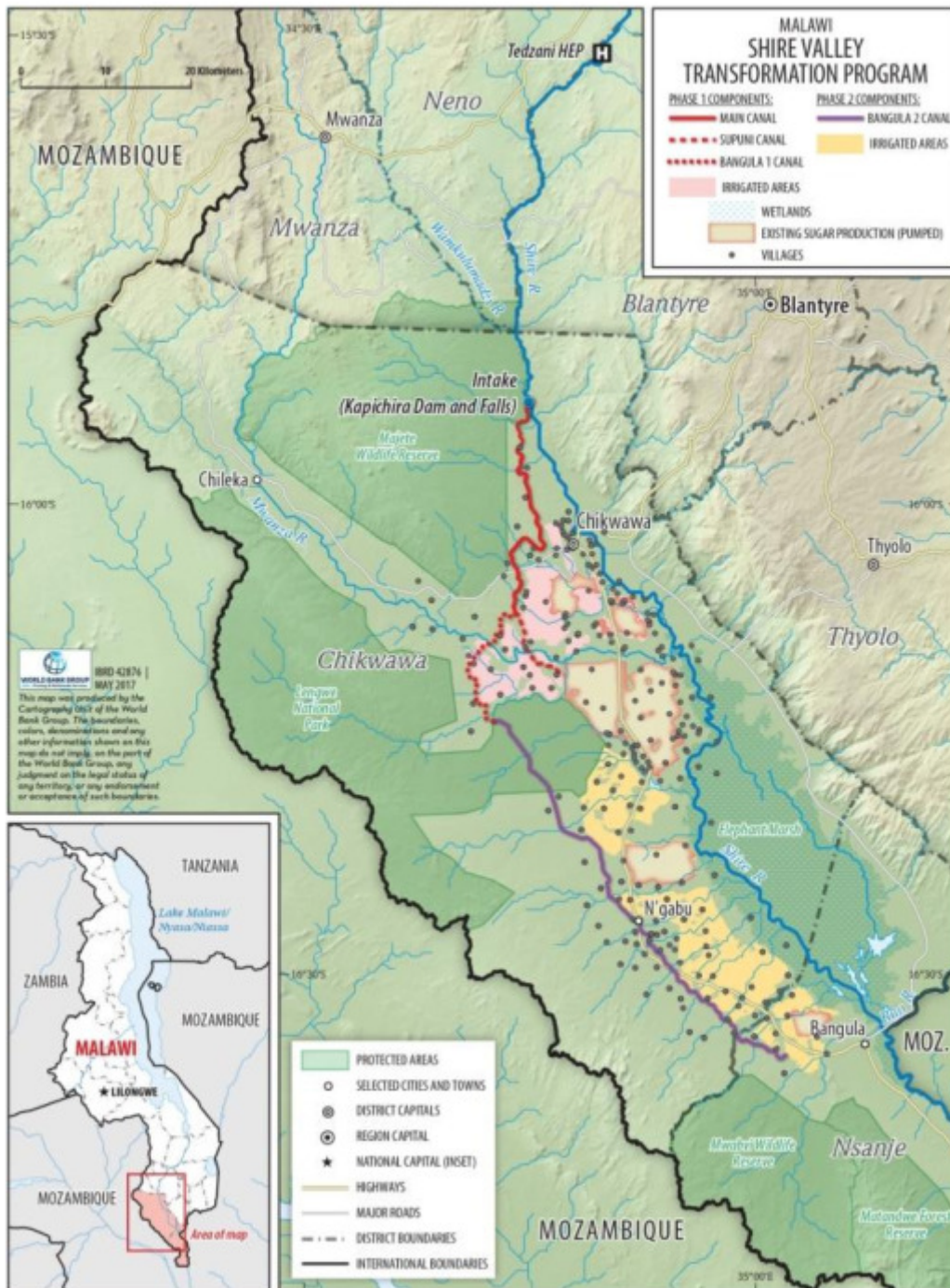


Figure 1.1: Map showing the Programme area within the targeted districts

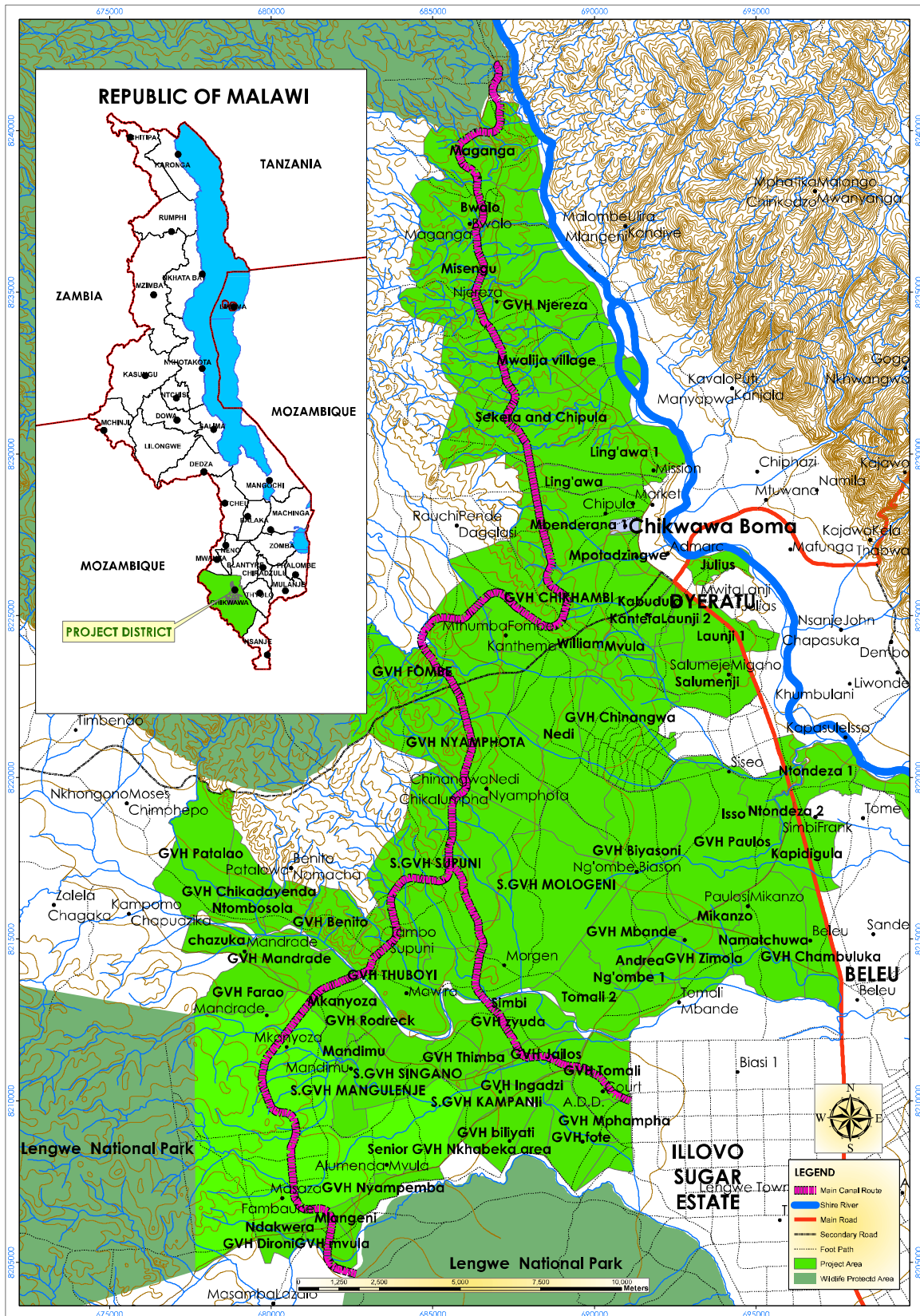


Figure 1.2: Topographical map of SVTP canal development (Phase 1)

The intake structure, proposed to be located at the right bank of the head-pond of the current Kapichira hydropower dam, will have a 46.5 metres wide sill and 12 sluice gates, each of 3m width. For the main canal, main canal 1, main canal 2 and main canal 3 there will be variations in the width. This is mainly because the canal width depends on the slope that is needed for the earthworks on both sides of the canal. The width of the canals will also vary at different locations, based on the amount of water to flow in the different parts of the canals. The main canal, which will be 33km long, is planned to have an actual width ranging between 40-45 metres, inclusive of the maintenance road for the canal. The main canal 2, which will start at Supuni and will run for a distance of 18.4km towards Bangula, will have a total width of 35-40 metres, inclusive of its maintenance road. The main canal 3, covering a distance of 10.6km and running from Supuni to Illovo Sugar Company's Nchalo Estate, will have a width ranging between 25-30 metres.

Apart from these permanent widths, the canals will also have an additional 10 metre width on each side, which will be temporarily required for construction. Table 1.1 depicts the width distribution for each of the proposed canals.

Table 1.1: Estimated average width of the SVTP main canal infrastructure for Phase 1

No.	Canal	Length (km)	Permanent width (m)	Temporary width for constructing canal	Total affected canal width
1	Feeder Canal (main canal)	33	40-45	20	60-65
2	Supuni - Bangula Canal (main canal 2)	18	35-40	20	55-60
3	Supuni Canal (main canal 3)	10.6	25-30	20	45-50

For purposes of calculating compensation, an average total width of 60 meters is used for the total length of the main canals in phase 1 of the SVTP. This width of 60 meters includes 20 meters required temporarily during the construction period.

The total land area to be affected by the main infrastructure in Phase 1 of the SVTP consists of the area for the canal route plus the area required for the main branches to the irrigated areas and the night storage reservoirs. The total area to be affected by the main infrastructure of the SVTP phase 1 is 464 hectares of which 300 hectares will be required on a permanent basis and 164 ha on a temporary basis. Table 1.2 shows the estimated average width of the SVTP main canal infrastructures for phase 1. This width has been broken down according to areas (Feeder canal, Supuni canal and Supuni-Bangula canal)

Table 1.2: Estimated average width of the SVTP main canal infrastructure for Phase 1

No.		Feeder canal (main canal)	Supuni-Bangula Canal (main canal 2)	Supuni Canal (main canal 3)	TOTAL

1	Length in km	33	18	10.6	61.6
2	Width required (m):				
	- permanently (m)	40	40	40	
	- temporarily (m)	20	20	20	
3	Land area required for main canal route:				376
	- permanently (ha)	135	74	42	251
	- temporarily (ha)	67	37	21	125
4	Land required for main branch canals and night storage:				88
	- permanently(ha)				49
	- temporarily(ha)				39
5	TOTAL land area affected (ha)				464 (100%)
	- permanently				300 (65%)
	- temporarily				164 (35%)

1.3. Objectives and scope of the Resettlement Action Plan

The construction activities for the proposed main canals under SVTP-1 are anticipated to cause some loss of land and immovable assets, as well as some physical displacement of residential and other structures in the Project areas. Therefore, to minimise the social impacts, loss of property and loss of livelihoods associated with the Project, the GoM through the SVTP Project Management Team has procured the services of Water, Waste and Environment Consultants (WVEC) to prepare a Resettlement Action Plan (RAP).

The Resettlement Action Plan, for the Shire Valley Transformation Project Phase I is for the main canals section from the proposed intake to Lengwe National Park. In preparing this RAP, the consultant has considered the different tenure regimes (i.e. customary, leasehold or freehold tenures) in the area; and the different land uses (i.e. residential, business and ancillary structures such as access roads, borrow and material disposal pits, workers' camps; as well as equipment and materials staging areas etc.).

This RAP details steps to minimise impacts of physical and economic displacement of the Project Affected Persons (PAPs). It presents a strategic and methodical process to ensure that there is appropriate compensation upon land acquisition, relocation, loss of assets and impact on livelihood in the Project areas. The RAP has been prepared by Water, Waste and Environmental Consultants (WVEC) on behalf of the Programme proponent; the Ministry of Agriculture, Irrigation and Water Development (MoAIWD); to be submitted to the African Development Bank and the World Bank for an internal review process and approval; and to the Secretary for the Ministry of Lands, Housing and Urban Planning for final review and approval, before implementation of any land acquisition, compensation, resettlement, or livelihood restoration.

The Resettlement Action Plan (RAP) is consistent with the policies, laws and regulations of the Government of Malawi and the Involuntary Resettlement policies of the African Development Bank and the World Bank. The RAP identifies Project Affected Persons (PAPs), affected assets, economic losses and displacement; and loss of access to resources. It provides for mitigation measures and compensation, in accordance with the Government of Malawi regulations, the African Development Bank (AfDB); and the World Bank (WB) policies

and guidelines. Where the AfDB and WB standards establish a wider scope or higher compensation requirement than the relevant national provisions, the Banks' requirements have taken precedence and the RAP has provided accordingly.

The RAP has been prepared primarily based on the information and guidelines presented in the Resettlement Policy Framework (RPF) for the SVTP. The scope of work in preparing the RAP included:

- a) Updating and expanding the socio-economic survey of the PAPs (broadly defining it to include persons, households and groups impacted by all types of physical and economic displacement or restriction of access to livelihood resources); and ensuring that baseline data are generated for the purposes of monitoring and evaluation during Programme implementation period;
- b) Updating the census survey to ensure that all (100%) potential PAPs are identified, captured and appropriate measures to remedy resettlement effects and safeguard livelihoods are recommended;
- c) Mapping out all (100%) of the affected properties (land, houses and other structures, crops, trees, fences, graves, businesses, resource use areas (communal land, water, public facilities, natural resources, etc.) using GPS with an appropriate accuracy;
- d) Updating and refining the asset inventory survey, to ensure that all (100%) potential assets that will be affected by the proposed Project are enumerated, valued and costed; and related to the respective PAPs;
- e) Undertaking a stakeholder analysis and consultation process to ensure participation of PAPs in the RAP preparation process;
- f) Updating the eligibility matrix, identifying the compensation measures applicable to each type of impact and the criteria to determine the respective eligibility of each PAP, based on the matrix included in the RPF; and applying that matrix to the final census and asset inventory, specifying the compensation to be received by each PAP;
- g) Developing cost effective and sustainable measures to be implemented to restore and enhance the livelihoods of affected persons, including programs for the affected and host communities, as well as assistance measures required for vulnerable PAPs; and to complement compensation to ensure livelihood restoration;
- h) Designing a community public consultation, communication and participation strategy that will ensure participation of PAPs in the implementation and monitoring of the resettlement process;
- i) Updating the grievance redress mechanism for the resettlement process and aligning it to the already established Programme grievance mechanism.
- j) Updating the RAP implementation strategy, including organizational responsibilities, budget and schedule; and
- k) Updating the supervision, monitoring and evaluation program for the RAP;

1.4. Methodology for preparation of the Resettlement Action Plan

A number of approaches were employed for the field investigations, public consultations and household surveys, which were carried out from 14th to 25th May 2018, to collect both primary and secondary data. These included continuous consultative meetings and interactions with the client's Project Management Team (PMT), review of relevant literature, public

consultations with community members and reconnaissance surveys, which involved visits to the proposed canal route corridors, to establish and ascertain the biophysical and socio-economic features of the Programme impact areas.

The review of relevant literature helped the consultant to obtain a broader understanding of the proposed Programme and its potential land acquisition impacts, as well as a broad understanding of the Programme areas, population, socio-economic and cultural profiles.

Field investigations were conducted to identify the parcels of land and property to be affected by the Project, within the 60-metre wayleave of the irrigation canal. Qualitative data, for the bio physical setting and socio-economic activities of the area was collected through public consultations; transect walks, observations and measurement.

Public community consultations and baseline socio-economic surveys (targeting 366 households) were conducted through Focus Group Discussions with the PAPs and non PAPs, in 10 locations across the five affected Traditional Authorities (T/As). Structured questionnaires, consultation guides and checklists were administered to effectively conduct these public consultations, census and baseline surveys and interviews with each of the PAP's household heads or proxies and government officers. A list of some of the people consulted is given in annex 3.

Property surveys and valuation (targeting 100% of the affected land and property) were also conducted within the 60-metre-wide canal corridor. GPS devices were used to establish the location and sizes of the land likely to be affected and property was measured using tapes.

Using cadastral maps, the GPS and measuring tapes, the affected land and property were identified and their positions and sizes established. Photographs for affected structures and their owners were also captured. The data collected included:

1. Property sizes, location, ownership, construction materials for structures, current use and condition etc.;
2. Number and sizes of trees to be affected by the Project including types (whether indigenous or exotic; or fruit or not); and
3. Type of crops likely to be affected by the Project.

The rates for exotic and indigenous trees were obtained from the Government Gazette. The rates for fruit trees are based on rates based on the Valuation Section in the MoLHUD. For land values including structures, the rates were developed through a market survey in the Programme area in consultation with the District Lands Office for Chikwawa.

Detailed literature review, included a study of the following documents:

- The Land Tenure Diagnostic, Allocation and Consolidation Strategy Report for the Shire Valley Irrigation Programme (SVIP) (2017);
- Grievance Redress Mechanism for the Shire Valley Irrigation Programme, 2016;
- Resettlement Policy Framework for the Shire Valley Irrigation Programme (SVIP), 2016;

- Gender and Youth Strategy Report for the Shire Valley Irrigation Project (SVIP), (2016);
- Communication Strategy for the Shire Valley Irrigation Project (SVIP) (2017);
- Environmental and Social Impact Assessment (ESIA) for the Shire Valley Irrigation Project (SVIP) 2016;
- Socio-Economic Baseline Report 2017;
- Chikwawa District Socio-Economic Profile (SEP 2012-2017);
- Chikwawa District Development Plans;
- Relevant policies, Acts and regulations;
- Project area topographical and cadastral maps;
- The AfDB and World Bank Safeguard Policies

After the survey, census of PAPs and identification and assessment of affected assets and properties, the PMT held extensive consultations and sensitization meetings with all the PAPs in July from 9th to 13th and in August from 13th to 17th 2018. These meetings were held in 20 GVHs where the PAPs are. The meetings targeted all PAPs (both men and women as well as the vulnerable) per GVH along the Canal.

The PAPs were informed about the meeting 2-3 days in advance. We used the field staff at the District Commissioner's office to inform the PAPs about the meetings. The messages focused on explain the RAP process from the initial identification and assessment of affected assets and properties to the disclosure and payment of compensations. It was emphasised that no compensation payments would be made to PAPs until all disputes were resolved and compensation amounts have been disclosed to them and they have agreed to the amounts. Further, PAPs were informed that no construction works would start until all compensations were paid to all PAPs.

PAPs were informed of the options of receiving compensations in-kind and in cash including the disadvantages and advantages of each option. PAPs were informed that in case of opting for cash compensation, cash will be paid only where the compensation amount is K50,000 or less. For compensations of more than K50,000 to K100,000, PAPs would be paid using cheques cashable at local banks. For all compensations whose values exceed K100,000, the PAPs would be required to open bank accounts and the DC's office would facilitate PAPs to open the accounts. PAPs were encouraged to open joint bank accounts where applicable.

The whole consultation process was meant to provide sufficient information to PAPs to safeguard them against risks of receiving and keeping large amounts of cash in their homes. PAPs were informed of the dangers of receiving compensations in cash with examples from the nearby Vale Railway Construction project from Moatize in Tete Province in Mozambique to Liwonde township in Malawi which was recently completed. The PAPs were informed to make wise decisions based on the information provided.

During the consultations frequently asked questions were the following:

- Whether they are going to cultivate on their land this year?
- When they are going to receive their compensation?
- Why some PAPs names are not land owners and strangers
- If they are going to be allowed to use existing bank accounts

- What will be the procedure for compensation?
- In case of in-kind type of land compensation, will the government be responsible for finding the new land
- Is the government going to facilitate bank account opening process?
- How is the government going to help those who were absent during registration but they are legitimate land owners and are affected?
- How is the government going to help them in cases where some chiefs are claiming back customary land just because the canal is passing through it?
- What will happen if a PAP dies before receiving compensation?

All questions raised by PAPs were addressed and clarified. Where there were disputes/ queries / grievances, PAPs were told that such disputes /queries would be resolved or clarified during the verification exercise before the PAPs received compensations. The RAP verification exercise was conducted by staff of the MoLHUD in accordance with agreed procedures. The first phase of the verification exercise was done in January 2019 and produced the final list of PAPs with all the assessed properties. The second phase was the RAP report compilation and this was done from February to April 2019. The PMT finalised the review the verified RAP report in May 2019.

Furthermore, the PMT made follow up visits to the areas where disputes and concerns were raised to ensure that complainants are satisfied with outcomes of the corrective processes and actions. Further grievances were raised by PAPs during PMT field visits. Many of the grievances involved misunderstanding between family members on who to be compensated for family land. This was observed in all the affected GVHs. During the verification exercise, these misunderstandings were cleared. All land was demarcated and registered equally between all family members by MOLHUD staff. Compensations will be given equally to each family member for all family land. This subdivision has contributed greatly to the increase in the number of PAPs from 815 to the current 1,239.

Below are examples of types of grievances that were observed and resolved:

- a. Mkanyoza- Mandirade land dispute case:
19 PAPs from GVH Mkanyoza and another 19 PAPs from GVH Mandiradi claimed to be owners of the same pieces of land. The Chikwawa District Council facilitated a grievance redress forum involving the GVHs Mkanyoza and Mandiradi which ruled in favour of GVH Mandiradi. So far 19 PAPs from Mandiradi have been captured as owners of the land by MOLHUD during the verification exercise. The verification exercise by MOLHUD captured the names of these PAPs.
- b. Mologeni Case:
During the field visit, it transpired that the real owners of the land were not present during the PAP registration exercise. The PMT staff reported the matter to the verification team and the verification Team resolved the issue. The real owners of the land have now been recorded as the PAPs.

1.5. Alternative re-routings considered during RAP to avoid or minimize resettlement

A change has been made in the routing of the proposed main canal between the intake point and Lengwe National Park. The re-routing has been done in Zyuda village, Traditional

Authority Chapananga, where the canal was passing through a graveyard, over a stretch of about 60 metres. The proposed alteration involves shifting the canal route over the 60m stretch to about 30m south, to avoid the graveyard. Assessments have then been conducted in consideration of this deviation in the canal routing.

1.6. Cut-off-date

The field work for the RAP started on 14th to 25 May 2018; lasting approximately 12 days. The Census and Asset Inventory Survey established 15 July 2018 as a cut-off date for the RAP preparation. Therefore, any assets created or improvements done to existing assets, change in use or ownership; and potential newcomers within the way leave, after this cut-off-date, will not be eligible for compensation. This was communicated to the Project Affected Persons and the communities in the Programme area of influence.

With assistance from the District Agriculture Development Office, meetings to sensitize the people on the cut-off date were organised and conducted from 4th to 6th July 2018 at the courts of the following Group Village Heads: Supuni, Chikhambi, Mbenderana, Njereza, Mandilande, Zyuda, Jailosi, Mlangeni and Ndakwera. Additionally, the Village Heads were given the cut-off date communiques, in Chichewa and English (Annex 4A and 4B), to display in their areas. The verification exercise conducted by MoLHUD staff has shown that the census included all PAPs and no PAPs were excluded and there are no new developments under the canal path.

Chapter 2 : POLICY AND LEGAL FRAMEWORK FOR THE RESETTLEMENT ACTION PLAN

Policy and legal framework on resettlement in Malawi is drawn from the Constitution of Republic of Malawi, Malawi National Land Policy and various pieces of legislation, which include the newly passed land Acts. The following paragraphs highlight the resettlement related policies and Acts, which should be adhered by the SVTP.

2.1. 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. Several judgments of the High Court and even the Supreme Court confirm the position. It is therefore, imperative that the Programme complies with this and indeed any other relevant laws.

Under section 13 of the Constitution the State has the responsibility to ensure gender equality, responsible environmental management, enhance the quality of life in rural communities, among others. The Constitution uniquely provides for the right to development in section 30, which not only confers the right but also places responsibility on the State to take all necessary measures for the realisation of the right to development. To the extent that the SVTP is no doubt a development Programme, it is welcome in this constitutional setting. It is nevertheless imperative to examine key legal rights accorded to potential PAPs under the Programme.

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 Programme is therefore necessary where applicable. Cultural practices that tend to discriminate against women need to be handled cautiously under the Programme.

In recognition of intergenerational equity, section 13(d) compels the state to manage the environment responsibly to prevent degradation of the environment, provide a healthy living and working environment for the people of Malawi and accord full recognition to the rights of future generations by means of environmental protection and sustainable development of natural resources.

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 recognised 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 Programme, SVTP must therefore, exercise care and caution in all the Programme stages, given that activities of the Programme may be the subject of constitutional challenges, even if they passed the statutory steps.

2.2. Malawi Growth and Development Strategy III (2016 - 2020)

The Malawi Growth and Development Strategy III (MGDS III) is the overarching medium-term strategy for Malawi designed to attain long term development aspirations for the country. It is the reference document for all stakeholders on government's key priority areas, which are carefully selected to sustain and accelerate socio-economic growth within the available resources. The key priority areas are namely: agriculture, Water Development and climate change management; education and skills development; energy, industry and tourism development; transport and ICT infrastructure; and health and population. On agriculture, the MGDS III focuses on increased land under irrigation as one component, covering aspects of developing areas with irrigation potential. The strategy also stipulates that while harnessing water for irrigation, consideration for sustainable use will be necessary to minimise environmental degradation, social conflicts and health risks. This RAP must therefore be implemented in line with the MGDS III, to maximise socioeconomic development in all the growth sectors.

2.3. The Malawi National Land Policy (2002)

The Malawi National Land Policy recognises land as a basic resource for social and economic development in Malawi. To achieve this, the policy guarantees full legal protection of customary land tenure to the people of Malawi. Malawians regard access to land as a fundamental right. In line with this, Clause 4.11 of the Policy affirms equitable access to land to all citizens of Malawi. In line with Section 28 of the Malawi Constitution, the policy provides for the right to property and prohibits arbitrary deprivation of any person's property whether by a public or private entity, the Malawi National Land Policy states that "compensation valuation for customary land, at the time of acquisition by the Government, should be based on the open market value of the land and all improvements on the land"¹. On relocation of displaced people, the Policy advocates for adequate consultations between the District Commissioner's office, Traditional Authority level and the affected people so that their interests are taken care of. Details on the consultation process are provided in subsequent sections and appendices of this RAP to illustrate consultations with the affected people and other key stakeholders in the process of preparing this RAP.

2.4. The National Gender Policy (2015)

The purpose of the policy is to strengthen gender mainstreaming and women empowerment at all levels in order to facilitate attainment of gender equality and equity in Malawi.

According to this Policy, the Government of Malawi is expected to implement a constitutional obligation of building a society where men, women, boys and girls equally and effectively participate in and benefit from development process.

¹See Section 4.16.2

The Policy seeks to achieve the following broad objectives to:

- a) advocate for increased access to, retention and completion of quality education for girls and boys;
- b) ensure women, men, boys and girls sexual and reproductive health rights, and HIV/AIDS status are improved;
- c) strengthen gender mainstreaming in all sectors of the economy;
- d) reduce poverty among women and other vulnerable groups (Orphans, widows, PLHA, persons with disabilities, the elderly) through economic empowerment;
- e) promote women's participation in decision making positions in both politics and public life;
- f) reduce gender based violence; and
- g) strengthen the capacity of the National Gender Machinery.

It was established during consultations that women are vulnerable in terms of land ownership because of culture – land belongs to men. Therefore, implementation of this RAP must ensure protection of women from gender based violence on land transactions and enhancement of women's decision making in economic and livelihood opportunities.

2.5. National HIV AND AIDS Policy, 2012

The national HIV and AIDS policy highlights that HIV and AIDS impact on the country is quite significant and affects a range of socio-economic activities be it in agriculture, fisheries, public sector, private sector and tourism in urban and rural areas among others. HIV and AIDS prevalence in the country varies from one region to the other and from rural to urban areas. The highest rate is in the Southern Region and the lowest in the Northern Region.

National HIV and AIDS Policy identifies migrant workers and women among highly vulnerable people to transmission of HIV and AIDS and other sexually transmitted diseases. An application of migrant workers is that some single male migrant workers would be at an increased likelihood of contracting HIV and AIDS. The reason is that some migrant workers may approach and indulge in casual sex with infected local female partners in the surrounding local communities or some sex workers within the Project site. In addition, increased disposal of income from migrant workers may enhance some workers to indulge in extra-marital affairs with either local girls or married women or men within the surrounding villages. These sexual activities would enhance the spread of HIV and AIDS among workers. These issues have been taken care of in ESIA report. However, due regard will be adhered to during resettlement implementation processes. In order to mitigate this periodic distribution of HIV and AIDS Information, Education and Communication (IEC) materials will be done among other interventions during resettlement processes.

2.6. Legal framework

2.6.1 The Land Related Laws

Malawi has enacted 10 land related laws including; Land Act, 2016; Customary Land Act, 2016; Land Survey Act, 2016; the Lands Acquisition (Amendment) 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. The Ministry of Lands, Housing and Urban Development is currently preparing the regulations for the implementation of these laws, which should adequately protect the PAP's and other stakeholders' interests. The following are the Laws that has significant impact on this RAP implementation:

a) The Land Act, 2016

Under SVTP the provisions of the Land Act shall be applicable. This is the principal Act with respect to land administration and management in Malawi and for all matters relating to land such as land tenure, land transfer, land use and compensation. The Act vests all land in the Republic in perpetuity, as opposed to the President as was the case with the repealed Land Act (Cap 57:01).

Section 5 (1) gives powers to cooperatives to own land. The section states: "Land shall not be assured to or for the benefit of or acquired by or on behalf of a body corporate, unless the body corporate is authorized by a licence issued by the Minister in consultation with the President to hold land in Malawi, but this section shall not apply to a body corporate incorporated in Malawi in accordance with the Companies Act or a body corporate established by or under a written law which empowers it to hold land in Malawi".

Section 9 of the Land Act, 2016 provides that freehold land shall not be allocated or granted to any person although persons with such land will maintain their status quo. The Act has two categories of land, which are public land and private land. Section 7(2) classifies Public land as Government land and unallocated customary land while Section 7(3) classifies private land as freehold, leasehold or customary estate.

Section 13 (1) provides powers to the Minister or local government in whose Traditional Land Management Area the required land for acquisition is situated, to be served with notices on the same. It states that "Where it appears to the Minister or local government authority that any unallocated customary land is needed for public utility, the Minister or local government authority, as the case may be, shall serve notice on the Traditional Authority within whose Traditional Land Management Area, the customary land is situated..."

Section 13 (2) provides powers too, for the said authorities, to grant temporary use and occupation of customary land for a period in excess of 7 years while such land shall remain customary throughout the said period and upon expiry of such period the authorities may authorize such temporary use and occupation for a further 3 years. The section further requires the Minister or the local government authority to give notice, publishing in the Gazette, and invite any person to which the notice relates, to submit particulars of his claim to the Minister or local government authority within two months of the date of publication of such notice in the gazette. While Section 13 provides the powers to minister or local government authority to acquire or authorize use and serve notice for such use, Section 14 provides that "any person who by reason of any acquisition made under section 13 (1) or Sections (2) and (3)), suffers any disturbance of or loss or damage to any interest which he may have or immediately prior to the occurrence of any of the events referred to in this section, may have had in such land shall be paid such compensation for such disturbance, loss or damage as is reasonable."

Thus, the Act provides powers to Minister or local government within which the required land falls to acquire or authorize its use as long as appropriate compensation is paid.

Section 19 of the Land Act, 2016 provides that nothing in this Act shall be construed as preventing the registration of customary land under the Registered Land Act as private land. As such the customary estates which will be created under the Customary Land Act, 2016 will be registered under the Registered Land (Amendment) Act, 2016. This will ensure tenure security and enhance investment on the land.

Another important provision in the Act is allocation of land for investment purposes to the Malawi Investment and Trade Centre. It recognizes that every person has a natural dependency on land and that it is therefore important that Government provides for secure tenure and equitable access to land as a means of achieving socio-economic development.

Part II of the Act provides for the office of the Commissioner of Land, whose duties include: to administer land; to sign, seal execute, perfect, and accept grants, leases, or other dispositions of public land and surrenders; and sign and issue documents including documents of consent.

Land parcels in the SVTP Area shall therefore be registered under such provisions.

b) Customary Land Act, 2016

The Act has formalized the powers and duties of Traditional Leaders in land administration and management through creation of committees and tribunals to carry out allocations, adjudication and management of land and settlement of customary land disputes.

Section 20 (1) (c) stipulates that a customary estate shall be allocated to a partnership or corporate body, the majority of whose members or shareholders are citizens of Malawi. Thus, the irrigation Programme, which maybe run on cooperative basis, may acquire customary estate by normal procedure of acquisition assuming this pathway is selected however, there are other options which will be decided upon by the stakeholders involved. Subsection 2) further states that a customary estate shall be (d) "liable, subject to adequate notification and prompt payment of full and appropriate compensation, to acquisition by government in the public interest, in accordance with the Lands Acquisition Act".

c) Land Acquisition (Amendment) Act, 2016

This will be a Principal Act dealing with land acquisition and compensation in Malawi once operational regulations are completed. The Act provides powers to Minister or local government authority to acquire land for public utility either compulsorily or by agreement and pay appropriate compensation thereof.

Section 4 provides powers to the acquiring authority to enter, dig, clear, set out and mark the boundaries of the proposed land, do all other acts necessary to ascertain whether the land is or may be suitable, provided such entry is preceded by a notice to the occupier 7 days before and the acquiring authority is ready to pay for the damage done by the persons entering such land. Part IIA provides for compensation assessment and matters to be considered.

Section 9 states that the acquiring authority shall pay appropriate compensation and that shall be in one lump sum. Section 10 lists the grounds for compensation being: loss of occupational rights, loss of land, loss of structure, loss of business, relocation costs, loss of good will, costs of professional costs, injurious affection, nuisance, loss or reduction of tenure or disturbance. Section 10A lays down matters to be taken into consideration in assessing compensation for alienated land and matters to be disregarded when calculating compensation.

Section 11 brings in matters of injurious affection and the need to consider environmental impact of the Programme and depreciation.

All these provisions shall apply accordingly in SVTP.

d) Physical Planning Act, 2016

The Act seeks to provide, for all matters connected to physical planning. It makes provision for orderly and progressive development of land both in the urban and rural areas. Part VII (Sections 64 to 67) provides for the acquisition of land and compensation in accordance with the provisions of Land Acquisition (Amendment) Act, 2016 to be where it is desirable to acquire land compulsorily. Customary estate adjudication, demarcation, and registration in the SVTP Programme Area shall be done subject to compliance to land use planning in accordance to this Act.

e) Local Government (Amendment Act), 2016

This Act is a principal Act on local governance in Malawi. In the context of the new land related laws, several functions have been devolved from central government to local authorities. Under SVTP, the respective local authorities shall make available land clerks for each TLMA, district land registrar and land tribunals at various levels this will ensure smooth operations of the Programme with respect to land matters at local authority.

f) The Forestry (Amendment) Act, 2016

The Act provides for the management of indigenous forests on public, customary, land. Section 46(a) states that no person shall cut, take, fell, destroy, uproot, collect and remove forest produce from a forest reserve, customary land, public land and protected forest area unless duly authorised to do so. In accordance with this Section therefore, construction of infrastructure in areas that are protected by the Forest Act will not be allowed without a permit. The SVTP will ensure compliance to this provision.

g) The Monuments and Relics Act. 1991

The Act stipulates the proper management and conservation of monuments that are of importance both nationally and locally. It also provides for proper preservation of monuments in the event that there is a change in the use or development of land. This gives room for the authorities for monuments and relics to protect monuments under the provisions of the Land Act or the Lands Acquisition Act. The Programme will have to be implemented in such a way that any land acquisition, resettlement and compensation conform to Section 18 of this Act.

h) The Environment Management Act (Cap.60:02)

This Act makes provision for the protection and management of the environment and the conservation and sustainable utilization of natural resources and for matters connected therewith and incidental thereto. The Act provides that it shall be the duty of every person to take all necessary and appropriate measures to protect and manage the environment and to conserve natural resources and to promote sustainable utilization of natural resources in accordance with the Act and any other written law relating to the protection and management of the environment or the conservation and sustainable utilization of natural resources. The Act provides for matters relating to:

- a) Environmental planning, environmental impact assessment, audit and monitoring;
- b) Environmental Management;
- c) Pollution control;
- d) Environmental fund;
- e) Offences under the Act;
- f) Legal proceedings.

Implementation of the civil works activities for this RAP, in line with the environmental and social impact assessment report for this Programme, will ensure that the biophysical and social impacts are appropriately managed.

i) The Water Resources Act,2013

This Act is the principal statute whose objective is to promote the rational management and use of the water resources of Malawi through, among others, the progressive introduction and application of appropriate standards and techniques for the investigation, use, control, protection, management and administration of water resources by government agents and the general public. The Act establishes a National Water Resources Authority, whose powers and functions include; (a) to develop principles, guidelines and procedures for the allocation of water resources; (b) to monitor, and from time to time reassess, the National Water Policy and the National Water Resources Master Plan; (c) to receive and determine applications for permits for water use; (d) to monitor and enforce conditions attached to permits for water use; (e) to regulate and protect water resources quality from adverse impacts and to manage and

protect water catchments, among others. These powers, if used effectively during implementation of this RAP will ensure sustainable use of the water resources.

j) Other relate Acts

The review of legal framework may not include all related laws. In case there are specific resettlement issues that may trigger application of some provisions of sectoral or specific pieces of legislation. The authorities under this program shall ensure that there is compliance in that regard. Such issues will therefore be handled in accordance to that specific law of Malawi such as The Gender Equality Act, Marriage, Divorce and Family Relations Act, Wills and Inheritance Act.

2.6.2 The African Development Bank's Integrated Safeguards System (2013): Involuntary resettlement, land acquisition, population displacement and compensation

The policy relates to Bank-financed Projects that cause the involuntary resettlement of people. It seeks to ensure that when people must be displaced; they are treated fairly, equitably and in a socially and culturally sensitive manner; that they receive compensation and resettlement assistance; so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved; and that they share in the benefits of the Programme that involve their resettlement. Specifically, the policy seeks to:

- a) avoid involuntary resettlement where feasible, or minimize resettlement impacts, where involuntary resettlement is deemed unavoidable, after all alternative Programme designs have been explore;
- b) ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement;
- c) ensure that displaced people receive significant resettlement assistance under the Programme so that their standards of living, income-earning capacity, production levels and overall means of livelihood are sustained or improved beyond pre-Programme levels;
- d) provide explicit guidance to borrowers on the conditions that need to be met, regarding involuntary resettlement issues in Bank operations, to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy
- e) guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise; and
- f) ensure that displaced people receive resettlement assistance, preferably under the Programme, so that their standards of living, income earning capacity and production levels are improved;

Furthermore, the policy states that there are three groups of displaced people entitled to compensation or resettlement assistance for loss of land or other assets taken for the Programme purposes. These groups are:

- Those who have formal legal rights to land or other assets recognised under the laws of the country concerned. This category generally includes people who are physically residing at the Project site and those who will be displaced or may lose access or suffer a loss in their livelihood as a result of Project activities.
- Those who may not have formal legal rights to land or other assets at the time of the census/ valuation but can prove that they have a claim that would be recognised under the customary laws of the country. This category may include people who may not be physically residing at the Project site or persons who may not have any assets or direct sources of livelihood derived from the Project site, but who have spiritual and/or

ancestral ties with the land and are locally recognised by communities as customary inheritors.

- Those who have no recognizable legal right or claim to the land they are occupying in the Project area of influence and who do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the Project area of influence for at least six months, prior to a cut-off date established by the borrower or client in consultation with the communities and acceptable to the Bank. These groups may be entitled to resettlement assistance other than compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.).

The policy also provides procedures for consultations, resettlement planning, compensation, implementation, monitoring and evaluation.

2.6.3 Policies of the World Bank on resettlement

The World Bank has adopted several policy objectives in relation to involuntary resettlement:

- a) Involuntary resettlement should be avoided where feasible, or minimized; exploring all viable alternative Project designs.
- b) Resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the Project to share in Programme benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of Programme implementation; whichever is higher.

According to the World Bank, a resettlement action may include: (i) the loss of land or physical structures on the land, including business; (ii) the physical movement; and (iii) the economic rehabilitation of Project Affected Persons (PAPs) in order to improve (or at least restore) the levels of income or life prevailing before the action causing the resettlement has taken place.

Where resettlement is unavoidable, the bank has provided the following guiding principles in order to achieve the above-mentioned objectives; and for preparation of a resettlement policy framework and resettlement action plan that ensure that displaced people are:

- a) informed about their options and rights pertaining to resettlement;
- b) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- c) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project;
- d) provided assistance (such as moving allowances) during relocation;
- e) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages and other factors are at least equivalent to the advantages of the old site;
- f) offered support after displacement, for a transition period; based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
- g) provided with development assistance, in addition to compensation such as land preparation, credit facilities, training, or job opportunities.

The policy also advocates that:

- a) particular attention should be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation;
- b) implementation of resettlement activities should be linked to the implementation of the investment component of the Programme to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. These measures include provision of compensation and other assistance required for relocation, prior to displacement; and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons.
- c) Displaced persons, their communities and any host communities receiving them, are timely provided with relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.
- d) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).
- e) Patterns of community organization appropriate to the new circumstances are based on choices by the displaced persons. To the extent possible, the existing social and cultural institutions of resettled people and any host communities are preserved and the preferences of the resettled people with respect to relocating in pre-existing communities and groups are honoured.

The policy also sets out the following guiding principles on which to base the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for PAPs:

- a) Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Malawi.
- b) Persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim to such land or assets through the national and customary laws of Malawi. This class of people includes those that come from outside the country and have been given land by the local authorities to settle, and/or to occupy in matrimonial society.
- c) Persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

PAPs in a) and b) above shall be provided compensation, resettlement and rehabilitation assistance for the land, buildings or fixed assets on the land and buildings taken by the Project. The compensation shall be in accordance with the provisions of this Programme's RPF and if PAPs occupied the Project area prior to the cut-off date (date of commencement of the census). Persons in c) above are to be provided with compensation for improvements on the land. In addition, they have to be given the necessary assistance to satisfy the provisions set out in this Programme if they occupy the Project area prior to the established cut-off date.

Communities including districts, towns, neighbourhoods and villages permanently losing land, resources and/or access to assets shall be eligible for compensation. Compensation to communities will include for example: public toilets, market places, car parks and health posts

or other appropriate compensation chosen by the community. Compensation measures shall ensure that pre-resettlement socioeconomic status of the communities is restored or improved.

2.7 OP. 4.12 Involuntary resettlement

The main objectives of the WB Resettlement Policy (OP 4.12) are to:

- a) avoid or minimize involuntary resettlement whenever feasible;
- b) develop resettlement activities as sustainable development programs, providing sufficient investment resources to enable the displaced persons to share in Programme benefits;
- c) meaningfully consult displaced persons and give them opportunities to participate in planning and implementing resettlement programs;
- d) assist displaced persons in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of Programme implementation, whichever is higher;

This policy is usually applied for Projects that require international financing. The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include. These include objectives, potential impacts, socioeconomic studies, legal and institutional framework, eligibility, valuation and compensation of losses, resettlement measures, relocation planning, community participation, grievance management procedures, implementation schedule, costs and budgets; and monitoring and evaluation.

The World Bank (WB) OP 4.12. (6a) requires that the resettlement plan includes measures to ensure that displaced persons are (i) informed about their options and rights, (ii) consulted and offered choices among technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation of full resettlement costs.

The WB OP 4.12 (8) requires that particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly, women and children, indigenous populations, ethnic minorities.

The WB. OP 4.12 (13a) stipulates that any displaced persons and their communities; and any host communities receiving them should be provided with timely and relevant information. They should also be consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring the resettlement.

The WB OP4.12 (12a) states that payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but only when the land taken for the Project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

The WB OP4.12 (6b&c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites and, if required, agricultural sites for which a combination of productive potential, locational advantages and other factors is at least equivalent to the advantages of the old site. In addition, displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living. This development assistance comes in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

The WB OP4.12 (13a) requires that appropriate and accessible grievance mechanisms be established to sort out any issues arising from the Programme.

2.8 Comparison between the National Legal and Policy Provisions, the World Bank and the African Development Bank Policies on Involuntary Resettlement

Table 2.1 compares the policies and assesses the gaps between the national legal policy provisions, the World Bank and African Development Bank Policies on involuntary resettlement. It also proposes measures to bridge the identified gaps.

Table 2.1: Comparison and assessment of gaps in national legislation and World Bank as well as African Development Bank policies

Type of property/PAP	National legislation provisions	OP 4.12 of the WB ¹ provisions	AfDB Policy ² provisions	Proposal to bridge the gap
Land Owner/ Occupier	<p>Land for land compensation Preferred.</p> <p>Land owners can be compensated for land with money, if there is no alternative land or if the offered alternative land is not economically productive.</p> <p>Land owners are entitled to reasonable compensation, based on open market value (as provided for in the Land Act 2016 and Customary Land Act 2016); offered by government on customary land and agreed to by the parties</p> <p>Valuation of affected land can be done by government valuers or private valuers approved by the Commissioner for Lands</p> <p>Payment of cash compensation, based on loss or damage or destruction of buildings</p>	<p>Compensations in kind are recommended.</p> <p>Assistance should be provided for the restoration of productivity and achieving production levels (at least equivalent to the land replaced).</p> <p>Cash compensation is possible if the affected lands account for less than 20% of the household's land.</p> <p>Replacement land should be of the same or better productive quality; or in monetary value at open market rate, if there is no alternative land, or if the alternative land is not of good quality.</p> <p>The policy stipulates that land owners are entitled to compensation for buildings at replacement cost; and for expenses on labour at current market rates.</p>	<p>Compensations in kind are recommended. Assistance should be provided for the restoration of productivity and achieving production levels (at least equivalent to the land replaced).</p>	<p>Compensation of land for land of the same or better productive quality to PAPs will be first option.</p> <p>For PAPs who may decide not to be part of the irrigation scheme, replacement land of equal or greater value than land lost to the Programme will be offered.</p> <p>Compensation with money for land to Project Affected Persons in cases of lack of alternative suitable land.</p>

Type of property/PAP	National legislation provisions	OP 4.12 of the WB ¹ provisions	AfDB Policy ² provisions	Proposal to bridge the gap
Buildings (houses, annexes and other affected property)	<p>Compensation in cash at depreciated replacement cost and market value in rural and urban areas respectively</p> <p>On private land, compensation is both on the improvements and on the land itself</p>	<p>Compensations in kind are recommended. Compensation should be based on the market value of depreciation, as well as all transaction costs (taxes, permits, etc.)- Full Replacement cost</p> <p>All structures and improvements should be compensated with replacement value plus labour and transport cost of materials</p> <p>PAPs with temporary structures or buildings are entitled to land compensation or cash compensation at full replacement costs including labour and relocation.</p> <p>PAPs with buildings built illegally are entitled to compensation at full replacement costs; including labour costs prior to displacement.</p>	<p>Compensations in kind are recommended.</p> <p>Compensation should be based on the present value without depreciation</p>	<p>Compensation for all structures at full replacement costs prior to displacement, without taking into consideration the depreciation.</p> <p>Land for constructing dwelling houses and business structures will be provided in consultation with the chiefs within existing villages.</p> <p>Privately owned land and structures will be compensated at replacement value plus; labour and transport cost for materials at current market rates.</p> <p>Compensation for labour costs to be based on gazetted government rates.</p>
Crops, timber and fruit trees	<p>For perennial crops, consideration is given to the average productive period, price per kg, yield per year per tree or crop and establishment cost</p>	<p>For perennial crops, compensation shall consider the production delivery time.</p> <p>For annual crops, the land offered as compensation allows the restoration of production</p>	<p>For perennial crops, compensation shall consider the production delivery time.</p> <p>For annual crops, the land offered as compensation allows the restoration of production.</p>	<p>Compensation should be at market value</p> <p>For perennial crops, compensation shall consider the production delivery time.</p>

Type of property/PAP	National legislation provisions	OP 4.12 of the WB ¹ provisions	AfDB Policy ² provisions	Proposal to bridge the gap
	<p>Or duration before production, price/kg, yield per plant/year plus establishment cost</p> <p>For annual crops, they are allowed to harvest or compensated based on the highest market price, land size, and yield per hectare</p> <p>Timber trees, if proven that they were planted by claimant can be compensated for</p>	<p>Crops are compensated at market value</p> <p>Labour input to look after fruit trees and timber trees are also compensated for</p>		<p>For annual crops, the land offered as compensation allows the restoration of production.</p> <p>Labour input to look after the trees should be compensated for</p>
Economic Impact	Section 10 (2) D and (J) provides for assessment for the loss of business and disturbance.	<p>Resettlement program that allows the owner to gain full trade income flow. Compensation offered for the recovery cost of commercial activities elsewhere, the loss of net income during the transition period; and transfer fees and relocation of the plant, machinery or other equipment, as applicable.</p> <p>Provide replacement property of equal or greater value, or cash compensation at full replacement cost to persons with legal rights or right to claim on the land which are recognized or recognizable under national laws.</p>	Resettlement program that allows the owner to gain full trade income flow.	<p>Resettlement program that allows the owner to gain full trade income flow.</p> <p>Compensation for the recovery cost of commercial activities elsewhere,</p> <p>The loss of net income during the transition period; and transfer fees and relocation of the plant, machinery or other equipment, as applicable.</p> <p>Provide replacement property of equal or</p>

Type of property/PAP	National legislation provisions	OP 4.12 of the WB ¹ provisions	AfDB Policy ² provisions	Proposal to bridge the gap
				greater value, or cash compensation at full replacement cost to persons with legal rights or right to claim on the land which are recognized or recognizable under national laws.
Assistance to resettled PAPs	Silent	PAPs should, in addition to the relocation allowance, receive assistance in their resettlement and monitoring thereafter to improve their standard of living on another suitable site.	PAPs should, in addition to the relocation allowance, receive assistance in their resettlement and monitoring thereafter.	PAPs should, in addition to compensation receive: <ul style="list-style-type: none"> • relocation allowance where appropriate and • livelihood restoration.
Legal or customary owners of land and titled land	Eligible for compensation.	Eligible for compensation.	Eligible for compensation.	Eligible for compensation.
Illegal occupants	Not eligible	Relocation assistance and compensation for loss of assets (other than land) and support for the resumption of activities, if any	Relocation assistance and compensation for loss of assets (other than land).	Relocation assistance and compensation for loss of assets (other than land),.
Tenants	Silent	They must be compensated, whatever the type of legal recognition of their land tenure (formal or informal).	They must be compensated, whatever the type of legal recognition of their land tenure (formal or informal).	Compensation whatever the type of legal recognition of the land tenure, and support for the resumption of activities, if any.
Squatters	No compensation to squatters unless they occupy the private	PAPs are entitled to compensation regardless of the legal status of their structures or occupation of the land		Squatters will receive livelihood restoration prior to displacement.

Type of property/PAP	National legislation provisions	OP 4.12 of the WB ¹ provisions	AfDB Policy ² provisions	Proposal to bridge the gap
	land continuously for a period of more than 12 years			

2.9 Measures for addressing the gaps in implementation of the RAP.

In addition to comparing the national and the Banks' policies, table 2.1 identifies the gaps between these policies and proposes measures to address the gaps. The approach in addressing the gaps is to focus on implementation of the policy aspects which positively favour the Project Affected Persons(PAPs) and leave out those which negatively impact them. This approach is on the premise that the most stringent policy provisions will guarantee appropriate and adequate compensation and resettlement assistance for the PAPs. In this regard, some of the appropriate options to be adopted include the following:

- a) Compensations in form of land for land for those who have been displaced should be considered as the preferred option. This option is considered as suitable and effective to allow Programme-displaced persons acquire the replacement land.
- b) Compensations related to customary land acquisition are to be made on real replacement values in accordance to new land related laws.
- c) Compensations should be paid to all categories of PAPs as long as they comply with the requirements of this RAP and the cut-off date. Some special Project Affected Persons to be included are the squatters, vendors and stalls/hawkers owners.
- d) Provision of basic social services to Project Affected Persons in the new areas of relocation. Such support would enhance the restoration of standards of living of the PAPs.

Chapter 3 : RESETTLEMENT PRINCIPLES AND OBJECTIVES

3.1. Objectives of resettlement

Resettlement Action Plan (RAP) is prepared to ensure that the involuntary resettlement is avoided where feasible or minimized through exploring Programme and design alternatives. It is also aimed at enhancing or at least restore the livelihoods of all affected persons in real terms, relative to pre-Programme levels and improve the standards of living of the affected poor and other vulnerable

3.2. Principles of resettlement

The preparation of this RAP has been based on the following principles of resettlement:

- a) Screen the Programme early to identify its past, present and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through survey/census of the affected persons, including a gender analysis, specifically related to resettlement impacts and risks.
- b) Carry out meaningful consultations with affected persons, host communities and concerned NGOs. Inform all affected persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially of those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.
- c) Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support social and cultural institutions of affected persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a 'social preparation' phase.
- d) Improve, or at least restore, livelihoods of all affected households through (a) land-based resettlement strategies when affected livelihoods are land-based where feasible, or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (b) prompt replacement of assets and access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) where feasible, additional revenues and services through Programme benefit sharing schemes.
- e) If land acquisition is through negotiated settlements, procedures will be developed in a transparent, consistent and equitable manner to ensure the persons who enter into negotiated settlements will maintain the same or better income and livelihood status.
- f) Displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance, and compensation for loss of non-land assets.
- g) Prepare a resettlement plan, or equivalent planning document(s), elaborating affected persons' entitlements, the income and livelihood restoration strategy, institutional arrangement, monitoring and reporting framework, budget, and time-bound implementation schedule.
- h) Disclose draft resettlement plan, including documentation of the consultation process before the Project appraisal and in a form, manner and language(s) accessible to

affected persons and other stakeholders. The final resettlement plans and their updates will also be disclosed to the affected persons and other stakeholders.

- i) Involuntary resettlement should be conceived and executed as part of a development Project or program. The full costs of resettlement will be included in the presentation of the costs and benefits of the Programme. For a Programme with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the Programme as a stand- alone operation.
- j) Pay compensation and provide other entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout the Programme implementation
- k) Monitor and assess resettlement outcomes, their impacts on the standards of living of the affected persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

Chapter 4 : BASELINE INVENTORY

4.1. Socio-economic baseline

The program development objective for the shire valley transformation program is to increase agricultural productivity and commercialisation for targeted households in the shire valley; and to improve the sustainable management and utilisation of natural resources. The first Project under the program (SVTP-I) will initiate the process of transformation of the Shire Valley and pave the way for agricultural commercialization.

This section looks at the social and economic terrain of the Project area. It focuses on the demographic and socio-economic characteristics of people in the Project area, with a view to providing the baseline socio-economic situation, including access to services; and provides a basis for predicting socio-economic impacts as well as designing appropriate mitigation measures.

4.2. Population, migration and settlements

It should be pointed out that this RAP is the first of several RAPs that will be prepared for this project. As such, it is restricted to communities along Main Canal 1, 2 and 3 of the project. Hence, for some characteristics of the population in the Project area, the COWI report of 2016 is used. The population figures for the project area reflect the current figures as reported in the 2018 Population and Housing Census. However, the primary data used to evaluate the socio-economic status of the Project area, is generated from the assert surveys and household socio-economic surveys conducted by WWEC in the Project area, from May 14th to 25th in 2018.

The population and housing census of 2018 registered the country's population at 17,563,749. Chikwawa District had a total population of 564,684; of which 276,890 were males and 287,794 were females. The average annual population growth rate for the district is estimated at 2.5%, lower than the population growth rate for the country of 2.9%. According to the Socio-economic Profile (SEP²) for Chikwawa District, the projected population for 2017 was 566,283 (an increase of 3.3%). Data from the 2018 Household Census also shows that Malawi has a relatively larger population in the younger age groups. Almost 44 percent of the population is less than 15 years; slightly lower than the 48% of 2008. Approximately 84% of the population in Malawi is rural and migration takes place towards the urban cities, mostly by males. The percentage distribution of the population by Traditional Authority (TA) in 2018 (Table 4.1), showed that TA Ngabu had the highest population (28%). In 2008 this percent was almost 35. This is because Ngabu's population included that of Masache and Ngowe, which were not in the NSO database. The Traditional Authorities in the project impact areas exclude Chapananga on the western side of the main canal and Makhwira, and Mlilima which are on the eastern bank of the Shire River.

²Chikwawa District Socio-Economic Profile 2011-2016

Table 4.1: Population by Traditional Authority in Chikwawa District

Traditional Authority	Population 2018	Percentage Distribution 2018
Ngabu	157,742	28%
Lundu	62,176	11%
Masache	22,207	4%
Ngowe	10,435	2%
Mlilima	11,947	2%
Chapananga	88,641	7%
Maseya	37,796	7%
Katunga	32,943	6%
Kasisi (including Majete Wildlife Reserve)	23,487	4%
Makhuwira	79,933	14%
Ndakwera (including Lengwe National Park)	24,234	4%
Chikwawa Boma	6,111	1%
Ngabu urban	7,032	1%
DISTRICT	564,684	100%

The impacted T/As of Ngabu, Ngowe, Lundu, Ndakwera, Maseya, Katunga and Kasisi host 66% of the total district population, with Ngabu being the most populated of the 5-impact area T/As.

COWI interviewed a total of 1,057 households, 574 in Phase 1, 406 in Phase 2, 52 in the control area of Phase 1 and 25 in the control area of Phase 2. The household survey covered all TAs within the area.

4.3. Migration trend

People in the district tend to immigrate to the nearby cities of Blantyre, Lilongwe and South Africa to seek employment. Immigration is high from Mozambique, the neighbouring country to the West of the district. According to the 2018 Population and Housing Census (PHC) Migration Report, in-migrants were estimated at 2,090 and out-migrants at 2,539; and net migrants at -499. Those with a better education tend to migrate more than those with little education. Most female headed households appear to husbands who have migrated in search of a better livelihood.

4.4. Settlement pattern

The Programme impact area is characterised by a number of settlement types. The canal passes through a number of villages with both burnt bricks and iron sheets roofed houses and also some made from mud bricks with grass thatch. According to statistics from the Malawi Welfare Monitoring Report 2014, 56% of the houses in Chikwawa District are grass thatched and 43% have iron sheets roofing. However, the percentage distribution of households by main type of materials used for walls differs variably; grass 2.9%, mud 0.3, compacted earth, 4.5, mud bricks 37.7% and, burnt bricks 50.7% and those made of other materials at 2.9 %.

At the market centres, the buildings comprise mainly of burnt bricks with iron sheets. Some dwelling houses are connected to the national power grid for the Electricity Supply Corporation (ESCOM), while others have solar panels, mainly used for lighting in the night. The area also has other buildings that include government offices, police units, secondary and primary schools, agricultural stations, courts, ADMARC depots, hotels and lodges and the main hospital and health centres.

The settlement pattern in Chikwawa District is influenced by factors such as topography, soil and climate, international boundary with Mozambique, population density, land use, land ownership, economy and infrastructure. Like the rest of Malawi, settlement pattern in the Programme area separates residential area from cultivation area. In many cases graveyards are situated next to villages. However, it is common for sources water and firewood to be some distance away from villages especially in area there are no borehole. The district is one of the flood prone areas and as such, some of the land is not used for cultivation during the floods. However, the communities in Chapananga and Tomali areas stated that there had been very little rainfall in the previous few years. Hence, some land had been left idle due to the erratic rainfall. The settlement pattern provides an opportunity for a more organised physical land use plan that could release currently settled areas into irrigable areas for land consolidation.

Areas surrounding the Illovo Estates are densely populated by smallholder farmers. The proposed irrigation Project will thus change and enhance the land-use and settlement pattern. Households and structures will relocate, resulting in more land being accessible for irrigation and subsequently more food availability.

4.5. Household types.

The Malawi Welfare Monitoring report of 2014, notes that the majority of households in Malawi (76%) is male headed. Figure 4.1 shows that of the total households surveyed in the SVTP phase-1 impact area, 77% are male headed households and the remainder (23%) is female headed. The figure is a little higher than the national figure of 76% and lower than the district female headed 24%.

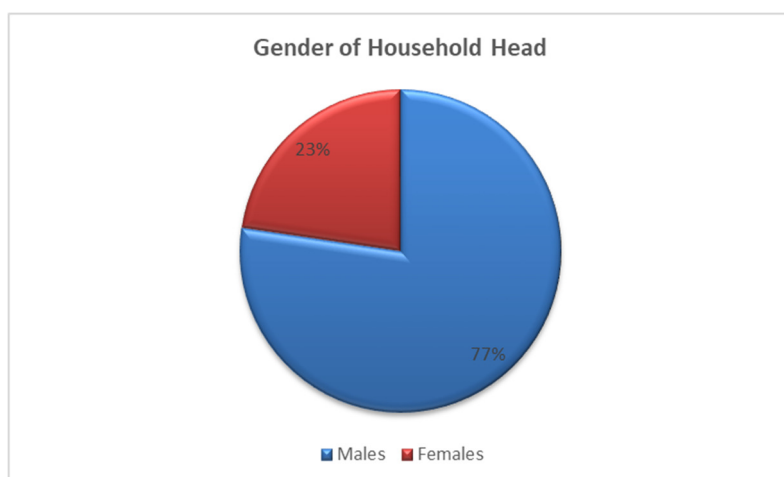


Figure 4.1: Gender of Head of Household

The proportion of household heads younger than 18 is higher in Southern Region (0.5%) compared to the national. It is higher in female headed households (0.9%) compared to male headed households (0.3%). Of the total number of household heads, 11% was 19-25 years old, 30% was 26-35 years old and 60% was older than 35. Of the female household heads, 2% was 19-25 years, 3% 26-35 years and 12% older than 35. Of the male household heads these percentages were respectively 9%, 27% and 48%.

The average household size in Malawi is 4.4 persons. The Northern Region had the biggest average household size of 4.8, followed by the Central Region with household size of 4.4 and Southern Region with household size of 4.3 persons per household. Male headed households have an average of 3.0 persons and female headed households 8.1 persons according to the 2018 census; however, the Programme impact area had an average of 5.1 persons in a household.

4.6. Ethnicity and cultural practises

The main ethnic groups found in the district are Sena, Mang'anja, Chewa, Yao and Lomwe. The Mang'anja were the most dominant tribe during the survey, with a presence in all TAs in the district and impact areas at 48%. The Sena were second at 35 % with the rest shared amongst the remaining tribes.

The major languages according to the SEP (2011-2016) spoken in the district are Chichewa, Chisena and Chinyanja and are spoken by more than 159,535, 96,865 and 80,028 people respectively. The study (fig. 4.2) also found out that Chichewa, Chinyanja and Sena are the most common languages spoken in the district. The rest speak other minor languages and these are usually concentrated at the Boma where a number of migrants from other districts are. From the focus group discussions, the respondents reported that although they were originally Mang'anja, some of their cultural practises like chikamwini (where the husband moves to the woman's home) were no longer being practised exclusively. Couples were also adopting the Sena patrilineal practises where the woman would move to the husband's homestead. This however also meant that there was also a lot of land ownership by the man, as many were in their own villages with their wives. This modification does not however mean that the chikamwini practise had been abandoned as across the communities, more than 60% of the respondents indicated that they were staying at their wife's residence.

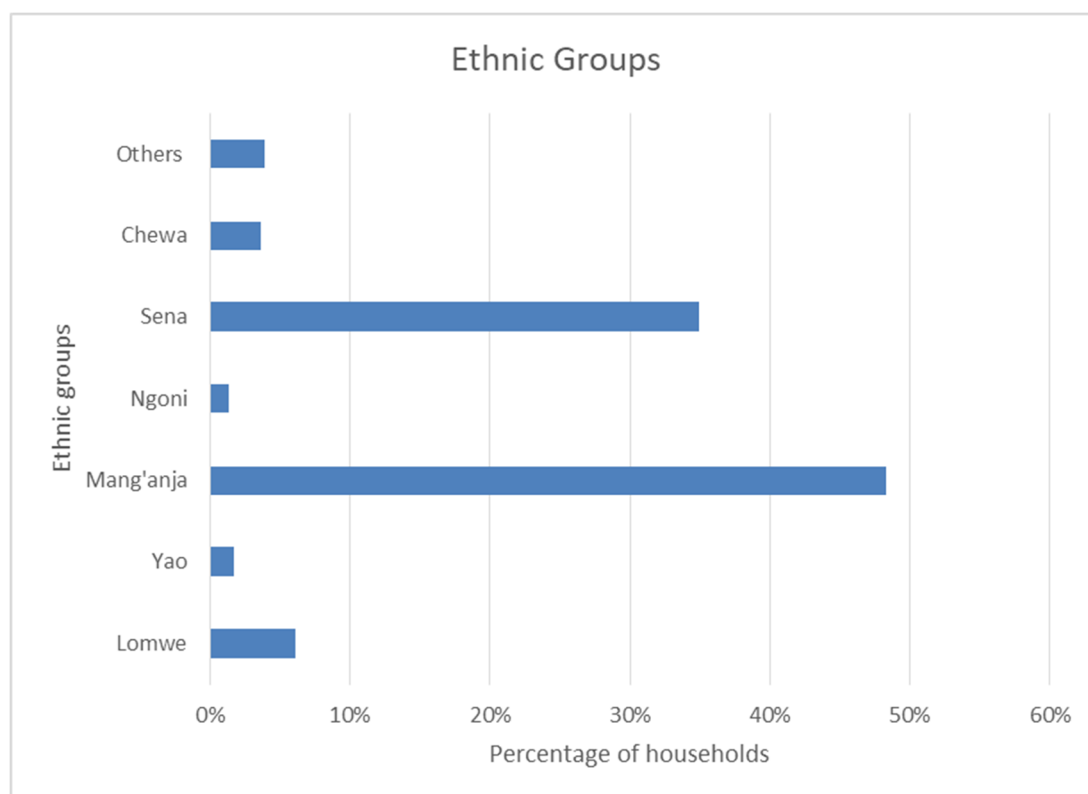


Figure 4.2: Ethnic groups in Programme impact areas (Source: SVIP Household Survey 2018)

4.7. Religion

According to the 2018 Population and Housing Census, the majority of the people (77.4 percent) in Malawi are Christians; Muslim comprise 13.8%, others 6.7% and those that do not have any religious affiliation are 2.1%. In the Programme impact area, the survey revealed that Christianity (Protestant and Catholics) is the main religion, with approximately 93% of the total people surveyed. Moslems are at below 2% and the rest belong to other types of religion. During the Focus Group Discussion (FGD), respondents highlighted the importance they place on graveyards, where special permission is required from the village chief, for one to have access to them. Hence, they stressed the importance of avoiding these graveyards, unless if it was practically impossible to realign the canal.

4.8. Marriage systems and marital status of household respondents

The people of Chikwawa District have a diversified cultural background due to the influence of various tribes. Participants in the FGD however, mentioned that most families, originally followed the matrilineal system of marriage (chikamwini) whereby land is acquired through marriage and a man resides in the wife's village. The majority of the households have now adopted the Sena patrilineal system (chitengwa) of marriage. Of the total sampled households, 88% indicated that they were practising the Chitengwa system of marriage, which they had adopted over the years; and the rest (12 %) were in Chikamwini relationship. In some cases, a mix of the two cultures in the village could be found. This meant that during the land registration, both men and women would be claiming to have ownership of the land. It was important to establish the living arrangements and marriage systems as this would affect land registration processes in the future for the PAPs. Of the total surveyed, 77% indicated that they were married and of these, 68% were in monogamous relationships, 2% were in a polygamous marriage; 12% were widowed, 7% divorced and the rest were single. More female headed households were divorced as compared to male headed households.

4.9. Gender perspective

Despite the developments Malawi has made, both in terms of laws and policies that seek to advance women empowerment, women remain in danger of losing out on the different development initiatives. Women continue to face constraints related to access to and control of resources such as land. As much as there are fewer female headed households (29.5%) in the Programme impact area, the Focus Group Discussions (FGD) conducted by WWEC revealed that most of these households had challenges in accessing key developmental components of their livelihoods.

The proposed SVTP, is one key programme where special consideration for women is critical, as it is affecting land, one of their key sources of livelihood. Women in Malawi and the impact area are traditionally responsible for nurturing families and the elderly; and finding food and fuel. However, they lack access to and control over productive resources. Evidence from the study area shows that men control virtually all household resources and income from the sale of agricultural produce. COWI A/S, 2017 reports that:

- a) Literacy and education rates of women are considerably lower than those of men, especially of the population above 35 years of age.
- b) Access to and control over land is dominated by adult males over 35
- c) The third integrated household survey showed that 94% of the cultivated plots used women to provide labour while a quarter of the cultivated plots reported to have used children in cultivating their plots. Only 23% reported to have hired their labour input.

- d) While a husband and wife may work equally on the farm, the man enjoys more benefits, especially income from the produce sold. The man takes control of all income from crop sales. This was confirmed by stakeholders interviewed in the SVIP impact area.
- e) Women are generally not able to irrigate at night, owing to security concerns; and during the day may face other time limitations. This reduces their productivity. It has been reported that when women are owners of the farm and have adequate resources to manage it, their productivity tends to be higher than or at least equal to that of men.
- f) Experience shows that women and youth often lose out in resettlement and reallocation processes, especially when they are poor because they do not have sufficient power to attain their rights.
- g) Fewer high value assets and lower value assets are owned by female headed compared to male headed households. Access to credit is problematic for the poor.
- h) Fewer female (8.0%) than male (15.9%) headed households had a bank account in the SVIP survey.
- i) Results of the household survey show that married women made fewer decisions on their own compared with female headed households, while children generally did not make decisions on most household activities. Generally, the man takes control of all income from crop sales. This was confirmed by stakeholders interviewed in the SVIP impact area.
- j) Participation of women and youths in institutions which govern the water sector is often limited. Because few women formally own land and their literacy levels are low, their participation and representation in Water Users Association (WUAs) are normally low.

To mitigate these effects, COWI A/S, 2017 recommends that for land redistribution & resettlement the Programme should:

- i. ensure that women and youth are involved so that they also benefit from the employment created, where feasible;
- ii. ensure gender sensitive practice in terms of targeting, compensation and provision of services to new locations;
- iii. include measures, such as specific indicators, approaches, empowerment, etc. to ensure that both genders, the youth and the poor benefit and are treated equally with all others in the land re-allocation and resettlement and are not deprived as is often the case;
- iv. provide social safeguards to protect women and girls from being sexually abused and, for irrigation scheme management;
- v. ensure gender, youth and poverty criteria apply in the compilation irrigation management bodies and that each group is empowered and capable to attain their rights.

Within the SVIP area, 35% of the household interviewed is not able to read or write and 20% never went to school. The illiteracy rate of 74% of the female household heads is far higher than the 27% of the male household heads. The illiteracy rate is slightly better among household heads of 35 years and younger, especially for men (60% illiterate) and less for men (27% illiterate). Very few attended junior and senior secondary school. Of the women, hardly anyone attained a higher education.

Women own very low percentages of registered land in Malawi. In the study area, the majority of women who provide about 70- 80 percent of the labour for agriculture lacks access to the benefits accruing from their efforts. Information from the FGD shows that most of the gender disparities are as a result of high poverty levels, low literacy rates, negative cultural practices and institutional weaknesses. Gender inequalities in resources, responsibilities and entitlements; as well as social vulnerabilities if not given proper attention in the Programme would lead to constraints in the SVTP development Programme.

There is need to address this marginality, or risk discriminating against the women/female headed households in the area. Of the total number of PAPs of 1,239, 563 are females and 676 are males. Of these 475 are vulnerable. These include the elderly (172), people with disabilities (69); chronically ill (57), female heads (114), child heads (3) and people living with HIV/AIDS (3). Because of the different roles men and women play in society, they will be affected differently by the land acquisition. Hence, it is important that the RAP process is gender sensitive. Clear understanding of gender aspects of the Programme will contribute to improved socio-economic status of the affected persons.

4.10. Land use and tenure

The Socio-economic Profile, SEP (2017-2022) indicates that most of the land in Chikwawa District is under customary ownership. Customary land is all land falling within the jurisdiction of a recognised Traditional Authority and this land, which can be given to a person or a group, is used under Customary Law; and is owned and controlled by Chiefs in trust. The primary use of this land, in the Programme area, is for settlement and agricultural activities for the households. Sixty-four percent (64 %) of total land surveyed is under customary ownership, as indicated in figure 4.3; Twenty-five (25%) was observed to be under leasehold and 5% was rented.

More than 80% of the land under customary ownership is used for agricultural activities, which are mainly subsistence farming. COWI A/S (2017) reports that participants in the Focus Group Discussions also mentioned that 97-100% of their land is used for agriculture; and 98-100% for buildings/ settlements. These figures are similar for adult men, adult women, young men, young women and the poor. Those who are better off also use their land for building shops, houses for rent, grazing animals and growing woodlots. A number of people indicated that they inherited land from their parents or clan. A few however bought the land from within the communities.

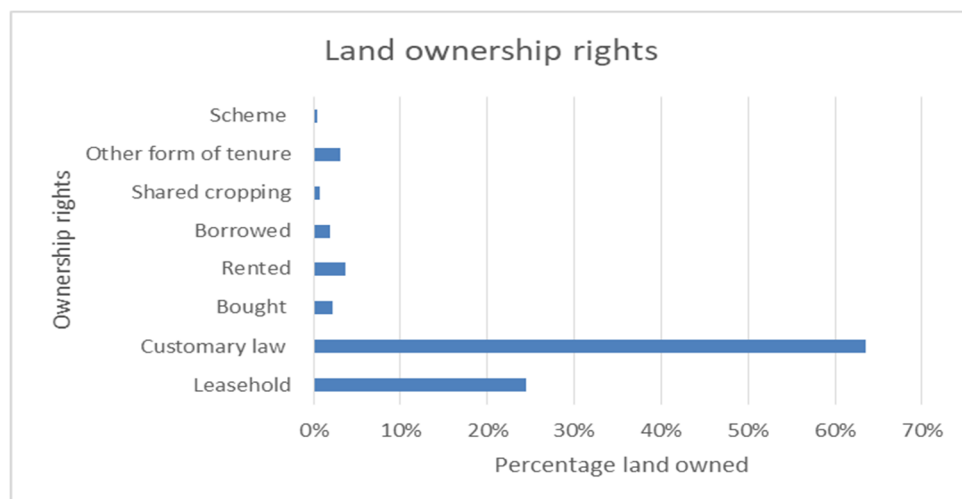


Figure 4.3: Land tenure types (Source: SVIP Household Survey 2018)

According to the Resettlement Policy Framework (RPF), landholders in the customary land sector are varied and each type has specific rights to the land, which differ depending on membership category in the village. Land disputes are very high in Chikwawa district, particularly on customary land ownership. This is mainly attributed to inter-marriages between people who practice different systems of marriage (patrilineal and matrilineal) from one area to the other in the district. The other reason is the population density of the district, coupled with the high demand for farming land. Floods also contribute to making some land unsuitable for agriculture in the district and as a result, people are forced to search for new land.

Land conflicts in the communities are usually associated with boundaries, as the demarcations are not permanent and the land is not titled. These conflicts, however, can easily be resolved amongst the families or neighbours.

Access to land in Chikwawa District was described (during a FGD) as one of the key precursors for improved livelihood. However, the respondents also mentioned that land alone has failed, over the years, to guarantee the expected improvements to poverty levels. Access to farm inputs such as good seed, fertilisers or manure and extension services with good rainfall, or access to irrigation are anticipated, by the communities, to facilitate benefits and livelihood improvements from their parcels of land.

Land-size holdings are generally very small in the impact area. COWI A/S, from their study findings, indicate that the land parcel sizes range from less than 0.12ha to over 4ha, but the majority of the parcels sizes are small. 62.5% of the parcels are less than 0.4ha and 95.8% less than 0.8ha. More than half of all parcels in Phase 1 (55.2%) are smaller than 0.4ha and over three quarters less than 0.8ha (77.5%). Almost one third (32.5%) is more than 0.4ha and less than 0.8ha and the remaining 12.2% is more than 0.8ha

4.11. Household income and poverty levels

Chikwawa district has over the years been receiving a lot of relief and emergency items to support most of the vulnerable households. A number of disasters have affected the district in form of floods and long dry spells that lead to reduction in food production, especially for families relying on rain-fed agricultural activities. Changes in climate and extreme weather patterns have led to decline in agricultural yields/hectare. A number of other new challenges from pests (Fall Army Worm) have added to the already fragile subsistence farming system. Chikwawa has a diverse number of poverty levels and household income. The National Statistical Office (NSO) reports that in 2005, the Southern region had 31.5% Ultra Poor and 64.4% are poor. Chikwawa had 31.9% of the ultra-poor and 65.8% were poor.

From the survey, it was found out that the main income/ livelihood support activity in the Programme impact area is crop production (97%) followed by livestock production at 55% of the households. Seven percent (7%) of the households depend on salaries, while 37% were engaged in piece work for a living. According to the Principal Social Welfare officer, also responsible for the district cash transfer programme, the district was only able to target 10% of the identified 49.3% ultra-poor (those who eat one meal per day, with no asset that can be turned into cash and with labour constraint),

During the FGD, it was reported that a number of families were failing to meet daily food requirements due to their inability to purchase the required food items. Most of the female headed households had challenges in managing household labour requirements. The respondents indicated that the cash transfer was inadvertently creating a lot of dependency, especially for young mothers. On average, households reported that they use MK12,000.00 per month for their household needs. Those that were spending little also incidentally had very little land size holdings at 0.1 acre. The district defines the most vulnerable as female headed household at any age, the elderly, girls, orphans and the destitute/ or those displaced by the natural disasters. The communities felt that the reasons why poverty levels were growing include the following:

- a. Over-reliance on rain-fed agriculture and erratic and unreliable rainfall pattern, which mostly led to prolonged dry spells or flooding
- b. Reduction in land size holdings, as families subdivide the little land handed over from their families due to population increase
- c. High cost of inputs, hybrid seed and fertilisers, coupled with lack of proper extension service

The World Bank, in its report titled *Vulnerability to Poverty in Rural Malawi* dated August 2016 said risks, particularly rainfall and loss of off-farm employment, are contributing to the growing poverty levels; while at the same time dragging non-poor households to fall into the poverty trap in Malawi. Most households (more than 60%) expressed hope that the SVTP will be their only way out of entrenched hunger and poverty. The market committee at Tomali, hoped that the Programme would enhance the ability of the farm families to produce enough; and to sell the surplus for additional income.

4.12. Agriculture, food security and diversification

Information from Chikwawa District Agricultural Office indicated that only 9% of the total population were food insecure. Mbewe EPA, which comprises of T/A Lundu and Ndakwera area had a total of 15% of their population food insecure, Kalambo EPA (T/A Chapananga and Katunga) were at 8%, with Mitole EPA at 5% (T/A Kasisi, Maseya). Most of the households interviewed reported that many of the households did not harvest enough food to cover their food needs for the whole year. A total of 68% reported that there were days the families would have less than 3 meals per day. In most of the responses during the FGD, it was reported that usually the families would have 2 meals per day; and the main food item was maize porridge (nsima) with a vegetable relish. Most household heads, more than 50%, reported that they were not able to provide the food requirements of their families.

The main crops grown in the district are maize, sorghum, millet, cotton, beans and rice. In the Programme impact area, the households grow maize, sorghum, millet, and beans. During the Focus Group Discussion (FGD), the majority mentioned that they had stopped growing cotton because of the poor and low market prices that were being offered for the cash crop. One of the reasons why some families still remain food insecure (according to the District Agricultural Development Officer, DADO) was the inability to adopt new high yielding seed varieties, which are expensive. Most of the respondents (85%) mentioned that they would be able to devote more time to farming if water was made available through irrigation.

About 93% of business communities operating in the district are small-scale retailers operating groceries, bottle stores, maize mills, rest houses and restaurants. In total, there are 18 produce markets run by the district council and 30 markets operated by the Agricultural Development and Marketing Corporation (ADMARC) in the district. However, the ADMARC markets in most cases are non-functional.

4.13. Community business opportunities

Agricultural processing business opportunities are possible in the area, the main one being cotton processing. In GVH Chikhambi 2, the community has formed a cooperative (Minyali Cotton Producers) and was assisted with cotton ginnery equipment (fig 4.4), a factory building and some service buildings by the Government in 2014, under the One Village One Product initiative. In 2017, the cooperative ginned grade 2 cotton that was sold at very low prices, as the market demand was for a higher grade 1 cotton. Since that time, some of the equipment, especially the cotton press, has been rendered dysfunctional. However, the equipment, once operational, has the potential to gin cotton, produce cooking oil and cotton seed cake for livestock feed. Key problems currently being faced by the community include:

- Marketing constraints for cotton;
- The Cooperative requires capacity building and training;
- The machines require maintenance and the operators need training;
- The farmers of the cooperative need capital seed inputs; and
- Vendors continuously take advantage of the farmers by buying the cotton at very low prices.



Figure 4.4. Some of the equipment lying idle at the Minyali Cotton Producers facility

4.14. Mtadeya Tomato Processing and Marketing:

Mtadeya Tomato Processing and Marketing is a functional but not effectively and efficiently managed cooperative. Low production is the biggest problem as they have not secured steady markets. They currently do not have the Malawian Bureau of Standards certification and as such, their products (canned tomatoes, soy cooking oil, Baobab body oil and jam) are not accepted by the popular retail shops.

The factory building, constructed in 2013, needs some maintenance to meet the acceptable standards for food processing. Main concerns include dust; need for ceiling for the roof, fly screens for the windows and a borehole for water source

There are large quantities of tomatoes produced in the area. The machines (fig 4.5) are capable of producing different types of cooking oils, including sun flour, ground nuts and cotton seed oils. The cooperative is hopeful that the SVTP will be very helpful as lack of irrigation water is currently a big concern in the cultivation of tomatoes and the other crops.

According to the estimates provided by the members of the cooperative, MK10,000,000 is required for improvements that include installation of a borehole fly screens and doors; purchasing fire extinguishers, first aid kits, appropriate uniforms and repairing the ceiling.



Figure 4.4: Mtadeya Tomato Processing and Marketing Facility

4.15. Access to economic assets, credit and finance

Currently there are a number of banks and credit institutions such as Blue Bank, Green Wing Foundation for International Community Assistance (FINCA), Community Savings and Investment Promotion (COMSIP). There are also other local financial institutions such as the Village Savings Loan (VSL) that provide credit and loans. Chikwawa District has branches of the National Bank of Malawi, Financial Discount House (FDH) and the NBS Bank.

During the FGD, respondents were asked to indicate the assets they owned. All the people (100%) indicated that they owned at least a hoe and 20% said they owned a bicycle. Ownership of assets that can be exchanged for money or labour is very low in the Programme impact area. Males tended to own more durable assets than females. Ownership of durable assets is slightly lower than reported in the Integrated Household Survey 3 (IHS3) results for southern region, where 45% owned a radio, 35% a bed, 32% a table, 35% chairs, and 4% a TV.

Access to credit and loan has been recorded in many studies as one of the main challenges faced by the rural communities, especially women. During the FGD, members mentioned that lack of access to credit was one of the main reasons why some of their businesses were not growing. However, in all the groups, some credit schemes, including the COMSIP and VSL groups were said to be facilitating trainings and offering low interest loans for improvement of small businesses.

4.16. Social services

Social services including health, water and sanitation, education, transport and communication are provided in the district through the various government ministries, private institutions, churches and Non-Governmental Organisations (NGOs). Access to these services is however, constrained by poor and inadequate delivery systems, infrastructure and in some cases poor governance. Many of the government departments are understaffed, for example in education, the teacher to pupil ratio is lower than the recommended 60:1 and in hospitals, the doctor to patient ration is also extremely lower than the ratio recommended by the World Health Organisation (WHO) of 1:200 to in some cases 1:720 in some government hospitals. There is no proper decentralization in some ministries and that delays development processes which further affects delivery of key services at the district level. There are in some cases frequent transfers of key district officers which in some instances makes continuity and following up of issues difficult. Data management is a major challenge including even accessing relevant and up to date documents like the SEP.

4.17. Roads and transport services

People in the rural communities generally have to walk for long distances to access any social service in most cases. Chikwawa is not spared from most of these challenges facing the district councils and also Malawi as a whole. Movement of people is usually by walking or on bicycles and in rare cases, on vehicles that may periodically pass through the villages. Typical tracks that are used, also by oxcarts are shown in fig. 4.6



Figure 4.5:Track (left) and district road used for movement by the people of the area.

From maps (Annex 9), it has been estimated that the proposed irrigation canal will cross 33 rural roads and footpaths. This will create an inconvenience to those that must cross the canal to access services across the canal.

4.18. Access to water and sanitation

The Integrated Household Survey IHS 4 reports that importance of access to safe drinking water is underlined by the fact that it is one of the SDGs and MGDS III indicators. A household is considered to have access to safe drinking water if the source of water potable, can be fetched within 500 metres radius or a return time of thirty minute.

The report notes that the Southern Region has 88.2% of the households with access to an improved water source, where of these, 66.6% use a borehole. In Chikwawa IHS 4 reports that 86.5% have access to an improved water source and of these 73.9% access their water from a borehole and 10.2% get their water from an unprotected source.

As much as there is a high level of access to a protected water source, Chikwawa district has challenges with maintenance of the facilities. Most of the improved water sources are donor funded and once the Programme come to an end, the communities sometimes fail to maintain the water sources. There are low investment levels in the water sector and low functionality of the improved community water points. Apart from the reason that there are few investors in the water sector, another contributing factor is lack of community-based management of the existing community water points, which have increased number of non-functioning water points. According to water point mapping report by Water for People, 2015, boreholes constitute 78% of all water facilities in Chikwawa, where there is a functionality of 80%; with a coverage rate of 71%. This implies that 71% of the district's population accesses water from boreholes. Provision of safe water in the impact area is through boreholes, piped gravity fed water supply scheme, shallow wells and unprotected springs. From the household survey, 95% of the households access water from a borehole as indicated in figure 4.7. This is higher than the national figures from the IHS 4. The rest (3%) get their water from communal taps,

piped water and unprotected well at 1% each. Access is from the same sources during wet and dry seasons.

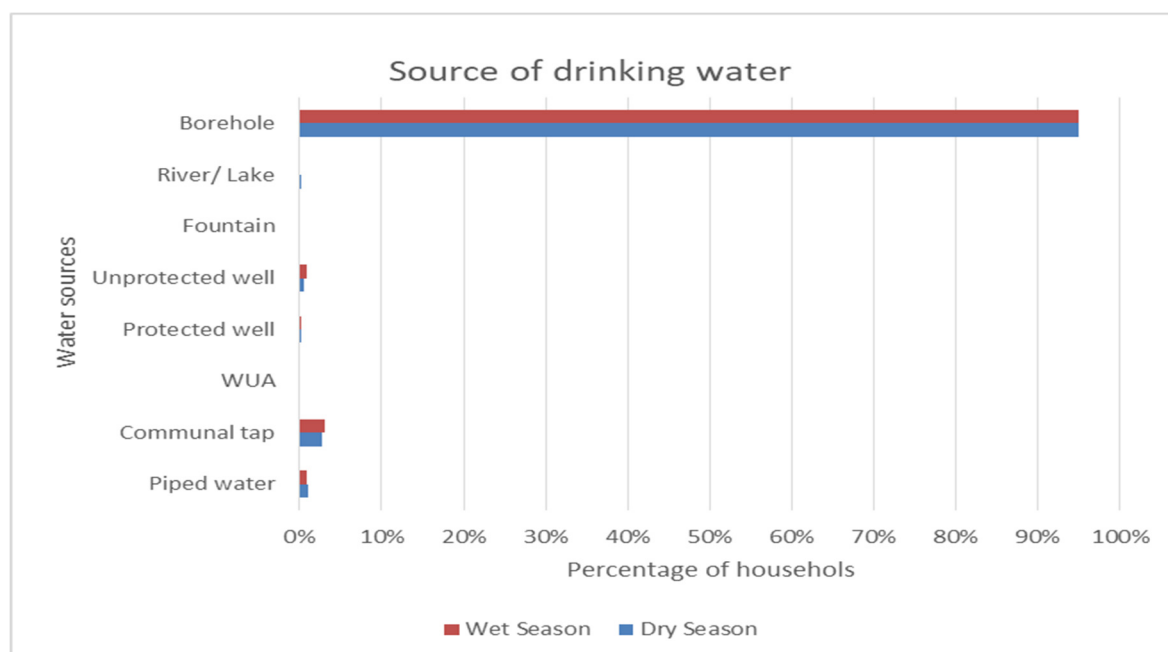


Figure 4.6: Sources of drinking water during wet and dry season

(Source: SVIP Household Survey 2018)

Although the information shows high access to water in the Programme impact areas, the respondents however, mentioned a number of challenges they face as they access the water. These are summarised in the table 4.2.

Table 4.2: Water challenges by population in Chikwawa district

	Dry season %	Wet season %
Water shortages	24	21
Remote access	8	9
Expensive	2	2
Difficult to access	19	16
Poor Water quality	43	51
Frequent breakdown of pump	2	1
Long queue at borehole	3	1

Source: SVIP Household Survey 2018

One of the major challenges (mentioned by 43% and 51% of the respondents for dry and wet seasons respectively) is the water quality. From the FGD at Tomali, it was mentioned that although borehole water is available, some of the boreholes had salty water, which could not be used for drinking or cooking. This meant that some households had to travel long distances to access potable water. Distance to access water was mentioned as one of the key challenges. Most villages mentioned that because of few water points, there were frequent breakdowns (2 to 3 times a month). Most households spent more than 30 minutes to go and fetch water on a round trip. Long times are spent waiting at the borehole. During the FGD, the respondents mentioned that there is a water point committee that is responsible for ensuring the borehole is well maintained and not vandalised. Some of the water point committee members are trained and are able to do minor repairs within a day.

4.19. Sanitation services

The Chikwawa District Strategic Investment Plan DSIP for Water, Sanitation and Hygiene 2017-2022 and the District Health Management Information System (HMIS)³ records that an estimated 61% (69,087 households) of 113,257 district households have and use pit latrines. On the other hand, only 10% of the households (11,326 households) have improved latrines leaving 39% of households without access to proper sanitation facilities. However, only 15,637 (23%) of the pit latrines have hand wash facilities fixed close to their doors and 318 (2%) of hand washing facilities have soap; (2%) of households wash their hands with soap⁴.

The revised DSIP 2017, noted that water and sanitation problems are very high in Paramount Chief Lundu whilst in TA Ndakwera, Kasisi, Katunga and Maseya the number of water points and latrines is higher. The district HMIS officers also indicated that there are very high cases of bilharzia (619 cases) around and in T/A Lundu area due to the fact that people take their baths in the sugarcane irrigation canals than it is for the same reported period in T/A Maseya (30), Chapananga (188) and Kasisi (96). In the impact area, figure 4.8 below shows that 94% of the respondents said they had and used traditional pit latrines, 3% used improved pit latrine and the rest are using the ecosan toilet.

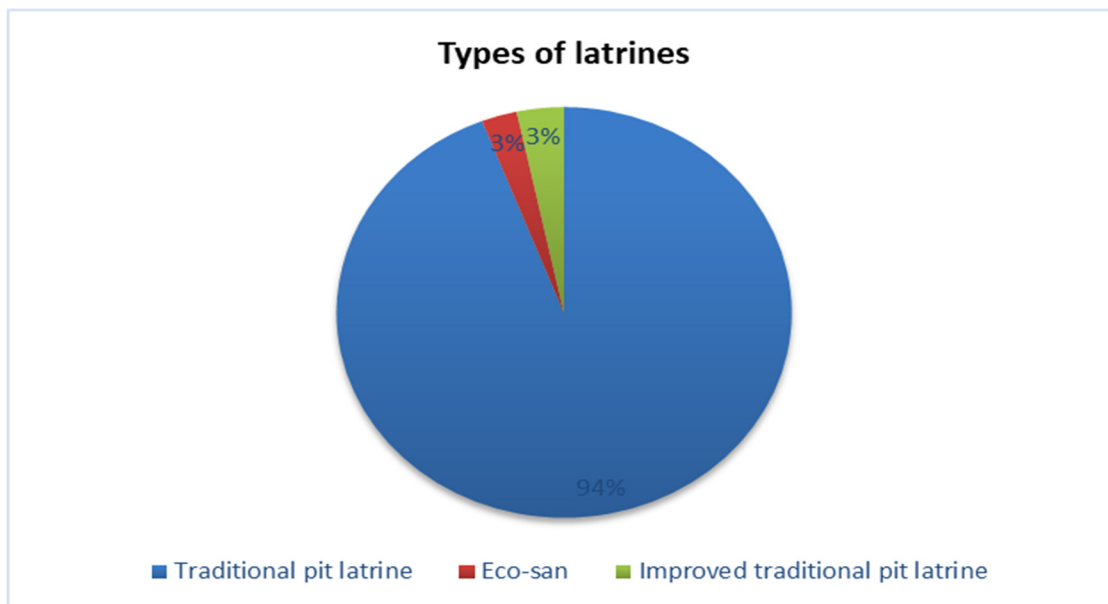


Figure 4.7:Types of latrines used by respondents (Source: SVIP Household Survey 2018)

Access and use of sanitation facilities is one critical area of concern in the district, as indicated by the high prevalence of water borne diseases in the impact area. Table 4.3 shows that a number of people were treated at the various health facilities in the impact area. 6% of the respondents also indicated there had been cases of cholera in their families.

³Chikwawa District DSIP, 2017 revised

⁴ibid

Table 4.3: Disease types in Programme impact area

2017								
OPD Attendance	Diarrhoea Non - Bloody - New Cases (under5)	Dysentery - New Cases	Acute Respiratory Infections - New Cases (U5)	Skin infections - New Cases	Malaria - New Case (under 5)	Malaria- New Cases (5 & Above)	Schistosomiasis - New Cases	Malnutrition - New Case (under 5)
19024	864	117	2503	723	1944	1925	125	0
12945	1225	59	3979	305	396	753	342	172
8368	174	119	299	342	148	824	34	37
10355	444	75	406	601	297	1136	118	22
12910	540	186	1331	571	777	1863	30	343
29007	679	39	685	794	4180	5389	34	0
23469	577	53	1066	577	2659	3180	71	465
6108	132	34	391	183	1206	1799	12	1
12385	207	23	2740	248	1268	1063	5	109
24816	669	114	1071	914	3497	4437	51	22
8690	207	53	572	398	577	733	12	32
91236	2016	549	1278	4600	7376	27942	84	675
3203	24	67	72	203	186	471	12	190
KEY:								
	Lundu							
	Maseya							
	Chapananga							
	Kasisi							

Source: Chikwawa District Hospital HMIS Data (Provided May 2018)

4.20. Health

The District has 27 Health Posts, 131 village Clinics and out of these 113 are active, 4 Dispensaries, 13 Health Centres and 3 Hospitals (Chikwawa District Hospital, Ngabu Rural Hospital and Montfort Hospital). According to the records at the central hospital, the leading causes of morbidity and the most common diseases in the impact area are Malaria, Skin conditions, Acute Respiratory Infections, and Diarrhoea. This was also the case during the survey as indicated in figure 4.9 where one of the commonest diseases was malaria, with more than 60% saying they had been affected within the last 3 months, followed by respiratory infections and diarrhoea. Mortality rates in the district vary from age to age, infant mortality rate in Chikwawa is 157/1,000, and Under 5 mortality rate is 205/1,000, while maternal mortality rate is 1200/100. The survey noted recorded that over 90% of the respondents used government owned health facilities, either at community level and at the Boma. More than 80% of the respondents however reported taking more than 1 hour to get to the nearest health facility in their area.

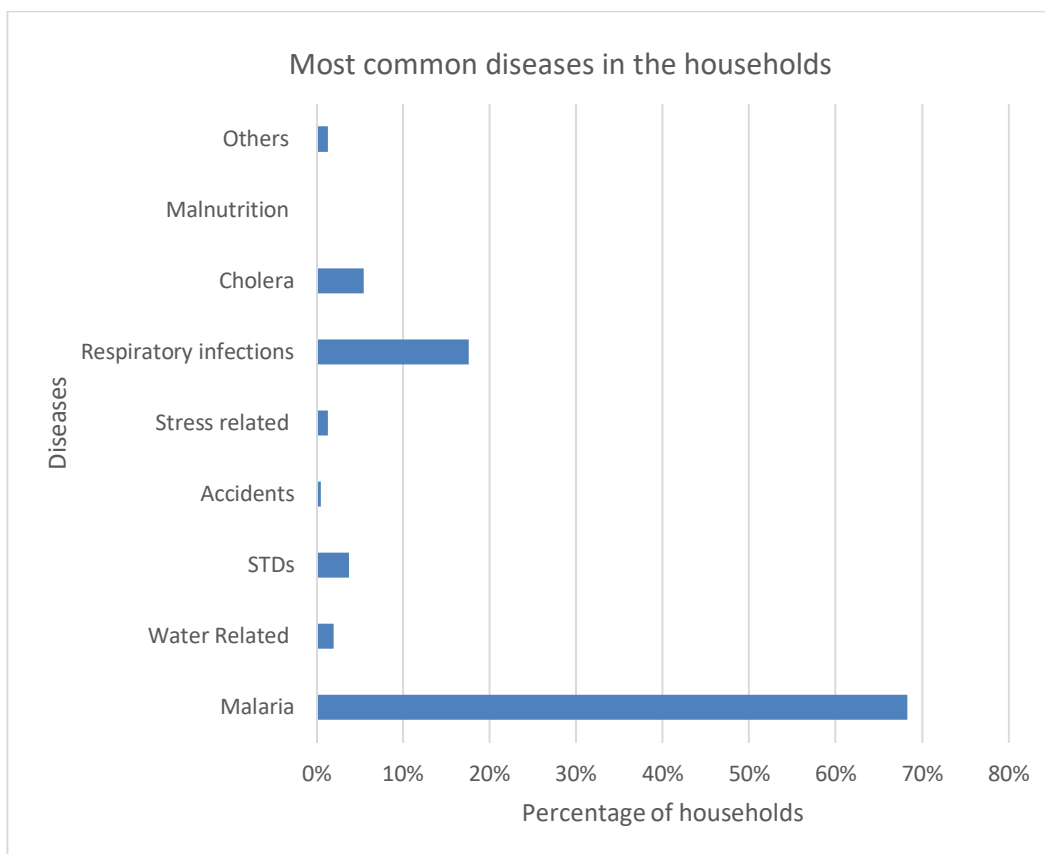


Figure 4.8: Common diseases in households (Source: SVIP Household Survey 2018)

4.21. Education

The Integrated Household Survey 4 (2016-2017) indicates that the proportion of the population aged 15 years that is literate was at 73 percent, indicating an increase of 8 percent in literacy rate compared to 65 percent which was reported in 2010 to 2011 (IHS3). A higher share of males aged 15 years and above (81 percent) was literate, compared to their female counterparts (66 percent). Chikwawa District had a literacy rate of 59.9%. In regards to place of residence, urban areas registered a higher literacy rate (90 percent) compared to rural areas (68 percent) Although women are the majority of the population (51%), they are marginalized in economic and social spheres. Literacy levels of women are considerably lower than for men. Nationally, 65.4% of the population aged 15 years and above are literate. However, there are gender differences, with 57.2% of women compared to 74.4% of men above 15 years old being literate. The national literacy level is 71.6% for male and 65.9% for female against district literacy level at 54.7% for males and 45.3% for females (NSO, 2018). Of the surveyed in the impact area, 56% of the respondents had a primary education, 27% did not have any form of education and about 16 % had a secondary school education. The education levels differed amongst men and women as indicated in figure 4.10. The levels of education are not that different in primary education. There were more men with no education than women and also more women had a secondary education than men.

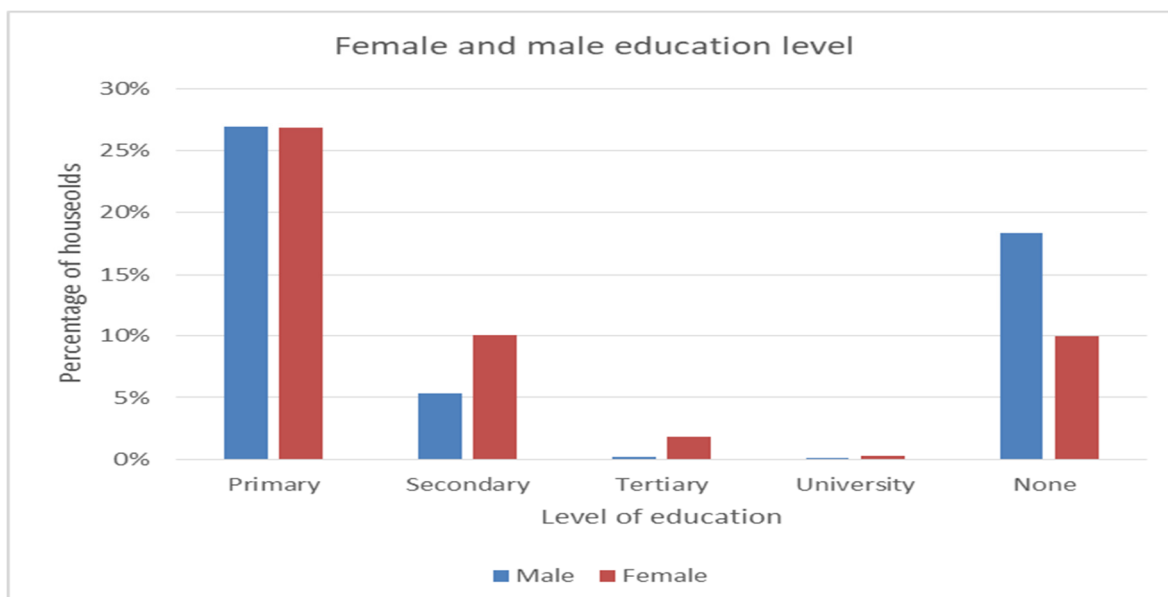


Figure 4.9: Education levels for men and women (Source: SVIP Household Survey 2018)

A number of challenges were presented during the FGD, regarding education in the district. Despite the availability of 40 schools in the impact area, levels of education remained very low, especially amongst the girls. The data shows that 56 % of the respondents mentioned that cost of education is one of the main challenges/barriers in relation to access to education in the impact areas, distance at 9% and laziness at 12% as second. The district education office during the consultations also mentioned that agricultural activities tended to have a huge impact on education in the district. Irrigation agriculture, especially winter cropping was resulting in increased pupil absenteeism. He mentioned that *“In winter, parents move to the banks to grow crops, taking with them children. This results in absenteeism, low performance and high repetitions in class, which in turn results in the said dropping out of school. The children accompany the parents because of the need for man power. The parents value the present economic situation more than the future of the children.”* This challenge was affecting most schools along the shire river.

The average district average teacher to pupil ratio is 1:80 and it can go up to 1:120 in some schools where there are few trained teachers. Most of the schools have water points but sanitation conditions are bad. Access to Menstrual Hygiene Management (MHM) facilities is limited and this acts as a contributory factor to girl’s absenteeism and usually dropping out of school. Chikwawa RC school has a total of 1386 pupils, of which 688 are girls who are sharing only 8 toilets, and 698 boys also with 8 toilets. Other extremes in the impact area are Kalima School in T /A Maseya, which has 520 students, with 54 drop outs in a year, with 567 girls using only 2 latrines and, 553 boys having access to 8 toilets. St Matthews in T/A Lundu has 1702 girls sharing only 9 toilets. During the FGD, it was mentioned that there is a very high girls’ dropout due to pregnancies. These are very common along schools close to the sugar plantations and estates as the older men there always have some money which they lure the girls with.

4.22. Vulnerable groups

The AfDB defines vulnerable groups as distinct groups of people who might suffer disproportionately from resettlement effects⁵. Some World Bank documents define vulnerable groups as people who lack capacity to cope with uncertainty and risks and are often characterised by low levels of assets and at risk of chronic poverty e.g. widows, orphans, disabled and chronically ill. According to the Principal Social Welfare Officer, in the district, vulnerable groups of people were identified as: women, children, child-headed households, people living with HIV/AIDS, people with disabilities, orphans and the elderly. Data for the exact number of these groups is scarce. Orphans who are less than 15 years old make up 12.5% of the children in the Southern Region in which Chikwawa district is, compared to the national average of 10.2% (National Integrated Household Survey 2010-2011). These numbers highlight the need for sensitive resettlement actions in the affected areas. No data is available for migrants and refugees in the impact area.

During the survey for property valuation, the number of vulnerable PAPs is 475. These include the elderly (172), physically challenged (69); chronically ill (57), female heads (114), child heads (3) and HIV/AIDS (3).

4.23. Energy sources

The district rate of economic growth is impacted by unsustainable use of natural resources. The Socio-economic Profile (SEP) reports that Chikwawa GDP would be higher were it not for unsustainable use of natural resources. There is gradual annual loss due to resource degradation. The main contributors are forestry and soil degradation. There is exploitation of firewood and charcoal for business in the district. During the survey the respondents indicated that their main source of energy for cooking is firewood (98% of the households); and for lighting, the respondents said they used the torch (85% of the households).

4.24. Summary of Methodology

The methodology for the RAP involved four phases as laid out below. This methodology was observed during the assignment.

Phase 1: Sample method and size

The first activity was to determine the sample size for socio-economic survey. To determine the sample size for the socio-economic survey, calculations for random sampling size were made from the basis that the COWI socio-economic baseline report estimated 660 PAPs for Main canal1 and 2. This figure 660 was extracted from the preliminary list of PAPs provided in the RPF produced by COWI. To obtain the best true reflection of the characteristics of the project area, an additional 660 people, who are heads of non-affected households (non PAPs) was included to be the population of PAPs. This produced a total of 1,320 people (PAPs plus non PAPs) as the size of the population of PAPs. Applying a 22.5% random sample fraction to this total number of people yielded a figure of 297 people, which was further adjusted to 350 persons (household heads) to be targeted in order to cover for any possibilities of non-responses during the surveys.

Phase 2 - Inception Stage

⁵https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/Safeguards_and_Sustainability_Series_-_Involuntary_Resettlement_-_En_web.pdf (downloaded on 10 July 2018)

Activities for this Phase 2 included preliminary interactions with the client's Project Management Team (PMT), desk review of the relevant literature and reconnaissance surveys that involved visits to the proposed canal route corridors to ascertain features en-route. These activities culminated into the production of an inception report which outlined the consultant's updated work plan, time table, and methodology for this assignment. T

Phase 3- Main Field Activities Stage

The third phase included field surveys as the main activity. These field surveys involved community sensitization meetings, census, asset inventory survey and socio-economic surveys. The consultant deployed a team of 27 field workers sub-divided into 3 smaller teams. Each smaller team consisted of two Research Assistants for socio-economic surveys, one GIS technician for preparation of maps and collection of information for geo-referencing and two property valuers for assessment of values for land parcels, structures, crops, and of all other details of the property owners and the assets to be affected by the project. Two land surveyors for measurement of land and definition of the way-leave was also be part of each team. The main team consisted of one team leader and three supervisors for the property assessment teams; and one team leader and two supervisors for socio-economic survey team.

The land surveyors used Garmin hand held GPS receivers to define the wayleave. The wayleave is determined to have a width of about 60 meters and the land surveyors delineated the width and measured the areas of all land parcels affected in the wayleave. The property valuers assessed all the properties in the wayleave and all the data was collected using questionnaires. Measuring tapes were used to measure the areas for affected buildings and physical counting of affected trees and crops was done. The GIS technicians used GPS receivers to map all the spatial data within the wayleave for the preparation of geo referenced maps and formulation of shape files.

On a normal day, the teams covered an average distance of 12km for sensitization meetings and 11km per day for the socioeconomic and asset inventory surveys. The field work teams took 12 days to conduct the community sensitizations and to carry out the socioeconomic and asset inventory surveys. The community sensitizations, socioeconomic and asset inventory surveys all begun on the same day; but the team conducting community sensitizations started earlier and were ahead of the teams for socioeconomic and asset inventory surveys. This was done to ensure that the work is completed in a short period of time and to allow for the people to be well aware of the upcoming project in general and the surveys in particular, as well as for the people to understand the importance of correctly identifying the affected people and assets, prior to any proceedings concerning the project and compensations.

Phase 4 - Consultations with other stakeholders

Consultations were also made with different stakeholders in addition to the PAPs.

- **At the lower level:** the communities in the project areas, including the PAPs were consulted through meetings, to solicit their views on the project and to engage them on the land acquisition and compensation activities and process.
- **At the middle level:** consultations with the officials of Chikwawa District Council and traditional leaders in the project district of Chikwawa were held to discuss their experience in similar projects and to appreciate how projects involving land acquisition and compensation have been carried out and basically learn from their experiences.

During all these meetings, project objectives were explained and expectations of the stakeholders discussed and documented. In all the project areas, community sensitization/ engagement meetings were held with the assistance of the traditional leaders who provided support in mobilizing the communities. The community meetings were attended by key community stakeholders that included the Project Affected Persons, members of the Area Development Committees (ADCs), Village Development Committees (VDCs), Councillors, MoAIWD staff and the consultant's team.

As part of the field activities, community leaders, Chikwawa District Council officials and the PAPs themselves were consulted and engaged in the search for sites in the immediate vicinity and other parts of the project area to identify suitable alternative land for PAPs to move to, and to continue their farming, small-scale businesses and other economic activities.

Phase 5 – RAP preparation stage

Phase 5 involved compilation and analysis of all data collected for report preparation. The report preparation exercise involved the following main activities:

- Analysis of data from the census and asset inventories, socio-economic survey as well as desktop review;
-
- Preparation of the entitlement matrix for PAPs;
- Preparation of photobooks;
- Compilation of compensation list;
- Preparation of the budget; and
- Documentation of the RAP chapters.

Chapter 5 : ELIGIBILITY CRITERIA FOR PROJECT AFFECTED PERSONS

5.1. Eligibility criteria

All PAPs, including those who have no legal right or claim to the land they are occupying, are eligible for compensation or other assistance, commensurate with the nature and extent of the impact involved. Eligibility to entitlements requires that the PAP:

- a) be located within a direct impact zone of the canal before the cut-off date, established when the census is started;
- b) suffers a loss that is quantifiable i.e. loses an asset partially or fully, either permanently or on a temporary basis or can be quantified in monetary terms (such as a tenant or a sharecropper who might be affected), etc.; and
- c) his/her ownership of the asset is either formally registered or at least recognized and his/her presence or association with the location is recognized or well known within the local community.

Based on the above, affected persons shall be considered eligible for compensation in cases where land, structures, trees and crops are present along proposed canal corridor.

5.2. Types of PAPs and impacts

A Project affected person (PAP) is defined as a person who suffers from direct economic and social impacts that both result from Bank-assisted investment programmes and are caused by either the involuntary taking of land resulting in:

- a) relocation or loss of shelter;
- b) loss of assets or access to assets;
- c) loss of income sources or means of livelihood, whether or not the affected persons must move to another location;

or by the involuntary restriction of access to legally designated parks and protected areas, resulting in adverse impacts on the livelihoods of the displaced persons. (World Bank, 2004)

Based on the pre-construction impacts or loss identified from the asset inventory exercise the Environmental Impact Assessment Report and the Environmental and Social Management Plan, the types of PAPs according to the loss or impact are as follows:

- i. individual land users or owners (having crops, trees and structures within the 60m corridor of the canal);
- ii. communities whose resources (land and structure of church, schools and boreholes) have been affected; and
- iii. institutional PAP (private leasehold land)

5.3. Entitlement framework

The Entitlement Matrix (**table 5.1**) presents the types of losses or impacts, entitled persons, legal entitlements and compensation for each type of loss for the PAPs.

Table 5.1: Type of losses, entitled persons, legal entitlements compensation measures for each type of loss for the PAPs

Type of loss	Category of PAP/ Eligibility	Entitlement	Entitlement details
Agricultural, commercial and residential land Private (freehold/ leasehold) land Customary land	Land owner as PAP	Full replacement for the lost land (land for land), plus a lump-sum amount of 20% of the compensation as disturbance allowance.	<ul style="list-style-type: none"> a) Support should be provided in identification of the alternative land. b) The replacement land would be similar in quality to the land owned by PAPs and should be close to the PAPs current communities. c) The cost of preparing the replacement agricultural land to be met by the Programme. Land preparation to include clearing, ploughing, sowing, weeding twice and harvesting the crop, plus land registration and taxes as the case may be, to achieve a full replacement cost.
		OR Payment of cash for the lost land (cash for land), plus a lump-sum amount of 20% of the compensation as disturbance allowance.	<ul style="list-style-type: none"> a) Cash for land to include the value of labour invested in preparing the agricultural land, using the prevailing wage rates. b) The labour cost will be calculated as what it would cost a farmer to prepare the replacement land. This value will be determined by adding together the costs of clearing, ploughing, sowing, weeding twice and harvesting the crop, plus registration and taxes as the case may be, to achieve a full replacement cost.
Residential property	Dwelling owner PAP/ Household	Replacement cost of the lost property (cash for house or structure), without depreciation, plus a lump-sum amount of 20% of the compensation as disturbance allowance.	Compensation in accordance with the Land Act, at full replacement value, aimed at enabling PAPs to build new structures. Transaction costs, including transfer or registration of titles and taxes to be borne by the Programme within one year from the time compensation is paid. PAP has the right to salvage assets and materials from lost property.
		OR Replacement property (structure for structure) as per chosen design, along	<ul style="list-style-type: none"> a) Replacement house to be constructed only for those losing the main residential house.

		with alternative land for sitting the replacement house, plus a lump-sum amount of 20% of the compensation as disturbance allowance.	b) Cash compensation to be paid to those losing other structures such as toilet, kitchen, shed, granaries, kraals, bath-houses, other storage structures, perimeter fences etc.
		Lump-sum shifting allowance of: In Rural areas: <ul style="list-style-type: none"> • MK10,000: up to 5km • MK20,000: 6 to 10km • MK50,000: Above 10km In the urban areas: <ul style="list-style-type: none"> • MK20, 000: up to 5km • MK40,000: 6km to 10km • MK75,000: Above 10km 	Amount to cover inconveniences of transition.
Any other structure on affected plot	Structure Owner PAP/ Affected Entity	Right to salvage assets	a) Right to salvage assets and materials from the existing structure such as building materials, (except those identified as hazardous e.g. asbestos, etc.).
Loss of commercial or business structure	PAP/ Business owner	Replacement cost of structure without depreciation	a) Compensation at full replacement value, in accordance to the Land Act, to enable PAPs build new structures, as and when necessary. b) Transaction costs, including transfer or registration of titles and taxes to be borne by the Programme within one year, from the time compensation is paid. c) Right to salvage materials from the existing structure (except those identified as hazardous e.g. asbestos, etc.)
		Allowance for loss of profit per month (between 1-3 months by type of structure and nature of business): <ul style="list-style-type: none"> • MK90,000: Selling groceries 	Amount to cover losses in profit and inconveniences of transition .

		<ul style="list-style-type: none"> • MK120,000: Selling farm produce • MK70,000: Fruit selling • MK80,000: Fish selling <p>Lump sum shifting allowance of:</p> <ul style="list-style-type: none"> • MK10, 000: Up to 5km • MK20,000: 6km to 10km • MK50,000: Above 10km 	
Fruit trees and perennial crop	Crop owner PAP, Affected village (in case of natural trees)	Compensation based on the highest market price/kg and estimated loss of revenue from tree planting to fruit bearing	<ul style="list-style-type: none"> a) Valuation of perennial crops to be based on the product of their average yield for the period between planting and bearing of fruits and market price b) Input costs (kg/crop/year) c) Valuation of fruit trees to consider the time between planting and bearing of fruits d) Village Development Committee to receive compensation for loss of community assets.
Other trees	Tree owners, affected village (in case of natural trees)	Compensation will be based on the provisions of the Forestry Gazette, Government of Malawi (2010).	<ul style="list-style-type: none"> • Size of trees being lost will be considered in the valuation. Larger trees will attract higher rates • Rates will be based on discussions with the Department of Forestry
Annual crops	Crop owner/PAP	<ul style="list-style-type: none"> a) Full compensation, based on the average market unit price of the crop over the past three years, multiplied by the yield /kg and by the land size. <p>OR</p> <ul style="list-style-type: none"> b) Notice to harvest standing crops shall be given. 	The yield shall be the highest yield of that particular crop, as determined by Ministry of Agriculture, Irrigation and Water Development.

Graveyards (individual private land or village common graveyard)	Grave owner/ Land owner PAP, Affected Village (in case of common graveyard)	Payment of cost for grave removal and relocation based on a cost approach and cost of additional religious ceremonies in line with existing customary practices	a) In this RAP survey and asset assessment exercise there were no graveyards affected and hence no compensation will be needed.
Additional support to vulnerable groups.	PAP or head of the household	An additional financial assistance of 20% of the compensation amount payable.	This amount will be in addition to other compensation and assistance amounts given above per type of loss. If head of the household is not fit to avail himself or herself of the entitlement, then some other able-bodied member can be nominated.
Loss of resources serving the community	Affected community or host community.	Replacement/ enhancement of such impacted assets as required	Replacement /restoration or augmentation of existing infrastructure (churches, schools, hand pumps, dug wells, structures, etc.) based on identified need and to sustain pressure of PAPs.
Temporary and unforeseen impacts.	Affected person, household or village	Mitigation in line with principles in the RPF and ESIA	Unforeseen and temporary impacts during construction will be documented and dealt with on a case by case basis through the Village and District GRMCs.

5.4. Livelihood restoration

The main objective of this RAP is to ensure that livelihoods are improved or at minimum, restored to pre-displacement levels. Compensation for lost land and property will therefore seek to facilitate full and smooth recovery, without exposing the PAPs to vulnerability. This applies to people who are physically displaced as well as those that may be affected by loss of land, property and sources of income that directly affects their livelihood. Livelihood restoration can be enhanced by taking into consideration of the following:

- Payment of income, to those that may temporarily lose it during the transition period before their source of income is restored.
- Sensitisation of the PAPs, on the positive and negative impacts of resettlement and mitigation measures.
- Provision of ample time for displaced persons to put up structures prior to relocation.
- Implementation of a robust monitoring programme.
- Relocating as many PAPs as possible very close to the Programme area.
- Prioritising job opportunities to the PAPs as a way of quickly restoring their income streams.
- Supporting the PAPs to provide goods and services to the Project construction teams so that they can earn some income.

Livelihood restoration programmes will be implemented through the following process:

- a) Recruiting a livelihood restoration consultant (to be done by the Programme Management Team, PMT)
- b) Organising and conducting consultation meetings with Chikwawa District Council (DC) offices and local leaders on the proposed livelihood restoration programmes;
- c) Setting up livelihood restoration committees at T/A level. These committees will comprise local leaders, PAPs' representative, one representative from village development committees (VDC) and other representatives from the DC's offices;
- d) Conducting capacity building for the committees;
- e) Providing training to PAPs related to livelihood restoration activities such as financial literacy, starting small business, life skills, operating income generating activities, etc.
- f) Introducing the livelihood restoration committee to the PAPs;
- g) The PMT, through the livelihood restoration consultant, should train the trainer of trainers (these people will be responsible for training the other PAPs at community level and will be selected from the PAPs);
- h) The PAPs will be grouped according to the approved livelihood restoration activities by the livelihood restoration committee;
- i) Implementation of the identified livelihood restoration activities.

Table 5.2 presents the livelihood restoration measures for the different types of losses or impacts for the PAPs.

Table 5.2: Livelihood restoration measures

PRE-CONSTRUCTION STAGE				
Type of loss	Category of PAP	Livelihood Restorative Measures	Cost (Malawi Kwacha)	Cost (US\$)
Loss of land.	All PAPs	a) Provide support in identification of alternative land similar in quality to the land owned by PAPs. The land should be close to the PAPs' current communities.	Covered in compensation	
		b) For freehold title land, transferring of the replacement land ownership to be done within one year from the time compensation is paid.	No freehold land in the area	
		c) Taxes and costs for land transactions, cadastral survey, new land titling and registration for the PAP's replacement land to be borne by the Programme. This is part of the compensation	MK407,500,000 (\$558,219)	558,219
		d) Financial literacy, skill and business development trainings (e.g. Livestock Production, Crop Management and Diversification, and Irrigation Water Management for 50 people per session).	MWK8,000,000 (\$10,959)	10,959
Residential property.	Dwelling owner PAP/ Household	a) Transaction costs, including transfer or registration of titles and taxes to be borne by the Programme within one year from the time compensation is paid.	There is no freehold land in the area	
		b) PAP has the right to salvage assets and materials from lost property.	Salvaged assets	
		c) Support should be provided in the identification of alternative land similar in quality to the land owned by PAPs and should be close to the PAPs' current communities.	All PAPs opted for cash compensation	
		d) For freehold land only, transferring of the replacement land ownership to be done within one year from the time compensation is paid.	There is no freehold land in the area	
		e) Taxes and costs for land transactions, cadastral survey, new land titling and registration for the PAP's replacement land to be borne by the Programme.	All PAPs opted for cash	

PRE-CONSTRUCTION STAGE				
Type of loss	Category of PAP	Livelihood Restorative Measures	Cost (Malawi Kwacha)	Cost (US\$)
Loss of livelihood from Agriculture.	All PAPs including vulnerable groups.	a) Financial literacy training.	Provided for above	
		b) Skill and business development training.	Provided for above	
		c) Market linkages.		
		d) Provision of work opportunities by the contractor.	To be included in the Contractor's budget	
		e) Access by farmers to agricultural extension services(technical support for irrigation farming) by farmers	Ministry of Agriculture Irrigating and water Development's budget	
		f) Access to social and financial services such as life skills and financial literacy.	NGO' participation	
		g) Severance of cultivable land by access roads, 10% shall be paid to those affected over and above the amount paid for acquisition.	To be included in the Contractor's budget	
Loss of work or business on affected land.	Wage earners (workers/ employees in shop/ business).	a) Priority for work opportunities in the Programme during construction and later if any available, commensurate to skill/ education levels.	In addition to employment opportunities in the project, these are the main beneficiaries of the livelihoods restoration programme	
Loss of vehicular or pedestrian access to livelihood resources.	All PAPs including school children, that need to cross the canal.	Construction of bridges and guardrails in appropriate places. To facilitate crossings of the canal. A rural bridge in Malawi costs about MK850,000 to MK950,000 per square metre. Hence, for a bridge 3-metre-wide to span 10 metres, the cost will be MWK25,500,000 or US\$34,932; or MWK841,500,000 (S\$1,152,740) for 33 bridges. (This has been noted however the cost is incorporated in the contractors costs)	MWK841,500,000 (S\$1,152,740) for 33 bridges	1,152,740
		a) Construction of two school blocks with standard furniture at MWK5,828,000 (\$7,984), outside the canals, where the two canals split at Supuni Village to	MWK5,828,000 (\$7,984)	7,984

PRE-CONSTRUCTION STAGE				
Type of loss	Category of PAP	Livelihood Restorative Measures	Cost (Malawi Kwacha)	Cost (US\$)
		prevent school children from crossing the canal. Also, a fence should be constructed for Mawila Primary School, at MWK20,000,000 (\$27,379) to contain the children b) MoAIWD will work hand in hand with the Ministry of Education for the Ministry to provide the teachers and standard furniture		
Residential.	Dwelling owner.	a) Allow PAPs to salvage materials from the existing structure (except those identified as hazardous such as Asbestos).	N/A	
Fruit trees and perennial crop.	Crop and tree owner.	a) Three seedlings will be provided for each fruit tree lost (MWK1,886,400; \$2,584.11) b) Set aside land for pastures	Covered in the budget	

Table 5.3 is a summary of costs for livelihood restoration measures. The livelihood restoration exercise will be a long process and will be implemented in stages. The short term measures are planned to be implemented starting in September and will last for three months. The budget for this exercise is already included in the SVTP budget. The construction of school blocks as well as the fence at Mawila Primary School will be done in the 2020/2021 financial year and the budget will be included in the Project Budget. It is important to note that all the livelihoods restoration measures will be funded from the IDA funds.

Table 5.3: Summary of costs for livelihood Restorative Measures

	Cost (Malawi Kwacha)	Cost (US\$)
Taxes and costs for land transactions, cadastral survey, new land titling and registration for the PAP's replacement land to be borne by the Programme	407,500,000	558,219
Financial literacy, skill and business development trainings (e.g. Livestock Production, Crop Management and Diversification, and Irrigation Water Management for 50 people per session).	8,000,000	10,959
Agricultural inputs including pesticides, high yielding and early maturing seeds and fertiliser to be provided to improve yields on owners' remaining lands (MWK70,000 x 1,239 PAPs)	86,730,000	117,203
Labour costs to prepare replacement land (clearing, ploughing, sowing, weeding twice and harvesting the crops) using the prevailing wage rates	12,011,440	16,454
Construction of two school blocks at MWK5,828,000 (\$7,984), outside the canals, where the two canals split at Supuni Village to prevent school children from crossing the canal.	5,828,000	7,984

Fence should be constructed for Mawila Primary School, at MWK20,000,000 (\$27,379) to contain the children	20,000,000	27,397
Total	540,069,440	738,216

5.5. Other Impacts and mitigation measures

The Environmental and Social Impact Assessment (ESIA), Environmental and Social Management Plan (ESMP) and Pest Management Plan (PMP), prepared by BRLi Consultants presents the impacts and mitigation measures during the construction and operation phases of the Programme. It further provides details on the role of each actor in the implementation of mitigation measures and monitoring of impacts.

Impacts during the pre-construction phase include community reorganisation and relocation, which are presented in this Resettlement Action Plan. On the other hand, there are significant impacts on the physical environment or ecology during the pre- construction phase.

Construction contractors should be required to prepare and submit construction ESMP to the PMT for approval, prior to commencing any civil works. The construction ESMP should be based on the updated ESMP, to take incorporate any changes in the final design and the Project site. It should also include management measures for borrow pits, quarry areas, disposal sites, construction camps, etc. A summary of some of the impact mitigation measures that relate to this RAP are summarised as follows:

- a) Reusable excavated soil shall be either provided free of charge to surrounding communities or flattened and the land revegetated;
- b) Burrow pits from blasting should be repurposed whenever possible and in consultation with communities
- c) The construction site will offer a number of job opportunities for both skilled and unskilled local workers in order to revitalise the local economy. Action will be necessary to minimize the negative impacts (e.g. increased human pressure on natural resources, gender-based violence, etc.) from the influx of foreign workers
- d) The development of a grievance redress mechanism, to allow the community to communicate with the construction contractor about their concerns and grievances
- e) To minimize the risk of sexual harassment and gender-based violence due to the influx of male workers in the Programme area, it will be important to mobilize and reinforce the presence of the local law enforcement in the area.
- f) Chance Find Procedures for the civil works contractors to follow during irrigation canal construction
- g) Careful selection of the canal alignment with a view to minimising interference with physical cultural resources. No graveyards or shrines are affected by the Project
- h) New infrastructure accompanying the construction (e.g. bridges) should be developed simultaneously in order to limit disruptions, health and safety risks, and facilitate reprise of activities by local communities. The ESMP has recommended that one cattle/pedestrian bridge be built every km of main canal.
- i) Due to the dynamic nature of this riverine landscape, poorly designed culverts and other infrastructure could lead to damming of tributary rivers and flooding of villages upstream. In order to avoid such occurrences, the culverts sizes should adhere strictly to the designs that are informed by highest flow data (super-sized culverts).
- j) The canal system will increase the risk of drowning and injuries, specifically for children, as they are at risk even in the shallowest channels. Hence, the ESIA recommends sensitisation campaigns to be implemented, notably in schools and also addition of safety features such as bridges where the canal is crossing roads (Annex 9), ladders at every 500 meters in main canals (feeder, Bangula and Supuni). Large safety stairs shall be built at every village along main canals

In accordance with the recommendations of the ESIA and ESMP, the tendering process for construction will need to be inclusive and closely monitored in order to ensure the adherence to the environmental management/mitigation recommendations determined in the ESIA and

its ESMP. Some of the potential impacts the PAPs may experience and their mitigation measures are presented in table 5.4

Table 5.4: Some of the potential impacts the PAPs may experience and their mitigation measures

Type of risk / Impact	Management/Mitigating Measure
Drowning	<ul style="list-style-type: none"> • Sensitize local communities, especially juveniles on safety measures to minimize the risk of drowning. • Install guard rails at foot path and road crossings. • Build fences along the canal • Provide escape ladders/stairs and alternate them on each side of the canal • Educate the communities regarding the potential for drowning in the canals
Flooding	<ul style="list-style-type: none"> • Implement measures to minimize the potential for flooding, through irrigation water management • Implement or support catchment management activities
Potential injury or death of livestock.	Provide bridges and guard rails for livestock crossing in appropriate places
Increased travel distances, times and costs to circumvent the canal	Provide bridges at road and footpath crossings with Canal.
Temporary loss of access to some villagers due to construction of canal	Provide temporary bypasses in appropriate places to facilitate canal crossings during construction.
Potential separation of families for Increased	<ul style="list-style-type: none"> • Provide appropriate crossings along the canal • Educate not only locals but travelling workers as well regarding the risks of family separation, spread of diseases etc. •
Exposure to sexually transmitted infectious due to the influx of visiting workers.	<ul style="list-style-type: none"> • Employ as many locals as possible • Awareness on the dangers of unsafe sex through civic education and provision of condoms will be carried out; • Sensitization of workers and communities on HIV and AIDs during daily and weekly meetings and • Employment of local people to reduce the number of workers coming from outside who may come without their spouses will be practiced. • Formation of peer groups to discuss issues of HIV/AIDS and communicable diseases
Increased exposure to malaria due to standing water	<ul style="list-style-type: none"> • Sensitize communities on malaria preventive measures • Provide anti-malaria drugs and mosquito nets through the clinics/ health posts • Provide education on preventative measures to minimize exposure to malaria

5.6. Gender Aspects and Vulnerable Groups

Impact Description

During pre-construction phase (the RAP preparation process) attention was paid to the treatment of women in the surveying of propriety/land titles and their registration. In the project area, there are mixed marriages with different inheritance systems. The RAP has ensured that women are not side tracked from the process. This was particularly important for the attribution of compensation packages for agricultural losses.

During construction phase, impacts of the project on gender aspects are mostly related to employment opportunities, land use by women and misconduct by the workers involved in construction works leading to sexual assaults, physical assaults on women at work and surrounding communities as well as on young girls from surrounding communities. Loss of land and subsequent loss of crops (annual and perennial) due to the project could affect women more than men. This is the case because women are usually in charge of subsistence activities and struggle to provide for the households when crops are limited. Proper consideration of this dynamic, in terms of consideration for livelihoods restoration for the vulnerable and in the attributions and distribution of compensation packages has been made. To reduce this inequality, women have been provided with adequate information at all phases of the compensation process. The DC's office should ensure implementation of the scaling formula of payment and joint bank accounts during payments of compensation to reduce misuse of funds by husbands or capture by relatives.

In addition to women, the compensation distribution should avoid making some people more vulnerable (for example, disabled or elderly persons) due to social and family pressure that would reduce their ability to use the funds. The negative impacts can be mitigated by assuring the collaboration of legitimate leaders and an adequate follow-up with the PAPs regarding compensation distribution and management. Moreover, the impacts on livelihoods benefits can be more severe as these groups generally have fewer resources and have trouble using services available for their condition. It is essential to prioritize vulnerable households and people in terms of access to various social measures and programs that are offered, especially in the RAP.

During project operation/ construction phase, close interaction between workers (construction workers and project workers) and communities may result in cases where some workers commit sexual abuse or have sexual intercourse with underage community members. This impact might emanate from impacts of labour influx and presence of foreign workers in the project site.

Main sources of the impacts

- Land acquisition
- Resettlement
- Presence of workers
- Construction activities
- Maintenance and repairs (operation phase)

Mitigation Measures

- a. Favour the employment of local workers to reduce the risk of sexual harassment and violence caused by foreigners.
- b. Locate workers camp at minimum distance from towns and villages in order to limit workers and community interactions.
- c. In collaboration with the District Health Officer (DHO) in Chikwawa, prepare and implement an STD and HIV and AIDS prevention program including a strict prohibition

of sexual abuse and sexual intercourse with partners younger than 18 years of age (underage sex).

- d. The Lead Contractor and sub-contractors should take responsibility to ensure that their employees' do not commit acts of sexual abuse and underage sex.
- e. Sensitize all contractors, workers and communities on STD and HIV and AIDS program including explanations on risks posed by STD, sanctions as well as grievance redress mechanism in place.
- f. Immediately report any suspected cases of sexual abuse or underage sex to supervisors;
- g. In instance where a sexual abuse and/underage sex complaint is heard by a grievance committee and finds the accusations to be justified, this shall trigger immediate suspension of all construction work. The World Bank inspection panel shall be called to conduct an inquiry and provide guidance on the way forward.
- h. Encourage the recruitment of female workers, with equal payment for male and female workers.
- i. Provide opportunities to women in income generating activities during construction e.g provision of catering services, selling local products.
- j. Proper consideration of gender issues in decision making process and attribution and distribution of compensation packages.
- k. Compensate PAPs for any damaged crops and all assets.
- l. Provide trainings on business skills and other gender aspects to all PAPs targeting both women and men

Chapter 6 : VALUATION OF AND COMPENSATION FOR LOSSES

6.1. Basis of valuation methods

The bases of valuation of assets in this Project are the local laws and policies and the ADB/World Bank Involuntary Resettlement policies.

Local Provisions: There are a number of legal provisions in Malawi which govern compensations in the event that one'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.
- Section 14 of the Land Act 2016 provides that "any person who by reason of any acquisition made under section 13 (1) or Sections (2) and (3)), suffers any disturbance of or loss or damage to any interest which he may have or immediately prior to the occurrence of any of the events referred to in this section, may have had in such land shall be paid such compensation for such disturbance, loss or damage as is reasonable.
- Additionally, the Land Acquisition and Compensation Act (2016) Sections 9 to 11 provides the procedure for the assessment of appropriate compensation and the grounds for the same.
- The approved 2002 Malawi National Land Policy (4:12,16) and Land Acquisition and Compensation Act 2016 describes how valuations have to be conducted especially on customary lands. In part it says that "land values shall be determined by open market procedures for customary lands acquired by compulsory, by the government. The policy further notes that "the inadequacy of compensation is always the direct result of excluding certain items or qualities from the factors considered when determining values; and delays in payment of compensation"

On the other hand, the World Bank Involuntary Resettlement Policy specifically requires that compensation should be done on full replacement basis without depreciation of the affected asset and the value of the salvage materials are not to be considered, nor is the value of the benefits derived from the Project subtracted from the gross value of the assets.

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; who are Members of the Surveyors Institute of Malawi (SIM). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council as a member. 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 (2011) 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."

The chapter describes the valuation approach and methodology used in the valuation of Project affected assets.

6.2. Valuation methods used

The method used in valuing the affected assets 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 are Cost, Profit and Comparison approaches. The categories of assets, which will be affected, are structures, land, crops, trees and fruit trees. Valuation of these structures has been done in the following manner:

Valuation for loss of structures: Different types of houses with different finishing were surveyed. This resulted in matching several unit costs (Annex 8) to the types of structures of similar construction, to determine the gross replacement costs of the PAPs structures along the canal route. Government rates for cost of buildings per square metre, as provide by Chikwawa District, depending on the type of the structure range from MK3, 000 – MK70,000.

Valuation for loss of land: Land values were based on government comparable methods and all the rates were from the government rates for Chikwawa district whereby Land was valued at MK 1,450,000.00 for fallow/farm land while the land near trading centres MK2,000,000.00 was adopted.

Valuation for loss of business: The normal method for valuation of business is by using the profit method. This method requires that financial records be inspected for the past 3 to 5 years and a market multiplier be used to arrive at the value for the business. However, since the area is rural and the keeping of records is a challenge to many business owners. Hence, the use of the profit method would not be of help as there will be lack of evidence. Therefore, Replacement cost of the structure and allowances for the profit loss have been proposed. Profit losses are based on the type of business and Projected profit levels.

Disturbance allowance: The national laws require that disturbance allowance should be paid to those affected in involuntary displacements (physically or otherwise). Therefore, a percentage of total compensable value has to be decided and applied accordingly. The principle is that monetary compensation has to be payable to reimburse the claimant for 'disturbance' or any other matter not directly based on the loss considered above. Therefore, disturbance allowance is the sum added to the purchase price of properties compulsorily acquired. The approved rate for disturbance allowance is 20 percent of the loss value.

Shifting allowance: A shifting allowance of MK50,000.00 and MK75,000.00 has been adopted for the rural and urban like areas respectively for PAPs with affected dwelling houses on assumption that they will all be moving to areas within 5 kilometres. This would be applicable to those PAPs who are required to relocate their residential units from their current location due to loss of structures in the canal way leave. For cases where the distance is more than 5 kilometres, a lump sum amount for various shifting allowances is proposed in table 6.1. These cases, which would be rare (as noted during the survey), should be determined by the RAP payment agent who is the District Commissioner's office for Chikwawa is covered in the budget allocation.

Table 6.1: Shifting allowances for the PAPs

In Rural areas	
Shifting distance	Shifting allowance
Up to 5km	MK50, 000
Greater than 5km but less than 10km	MK60,000
Above 10km	MK65,000
In the urban areas:	
Up to 5km	MK75, 000
Greater than 5km but less than 10km	MK80, 000
Above 10km	MK85,000

Additional support for vulnerable PAPs: As required by the World Bank and the African Development Bank, special attention has been given to the vulnerable PAPs who might be less capable of coping with the Project induced impacts. Therefore, a top-up allowance of 20%, on the base compensation amount payable, is proposed as “additional financial assistance”.

Loss of crops: At the time of asset inventory, the gardens affected by the canal way leave were not yet planted with crops. Any crops that will be planted after the Government has acquired the land along the canal corridor and compensation has been paid will not be compensated.

Loss of trees: For loss of trees along the canal route, the Government Forestry Gazette of 2010 offered a basis for calculation of the values. It is realised that these rates are old but they cannot be changed until the law is revised.

Loss of fruit trees: In the construction of rates for fruit trees, it was recognized that most of these fruits are not only for consumption but also for commercial purposes. In practice, to find the rates for fruit trees, consideration is given to the average market price per kilogram of the fruit, the average yield per tree per year, expected productive lifespan and the number of fruit trees being considered. All these variables are multiplied together and to the product is added the average establishment (planting and caring) costs, to arrive at a final commercial value of the fruit. This approach is used by almost all institutions in Malawi for fruit tree compensation purposes.

The schedule of rates for fruit trees was first constructed by the Directorate of Agricultural Research Services of the Ministry of Agriculture, Irrigation and Water Development. This schedule has been in use for some years now by Local Councils. While this is the normal approach, there was a departure, however, in the approach to the calculation of the final value for fruit trees. Under this Project, we propose the Project affected People to be given 3 seedlings for each fruit tree being lost. In view of this, the approach adopted in this case has considered only the lost years between planting or transplanting to the time a particular tree starts bearing fruits. Thus, instead of using the expected productive lifespan, the number of years between planting and bearing of fruits has been used. The only variable that has changed is the expected productive lifespan that has been replaced with the lost years from the time the fruit has just been planted, to the time it begins bearing fruits. The source of information for all the variables has been the Agricultural Research Services through the local councils. Some fruits have however, been added and figures for their variables have been sourced from equally a reliable source. The prices adopted are the highest that could be obtained in the market at the time of the research.

Loss of community properties: Impacted properties that belonged to the Communities were valued as shown in table 6.2 below.

Table 6.2: Approach for valuation of community property

Type of Community Property	Valuation approach
Boreholes	The contractor to place boreholes in consultation with the concerned community leaders.
Public land	Public land falling under the Traditional Authorities is valued but Government public land is not valued as it is public (further there were no trees on it)
Church and church houses – option of cash or kind provided	All communities expressed interest for in-kind compensation for structures as well as community land.

Chapter 7 : IMPLEMENTATION MECHANISM

7.1. Objectives of stakeholder engagements and community participation

According to the African Development Bank, active participation of beneficiaries is necessary throughout the various stages of planning, design, implementation and valuation in order for resettlement Projects to be truly sustainable. Thus, community participation and stakeholder engagements have been ongoing since the Project was conceptualised. Prior to the work, all communities affected by the canal were informed of the RAP through field staff from the District Commissioner's office.

The activities of the RAP i.e. census survey, field identification of PAPs and affected land, structures and trees were carried out from 14th May and 25th May 2018. Consultation activities with the PAPs included carrying out a census survey of all households affected by the proposed Project along the 51 kilometre stretch of the canal. The aim of consulting the PAPs was to inform them of the proposed Project and how they will be affected, to determine the size of land to be acquired and valuation of settlements and other resources that will be affected by the proposed Project. During the RAP preparation process, stakeholder engagements and community participation was conducted to accomplish the following:

- To enable stakeholders and the community to learn about the Programme, its impacts and how they will be mitigated.
- To inform them about the compensations and resettlement procedures and to secure their cooperation.
- To assist stakeholders and community to understand applicable laws and regulations governing compensation and to involve stakeholders in census, socio-economic surveys, and inventory of households and affected assets for RAP preparation.
- To assist in the identification or verification of PAPs and their association to type and magnitude of asset loss.

Public community consultations and baseline socio-economic surveys (targeting 366 households) were conducted through Focus Group Discussions with the PAPs and non PAPs, in 10 locations across the five affected Traditional Authorities (T/As). Structured questionnaires, consultation guides and checklists were administered to effectively conduct these public consultations, census and baseline surveys and interviews with each of the PAP's household heads or proxies and government officers. A list of some of the people consulted is given in annex 3.

After the survey, census of PAPs and identification and assessment of affected assets and properties, the PMT held extensive consultations and sensitization meetings with all the PAPs. These meetings were held in 20 GVHs where the PAPs are. The meetings targeted all PAPs per GVH along the Canal. The messages focused on explain the RAP process from the initial identification and assessment of affected assets and properties to the disclosure and payment of compensations. It was emphasised that no compensation payments would be made to PAPs until all disputes were resolved and compensation amounts have been disclosed to them and they have agreed to the amounts. Further, PAPs were informed that no construction works would start until all compensations were paid to all PAPs.

PAPs were informed of the options of receiving compensations in-kind and in cash including the disadvantages and advantages of each option. PAPs were informed that in case of opting for cash compensation, cash will be paid only where the compensation amount is K50,000 or

less. For compensations of more than K50,000 to K100,000, PAPs would be paid using cheques cashable at local banks. For all compensations whose values exceed K100,000, the PAPs would be required to open bank accounts and the DC's office would facilitate PAPs to open the accounts. PAPs were encouraged to open joint bank accounts where applicable.

The whole consultation process was meant to provide sufficient information to PAPs to safeguard them against risks of receiving and keeping large amounts of cash in their homes. PAPs were informed of the dangers of receiving compensations in cash with examples from the nearby Vale Railway Construction project from Moatize in Tete Province in Mozambique to Liwonde township in Malawi which was recently completed. The PAPs were informed to make wise decisions based on the information provided.

During the consultations frequently asked questions were the following:

- Whether they are going to cultivate on their land this year?
- When they are going to receive their compensation?
- Why some PAPs names are not land owners and strangers
- If they are going to be allowed to use existing bank accounts
- What will be the procedure for compensation?
- In case of in-kind type of land compensation, will the government be responsible for finding the new land
- Is the government going to facilitate bank account opening process?
- How is the government going to help those who were absent during registration but they are legitimate land owners and are affected?
- How is the government going to help them in cases where some chiefs are claiming back customary land just because the canal is passing through it?
- What will happen if a PAP dies before receiving compensation?

All questions raised by PAPs were addressed and clarified. Where there were disputes/grievances, PAPs were told that the Consultant would come back to resolve and clarify all the disputes and grievances as well address questions relating to verification of PAPs and compensations.

Furthermore, the PMT made follow up visits to the areas where disputes and concerns were raised to ensure that complainants are satisfied with outcomes of the corrective processes and actions. Further grievances were raised by PAPs during PMT field visits. Many of the grievances involved misunderstanding between family members on who to be compensated for family land. This was observed in all the affected GVHs. During the verification exercise, these misunderstandings were cleared. All land was demarcated and registered equally between all family members by MOLHUD staff. Compensations will be given equally to each family member for all family land. This subdivision has contributed greatly to the increase in the number of PAPs from 815 to the current 1,239.

Below are examples of types of grievances that were observed and resolved:

c. Mkanyoza- Mandirade land dispute case:

19 PAPs from GVH Mkanyoza and another 19 PAPs from GVH Mandiradi claimed to be owners of the same pieces of land. The Chikwawa District Council facilitated a grievance redress forum involving the GVHs Mkanyoza and Mandiradi which ruled in

favour of GVH Mandiradi. So far 19 PAPs from Mandiradi have been captured as owners of the land by MOLHUD during the verification exercise. The verification exercise by MOLHUD captured the names of these PAPs.

d. **Mologeni Case:**

During the field visit, it transpired that the real owners of the land were not present during the PAP registration exercise. The PMT staff reported the matter to the verification team and the verification Team resolved the issue. The real owners of the land have now been recorded as the PAPs.

7.2. Stakeholder analysis

Stakeholder engagements and community participation commenced with planning activities including the identification and analysis of key stakeholders. Table 7.1 below presents the identified stakeholders, their roles and the rationale for consultations

Table 7.1: Stakeholder Analysis

Stakeholder type	Roles/contributions	Rationale for consultation
Ministry of Agriculture, Irrigation and Water Development	<p>The Ministry as the Programme developer will ensure:</p> <ol style="list-style-type: none"> 1. Facilitation of the identification of PAPs and valuation exercise; 2. Provision of funds for compensation; and 3. Complementarity of development initiatives 	<ol style="list-style-type: none"> a) Continuation with consultations from the RFP preparation; b) Understanding the expectations of the developer in the RAP preparation process; and c) Reinforcing the need for availing resources for compensation to execute the RAP in time as planned.
Ministry of Lands, Housing and Urban Development	<p>Among other areas, the ministry has to:</p> <ol style="list-style-type: none"> a) Set guidelines on the resettlement process b) approve the RAP c) Monitor and evaluate implementation of the RAP 	<ol style="list-style-type: none"> a) To ensures compliance with Malawi's policies and legal framework and development partners' operational guidelines
District Council	<p>The District Council has to:</p> <ol style="list-style-type: none"> b) Participate in development of the RAP c) Help in land identification and acquisition d) Regularly update and maintain the database for the PAPs e) Pay or monitor payment of compensation money to PAPs f) Coordinate provision of social amenities g) Monitor and evaluate implementation of the RAP. <p>Technical officers of the District Council (responsible for land, social welfare, gender, environmental health, primary education and agriculture will have to assist in the implementation of the RAP and assist in payment of compensations. They will have to assist the District Commissioner and the Director of Planning and Development to interpret, domesticate and implement relevant government policies at the district level.</p>	<p>The District Council is the highest administrative authority in a district. It is responsible for designing, interpreting, domesticating and implementing government policies at the district level. In liaison with the Regional Commissioner for Lands, the council is involved in resettlement, identifying alternative land for possible resettlement of PAPs. The District Council virtually manages all the Programmes in the district, including resettlement and conflicts.</p> <p>The council has lands officers who are responsible for administration of the land laws including land acquisition, registration and settling grievances. Since Programmes involving land acquisition and compensation affect the welfare of the people, other disciplines under the council (such as gender and agriculture) are needed to establish the current conditions and ways to mitigate Programme effects through consulting them.</p>
Local leaders (GVH and TA)	<p>The local leaders and village heads have to:</p> <ol style="list-style-type: none"> a) Ascertain that claimants within the Programme area 	<p>Local leaders are at different levels: Village Heads (VH) are the lowest ranking but very critical because these are in control of people at the lowest structure of society. The</p>

Stakeholder type	Roles/contributions	Rationale for consultation
	<ul style="list-style-type: none"> b) Facilitate and participate in the consultative process for development of the RAP c) Witness payment of compensation money to PAPs d) Identify land for resettlement or assimilation of PAPs within existing villages e) Help with the integration of resettled persons f) Help in conflict resolution g) Assist in monitoring implementation of the RAP h) For the RAPs for irrigation blocks, the communities will use a participatory process to identify which farmers will lose income in the process of preparing the irrigation blocks 	<p>Group Village Head (GVHs) are middle level-traditional leaders whose authority is above that of village heads. They act as referral authorities on village administration matters. The Traditional Authorities (TAs) are virtually the ultimate traditional leaders with powers to allocate land. They are only junior to paramount chiefs in some districts. It is to be noted however, that at the gazetting of the Customary Land Act 2016, the responsibility of allocating land was transferred into the hands of the Land Committees at every Group Village headman (GVH), chaired by the GVH himself. Chiefs exert a lot of authority in traditional communities and for the security of the ROW and the irrigation scheme assets, these were consulted. Some chiefs had experiences in resettlement and their expectations and fears were not different from those made by their people. It also became clear that the chiefs needed to be involved in the grievance management structures.</p>
Project Affected People (PAPs)	<ul style="list-style-type: none"> a) To participate in the development of the RAP; b) To understand the RAP process in order to avoid or reduce complaints and grievances in future; c) To agree with and endorse the level and nature of compensation d) To surrender land for the Programme and to participate in the Programme developmental initiatives 	<p>These are the people that are directly involved, as they would have to be involuntarily resettled and/ or give up their land, since the irrigation canal corridor passes through their lands and homes.</p>
NGO and CBOs	<p>To play critical roles in conveying the feelings, expectations, requirements, demands and grievances of communities to the District Council and Programme Developer. To influence well-informed decision-making for the PAPs and the communities.</p>	<p>NGOs and CBOs work with the communities to implement Programmes in various sectors.</p> <p>They have the experiences with resettlement and livelihoods pathways for the communities in which they work. As much as possible ideas from NGO/CBOs have been taken on board.</p>

7.3. Consultations methods and outcome

Various approaches were employed during the stakeholder engagement and community participation process. These include consultative and participatory meetings, interviews, discussions and administering of questionnaires. In the meetings, the Consultant team explained what was entailed in the Project proposal and envisioned social and environmental impacts. After presentations, questions and opinions were exchanged between the consultant and the participants.

During socio-economic survey, census and asset inventory, over 90% of the PAPs were personally informed about the Programme; a detailed explanation on the Programme and its impacts was sensitively made. Programmes impacts were discussed in terms of positive and negative/ adverse impacts. Also, PAPs were educated on the mitigation measures to control, minimize or avoid the negative impacts and enhancement measures for positive impacts of the Programme, including proper use and protection of the irrigation infrastructure.

In general, there was no dissenting opinion about the proposed Programme. At the end of meetings, it was confirmed that all participants in principle agreed with the proposed Programme. Consultation outcomes are provided in Annex 2.

7.4. Community participation during implementation phase

During implementation of the RAP, the Project Affected Person will be informed about their rights and options. This will be done mainly through community meetings and where possible, through one on one engagements with the PAPs. During these meetings the PAPs and other community members will be engaged in discussions and processes that will be followed to ensure compensation takes place and that on-going livelihoods restoration activities are carried out to benefit the PAPs. To ensure there is transparency and communication on any Programme related challenges, a Grievance Redress Mechanism (GRM) will be put in place. Care will be taken to ensure the system is aligned to the already existing redress mechanism in the communities. PAPs will be represented at all levels of the GRM. The grievance mechanism will be instituted and continue to operate and all grievances will be recorded. Participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

Participation will also be fostered through use of local expertise. The contractor will be encouraged to use local skilled labour for the construction of the irrigation canal.

- a. Group formation: using existing groups or assisting PAPs to form groups provides institutional framework for participatory resettlement
- b. Involvement in resettlement committees and monitoring teams: participation in committees would be one of the key mechanisms for involving the PAPs in the planning, implementation and monitoring of the RAPs.
- c. The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team shall ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. Furthermore, the Programme will sensitize communities and the public at large on involuntary resettlement. In addition, village committees will continue to provide land for implementation of Programmes.

All stakeholders must be consulted and be effectively involved in a two-way communication with the Client and sponsors. Special effort was made to consult women and vulnerable PAPs (physically challenged persons, widowed and the terminally ill persons). There should be an

explicit public information strategy. This will include the use of mass media, possibly through radio, to advise the dates and times of PAP and public meetings, availability of documents, selection criteria, cut-off dates, and compensation measures. Public consultation should be preceded by provision of relevant and accurate information to the PAPs. An abridged version of the RAP report (containing the essential information) shall be translated into Chichewa and copies deposited with all the GVHs, District Commissioner and the GR Committees.

Following disclosure of all relevant information, the Client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision-making processes related to resettlement. Consultation will continue during the implementation, monitoring and evaluation of compensation payment. Supply of information and consultation with different stakeholders will be through a language and medium they are comfortable with.

7.5. Site selection for resettlement

The canal infrastructure affects land and structures. However, there will be no need for identifying a site for resettlement because land affected by the canal for a majority of PAPs is a small proportion (338 hectares) of the total land compared to the footprint. The majority of the PAPs will continue to use their lands and will be given cash compensations for the portions lost. For those PAPs who lose structures, these will be absorbed within the communities. The consultations with traditional leaders have confirmed the availability of land within the communities for construction of houses and ancillary structures.

7.6. Grievance Redress Mechanisms

7.6.1 Importance of grievance redress mechanisms

Mechanisms to redress grievances are a pre-requisite for large infrastructure interventions where people's key economic productive assets are acquired for a public purpose. This has a likelihood of leaving the Project Affected Persons (PAPs) vulnerable to multiple risks including change of occupation, lowering of income levels and lack of support systems. Hence, it is important to integrate a grievance redress mechanism that addresses concerns of the PAPs and provides for redress effectively and in a time-bound manner within the legal framework to ensure:

- a) that the aggrieved person is satisfied; and
- b) such grievances do not become contentious issues, leading to opposition to the proposed development Programme.

Further, it is essential that grievance redress mechanisms are devised, keeping in mind the socio-cultural setting and in accordance with the provisions of the legal system.

A grievance redress mechanism is critical to effectively addressing any issues arising during the Programme implementation; and for Programme monitoring and evaluation. Grievance Redress mechanisms (see Grievance Mechanism Checklist in Annex 5), if included in the Programme design, planning and management; help to realize the Programme objectives effectively. This requires setting up appropriate channels to address individual or community concerns, prevent adverse consequences and risks, bring out Programme implementation related issues and corrupt practices if any. Such effective mechanism also brings out positive changes in people's lives as well as enhanced feeling of being important stakeholder in the Programme. Affordable and accessible procedures for settlement of disputes arising from resettlement should include the availability of judicial recourse and community and traditional dispute settlement mechanisms

7.6.2 The Aim of the grievance redress mechanism

The aim of the grievance redress mechanism is to facilitate quick and fair response, clarification and settlement; or redress to any grievances, complaints and queries; and to quickly and fairly clarify to complainants as well as stakeholders, in a manner that is acceptable to all parties. The general approach is to respond to issues and seek solutions to problems in the earliest stage and avoid taking complaints to courts for redress. In the implementation of the GRM for this Programme, the procedures shall ensure the following:

1. Simple, straightforward and accessible ways for raising concerns, making complaints or resolving any disputes that may arise due to the implementation of the Programme;
2. Identification and implementation of appropriate and mutually acceptable processes and actions to address complaints;
3. Feedback that is treated confidentially, assessed impartially, and handled in a transparent manner
4. Satisfaction of the complainants, with the outcomes of the corrective processes and actions;
5. Facilitate the complainants to report their grievances, queries and/or comments through the process; and
6. Avoidance of the tendency to resort to judicial proceedings.

7.6.3 Likely grievances

Even with adequate implementation of the RAP and appropriate compensation, involuntary resettlement inevitably gives rise to grievances among the affected population and with the developer. Usually, the grievances arise over issues ranging from rates of compensation and eligibility criteria, to disturbances and other issues during construction. The types of grievances that could occur during Programme planning and design, RAP implementation and construction stages are indicated in table 7.2.

Table 7.2: Types of grievances

Stage	Types of grievances (indicative)
<i>Planning/Pre-construction</i>	<ul style="list-style-type: none"> i) lack of knowledge of the Project corridor; ii) missing of parcel, error in identification and/ or incorrect measurement (or perceptions over incorrect measurement) of affected assets; iii) disagreement regarding property boundary, inheritance or ownership of assets and fearing loss of compensation; iv) lack of adequate communication on the Programme developments (i.e. not enough consultation/ sensitisation); v) disagreement over the rates utilized in valuation of affected assets; vi) mistakes in the formulation of compensation agreement documents.
<i>RAP Implementation followed by Construction</i>	<ul style="list-style-type: none"> i) non-payment for improvements carried out to structures post survey and valuation but prior to compensation payments; ii) mode of payment of compensation and time delays; iii) not enough work during construction and dissatisfaction over wages given; iv) wrong identification of livelihood restoration schemes, their inadequacy, training support and lack of necessary assistances; v) increased cases of HIV/AIDS due to in-migration; vi) Noise and disturbance from construction activities vii) likelihood of increase in Gender Based Violence (GBV); viii) loss of access to services and sources of livelihoods; ix) restrictions or delays on access to irrigation water and farm inputs; x) loss of property due to theft allegedly by construction personnel; xi) loss or damage to crops and property by ongoing construction work;

	xii) inadequate support in relocating to resettlement sites/replacement structures
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7.6.4 Composition of Grievance Redress Mechanism

A Grievance Redress Mechanism (GRM) for resolving all types of grievances, relocations and entitlements related to the Programme has been established. It is part of the SVTP Programme Management Team (PMT). The GRM is headed by the Social Safeguard Specialist and supported by a Communication Officer, Environmental Safeguard Specialist and the Monitoring and Evaluation Specialist under the supervision of the Project Coordinator.

At the community level, there are Grievance Redress Committees (GRCs) at the Group Village Headperson (GVH) level. There are 21 GRCs established (15 at GVH level; 5 at Traditional Authority level and one at the Chikwawa District level. The total number of committee members is 172 members (111 are men and 61 are women). The average number of members per committee is about 8 members. Each GRC is serviced by a staff member from the District Commissioner's (DC's) Office who is the secretary for committee and charged with the responsibility of keeping records and following up cases for timely resolution.

Fifteen staff members from the DC's office (7 females and 8 males) with experience in grievance redress systems were selected to train the GRCs. They underwent a refresher course to familiarise them with the SVTP GRM guidelines. Training materials were developed and translated into the local Chichewa language.

The trainers, with close supervision from PMT, trained the committees as follows: at TA level paramount Chief Lundu, TA Ndakwera, TA Maseya, TA Kasisi and TA Katunga and at the GVH level: GVH Jailosi, GVH Nkanyoza, GVH Njereza, GVH Mbenderana, GVH William, GVH Tomali, GVH Mandirade, GVH M'bande, GVH Ndakwera, GVH Chikhambi, GVH Supuni, GVH Zyuda, GVH Mlangeni, GVH Mangulenje and GVH Salumeji. The training was conducted at Illovo Training centre at Kukhala motel, Nchalo Trading Centre.

The main responsibilities of the PMT in the GRM include overall management of the GRM, including but not limited to managing the grievance redress process and procedures; registration of complaints; capacity building of the grievance committee(s), outreach and external communications; tracking performance and monthly reporting. The SSS is the overall responsible person for implementation of the GRM, while the Communication Officer is responsible for building community capacity on handling grievances, accessing the Shire Valley Transformation Programme Grievance Redress Mechanism and creating demand for the GRM through information, education and communication activities. The field officers under the DC's office are responsible for mobilising and supporting communities (PAPs) to access and use the Grievance Redress Mechanism.

The PMT has operationalized the GRM structures at GVH, TA and District level to ensure that PAPs have easy access to legitimate, reliable, transparent, and efficient institutional mechanisms that are responsive to their complaints. As much as there are different tiers of the redress mechanism, PAPs will be free to use any facility they deem approachable and efficient to them. However, the design of the GRM is to ensure that grievances are resolved at the lowest tier and, as much as possible, avoid escalating cases to higher levels. But the decision to appeal to higher levels will solely lie in the hands of the aggrieved person. A PAP representative will sit in all the different grievance levels and where necessary the system will ensure that there is female, youth and the vulnerable representation by co-option. The proposed composition of the committees and their roles and responsibilities are presented in Table 7.3.

Table 7.3: Proposed Composition and roles and responsibilities of the Grievance Redress Committees

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
Group Grievance Redress Committee (GGRC)	Group Village Headman/Woman	<ul style="list-style-type: none"> • Group Village Head (Chair) • Representative of associations or cooperatives • One representative from each village • Civil Society Organisation (CSO) representative • Religious leader representative 	<ul style="list-style-type: none"> • Providing local oversight for the other committees and the Shire Valley Transformation Programme (SVTP) • Acting as the voice of the villagers and as a point of contact with the SVTP GRMC and the other committees. • Acts as the voice of SVTP GRMC in communicating messages to all community members, in particular women through a female committee representative. • Overall responsibility for reporting the Programme success and grievances to SVTP GRMC and ensuring that the grievances are addressed in a timely manner. • Overall responsibility for communicating with the complainant regarding progress of the grievance resolution. • Acts as SVTP GRMC local monitoring and oversight on grievance management. • Responsible for documenting community meeting minutes, where required; including taking a register of the participants. • Responsible for organising community meetings or meetings between SVTP GRMC and the complainant, where required. • Responsible for organising GVGRC meetings.
Area Grievance Redress Committee (AGRC)	Traditional Authority Level	<ul style="list-style-type: none"> • Traditional Authority (Chair) • 2 Chairpersons of GVGRC • CSO representative • Extension worker representative - AEDC • Religious leader representative • Assistant Irrigation Officer - Secretary • Member from the Community Victim Support Unit • Land Clerk 	<ul style="list-style-type: none"> • Receiving and redressing grievances that have been referred to the Area Grievance Redress Committee by the GVGRC • Providing direction and advice to the GVGMC committee on grievance redress procedures and practices • Referring grievances that the committee cannot redress to the DGRC • Acts as the voice of DGRC in communicating messages to the GVGRC, in particular women through a female, youth and the vulnerable committee representatives. • Overall responsibility for monitoring and reporting the Programme success and grievances to the DGRC and

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
			<p>ensuring that the grievances are addressed in a timely manner.</p> <ul style="list-style-type: none"> • Responsible for documenting community meeting minutes, where required; including taking a register of the participants. • Responsible for organising community meetings or meetings between DGRC and complainants, where required. • Responsible for organising AGRC meetings
District Grievance Redress Committee (DGRC)	District level (Chikwawa)	<ul style="list-style-type: none"> • District Commissioner - Chair • 2-Traditional Leaders • 1- PMT representative • District Lands Officer • District Irrigation Officer • National Initiative for Civic Education (NICE) representative • 3- PAP's representatives • District Gender/ Social Welfare Officer 	<ul style="list-style-type: none"> • The District Commissioner's office acts as the main contact for SVTP GRMC in reporting and the coordination of grievances resolving. • Acts as the Secretariat for the DGRC and as the second point of contact for SVTP GRMC. • Consolidates grievances and support the tracking of grievances • Responsible for reporting on land and compensation related community grievances and for tracking the resolution of grievances and communicating with the aggrieved person • Responsible for reporting and tracking any planning related grievances to the SVTP GRMC and providing support in establishing a resolution, where required • Responsible for reporting and tracking any grievances related to health, safety and security; in particular, related to sexual harassment, worker-community interaction, gender-based violence or other social welfare issues to the SVTP GRMC.
Central Grievance Redress Committee	National level	<ul style="list-style-type: none"> • PMT – Secretariat • Representative of the Ministry of Natural Resources, Energy and Mining • Representative of Ministry of Civic Education and Culture. 	<ul style="list-style-type: none"> • Providing policy and direction to the DGRC and monitoring grievance redress activities at national level. • Assisting in the resolution of grievances that cannot be addressed at the district level • Organising meetings and workshops for reporting and giving feedback on grievance resolution activities at national level.

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
		<ul style="list-style-type: none"> • Representative of Ministry of Gender, Children, Disability and Social Welfare • Representative of the MoAIWD • Representatives and Ministry of Lands, Housing and Urban Development • Representative of the Ministry of Local Government and Rural Development 	<ul style="list-style-type: none"> • Facilitating high level evaluation, monitoring and reporting on grievance management.

7.6.5 Grievance redress procedures

It is important to recognise that this GRM will cover grievances beyond land conflicts. At the same time, stakeholders and the GRM Committee members at all levels need to understand that, under the Customary Land Act (CLA), there is a structure established to handle land conflicts. These are the Customary Land Committees, Customary Land Tribunals, District Land Tribunals and Central Land Board which are at Group Village Head level, Traditional Authority, District, and national levels. Field officer and all the committees have been trained on this matter and have been made aware that it is crucial to ensure that these structures are recognised and used for grievances relating to land matters.

The success of the Programme will largely depend on the PAPs accepting the compensations and the successful redress of grievances. It is therefore necessary to provide an accessible and credible means for PAPs to pursue and report grievances. The institutions or persons where grievances can be reported to include the following:

- a) Local leaders and Programme staff;
- b) Group Village Grievance Redress Committee;
- c) Area Grievance Redress Committee;
- d) District Grievance Redress Committee;
- e) Central Grievance Redress Committee; and
- f) The Courts of Law

Channels (modes of communication) for reporting the complaints and grievances can be verbal (in person), by telephone (calling, sending an SMS or an email), letter, official webpage or social media.

The key steps for grievance redress are elaborated as follows:

Step 1 – Lodging of grievances.

As a first step, all complaints and grievances relating to any aspect of the Programme are to be lodged to either the **local leader or Programme staff** as receivers who will hear and try to resolve the grievance. If the grievance is addressed, there will be no further action. If the complaint is not addressed, it will be referred to the Group Grievance Redress Committee (Step 2).

Step 2 – Grievance redress at the Group Village Grievance Redress Committee Level

Complaints that are not resolved in Step 1 are referred to the Group Village Grievance Redress Committee (GVGRC) which shall investigate and rule within 14 days. The GVGRC shall record and maintain register of all complaints/ grievances received so that these can be kept collectively in one place. The register will be fed into the RAP Database. At this step, all cases (except land disputes, which must be referred to the Customary Land Tribunal) are to be heard by the GVGRC and addressed through consultations conducted in a transparent manner; and aimed at resolving matters through consensus. Minutes of the GVGRC meetings shall be kept and if the resolution proposed by the GVGRC or the Customary Land Tribunal is accepted by the PAP, the PAP will sign the grievance redress form (Annex 6) to show agreement. The grievance will subsequently be closed; otherwise, Step 3 will be followed in an appeal. A period of 14 days is provided to hear and redress the grievance. The SVTP shall facilitate the formation of the Group Village Grievance Redress Committee (GVGRC).

Obligations of the GVGRC

During the first meeting of the committee, the members shall be introduced to the chairman (TA) and elect a vice chairman and secretary from amongst themselves. The two shall serve in that capacity for one (1) year. The Committee must:

- Ensure representation of the youth, women and vulnerable groups at community meetings;
- Enforce transparency and accountability, in line with SVTP requirements at all times;
- Hold committee meetings, as follows;
 - Meet twice in a month for the first six months and ongoing during the construction phase (or more frequently if the situation so demands).
 - During construction, the committee must meet monthly, or as required and agreed.
- Attend a short training session, by the Shire Valley Transformation Programme (SVTP) Grievance Redress Management Committee (GRMC), on the following;
 - Approach to the grievance process and response times;
 - Administrative framework governing the Programme, particularly the ADB and World Bank requirements;
 - Confirming the roles and responsibilities of representatives and meeting requirements.

Step 3 – Grievance redress at Area Grievance Redress Committee level

If the complainant does not receive any response from the GVGRC within 14 days of lodging the complaint, or that the complainant is not satisfied with the response, then the issue will be appealed to the Area Grievance Redress Committee (AGRC). This committee will work hand in hand with the Customary Land Tribunal which will investigate and rule within 14 days. During the appeal to the AGRC, all the necessary details will be attached and the Complainant will be accordingly notified of the venue, date and time set for hearing and a resolution must be made within 14 days' time. If the resolution proposed by the AGRC or the Customary Land Tribunal is accepted by the PAP, the PAP will sign the grievance form to confirm agreement; and the grievance will subsequently be closed. Otherwise the complaint will be referred to the District Grievance Redress Committee and the District Land Tribunal.

Step 4 –Grievance redress at the District Grievance Redress Committee level

If the complainant does not receive any response from the AGRC within 14 days of lodging the complaint or if the complainant is not satisfied with the response, then the issue will be appealed to the District Grievance Redress Committee (DGRC), which shall work hand in hand with the District Land Tribunal. The DGRC is to hear and pass a resolution within 14 days. If the resolution is accepted by the PAP, the PAP is to sign the grievance form to confirm agreement; and the case will subsequently be closed; otherwise the complaint will be referred to the Central Grievance Redress Committee (Step 5).

The DGRC will capture and track grievances related to land, environment, development and social welfare, when such issues are reported by Project affected people or other stakeholders.

Obligations of the DGRC

The District Grievance Redress Committee must:

- Represent interests of affected communities and key stakeholders in the district and work together with the District Land Tribunal on land matters;
- Support SVTP in identification of affected persons, replacement land and land acquisition processes as and when required, in line with international requirements, with guidance from SVTP;
- Have representatives for reporting and tracking grievances arising from land acquisition and other Programme activities;
- Ensure transparency and accountability during property valuation surveys and compensation claims through public participation;

- Support SVTP with monitoring in relation to encroachment, health, safety and security issues;
- Prepare short monthly progress reports to SVTP and the District Executive Committee regarding grievances raised and resolutions.
- Hold meetings at least once a month for the first six months and throughout the construction period (or more frequently if the situation so demands);
- Decide on the frequency of meetings as deemed appropriate during operation.
- Attend a short training session that includes the following:
 - The approach to the grievance process and response times;
 - Administrative framework governing the Programme, particularly the IFC requirements;
 - Confirming the roles and responsibilities of representatives; and
 - Meeting requirements.

Step 5 – Grievance redress at the Central Grievance Redress Committee (Shire Valley Transformation Project Management Team or Ministry) level

If the resolution proposed by the DGRC is not accepted, the affected person will be allowed to appeal to the SVTP (GRMC) Technical Team or MoAIWD. Further, the appeal can also be made to the Regional Lands Commissioner and the Central Government (Ministry of Lands, Housing and Urban Development, MoLHUD). The Central Grievance Redress Committee will work together with the Central Land Tribunal to hear the complaint and make a resolution within 14 days. If the resolution is accepted by the PAP, he/ she must sign the grievance form to confirm agreement; and the grievance will subsequently be closed; otherwise legal action (Step 6) may be pursued.

The Shire Valley Transformation GRMC will primarily be responsible for capturing, logging, tracking and resolving grievances reported through the various mechanisms. It will also ultimately be responsible for ensuring that complainants and the Committees are fully informed and up-to-date with the resolution of such grievances.

Obligations of the SVTP GRMC

Obligations of the Grievance Redress Management Committee of the Shire Valley Transformation Programme include to:

- Work with the Central Land Tribunal on land matters;
- Ensure that Project affected communities are fully informed of the grievance redress process and means by which they can report grievances;
- Hold and document monthly meetings with committee members to gather feedback on the grievance process;
- Ensure that grievances are documented in the grievance form and log and that there is a paper trail regarding the resolution and close-out process;
- Ensure that the grievance process is accessible to all community representatives; and
- Ensure that the committees are fully aware of their roles and responsibilities, and that they are formalised through letters of agreement.

Step 6 – Civil courts option

If the complainant is not satisfied with the decision made at any level, he/ she will be informed of his/ her rights to take the grievance to the courts of law, which include magistrate courts, the high and supreme courts of Malawi. While the complainants will be encouraged to do this as a last resort, right from the start; they will be informed of the right to take the grievances to court at any stage of grievance redress. The complainant will also be informed that they will do so at their own expense, unless the court awards damages to them. The decision of the court of law will be final.

7.7. Grievance reporting

All grievances shall initially be documented in a grievance form for the complainant to sign (by hand or thumb print). Additionally, details of the grievance should be populated into a grievance log (Annex 7) tracking for grievances. The Shire Valley Transformation Programme is responsible for ensuring that the grievance reporting forms (Annex 6) are completed on receipt of a grievance and that the log (Annex 7) is always up-to-date to monitor progress of outstanding issues, in order to follow up as required.

The Grievance Redress Mechanism Process is graphically presented in figure 7.1



Figure 7.1: The Grievance Redress Mechanism Process

7.8. Implementing the grievance mechanism

Key actions for implementation of the grievance mechanism are as follows:

- Formalise the process by submitting a formal letter to the District Commissioner and the GVH regarding the committees and their associated roles and responsibilities;
- Translate the grievance form into Chichewa, so that it is available both in English and the local language;
- Train the grievance committees to provide guidance on the process of handling grievances, including logging grievances, following up resolutions with SVTP, disseminating information etc; and
- Hold a community meeting to communicate details of the grievance mechanism including:
 - The grievance and resolution process;
 - How to report grievances; and
 - Key contacts for reporting grievances.

Additionally, notices should be placed in all the Project affected communities, with contact details of the key people responsible for capturing grievances, including SVTP and committee coordinators.

7.9. Timeframe

The total timeframe provided for the process, from the stage of recording of the grievances to their redress **14 days** per each stage. This entails that, if a grievance goes all the way to the Central Level before resolution, it will take a **maximum of 56 days**.

7.10. RAP organizational responsibilities

The implementation of the Programme will be coordinated by the SVTP Project Management Team that will house experts for providing support and guidance, as well as monitor the progress and quality. The professional team will work closely with existing organizational structures at the District Council level, who are responsible for Programmes taking place within their jurisdiction. The RAP team will also work with the communities, local leaders, traditional authorities and government officials. The sections below provide guidance on the roles and responsibilities of institutions to be involved in the implementation of the Resettlement Action Plan.

7.10.1. Ministry of Agriculture, Irrigation and Water Development

The Ministry of Agriculture, Irrigation and Water Development (MoAIWD), as the developer, has the overall responsibility of ensuring that Programme activities, including resettlement activities are implemented successfully. Therefore, the MoAIWD has to make sure that the SVTP Implementing Team is set up to implement the Programme, has the appropriate legal mandate to implement resettlement activities and is well linked with other government agencies. The MoAIWD should have strong leadership to foster cooperation with other agencies.

7.10.2. Ministry of Lands, Housing and Urban Development (MoLHUD) - through the Regional Lands Office -South

At regional level the Ministry of Lands, Housing and Urban Development will be responsible for provision of advice, to Chikwawa District Council and the SVTP Implementation Unit, on resettlement matters, including planning, approval of sites and providing legal advice on the same.

7.10.3. Ministry of Finance, Economic Planning and Development

The Ministry of Finance, Economic Planning and Development will facilitate mobilisation of the required funds to pay the PAPs and arrange for all the PAPs to receive their payment in accordance with this RAP.

7.10.4. Shire Valley Transformation Programme Management Team

The Shire Valley Transformation Programme (SVTP) Project Management Team (PMT) are the main implementing agency of the RAP through the District Commissioner's Office. The PMT would be responsible for the success of the Programme. They will be responsible for the following in the RAP implementation:

- i) Ensuring that all RAP development processes are followed;
- ii) Ensuring the RAP report and compensation schedules are approved by the Ministry of Lands, Housing and Urban Development;
- iii) Ensuring compliance with Malawi's policies and legal framework and development partners' operational guidelines;
- iv) Ensuring complementarity of development initiatives are in place
- v) Monitoring and evaluating implementation of the resettlement plan
- vi) Sourcing funds for all the activities relating to the RAP (compensation payment and grievance redress), procurement, construction works, etc.
- vii) Ensuring timely procurement of all contracts, goods and services relating to RAP implementation and these include:
 - a. Documenting any issues or complaints that are being addressed by the Conflict Management Committees;
 - b. Participating in the grievance redress process by formally designating a specific official to represent it at the bi-monthly or monthly meetings;
 - c. Providing the necessary support to the designated official in resolution of the grievances as is necessary and within the prescribed timelines; and
 - d. Acting as the focal point on Internal Monitoring of the Programme and the RAP

7.10.5. Resettlement Action Plan Implementation Agency

It is noted that the RPF observed that implementation of a RAP by a professional team is faster and raises less complaints. However, this RAP will be implemented by the District Commissioner's Office. This is because the resources for the RAP are from Part II (Government Contribution) of Project Budget and Government practice is to use the DC's Office for implementation of RAPs. The DC's Office will undertake the following activities:

- i) Conduct awareness and outreach meetings and report on lessons learnt and best practices;
- ii) Prepare monthly progress reports that include progress made against the scheduled timeframe for the RAP implementation, which shall include physical and financial progress for the RAP;
- iii) Report on the options made available for PAPs to access economic opportunities, marketing and credit;
- iv) Identify and appoint a RAP Payment Agent
- v) Assist in the Grievance Redress process;
- vi) Assist contractors of the Project works with resettlement related issues; and
- vii) Prepare the assignment completion report

The RAP Implementation Agency will work closely together with the district officials, the T/As, the Communities and the PAPs to implement the RAP.

7.10.6. District Council

Chikwawa District Council will assist in the RAP implementation process through the provision of district staff to support field activities and later during grievance resolution. Specifically, their role would be to perform the following activities:

- i. Help the DC's Office and PMT in identification of alternative land for those PAPs displaced from the easement and in need of land;
- ii. Sign the compensation agreements prior to their issuing to the PAPs;
- iii. Support the Programme in facilitation of the construction activities when they commence;
- iv. Contribute to the Grievance Redress Management by designating members to the committees;
- v. Participate in district level events organized by PMT including the RAP launch workshop;
- vi. Support the Livelihood restoration/ enhancement programs.

Additionally, the district office, jointly with SVTP Implementation Unit, will be responsible for providing financial literacy awareness. The training modules will include:

- i. Managing compensation money to improve household well-being.;
- ii. Basics of planning and investing in business and productive activities;
- iii. Benefits of having a Bank Account (i.e. safety and protection against loss or theft, convenience of not physically carrying large amounts of money, etc.).
- iv. Different services the banks offer and the minimum requirements for different Bank Accounts.
- v. Knowing the rights and responsibilities in using financial products and services including bank charges for different services.
- vi. How to access their funds, make withdrawals and make deposits; how debit cards and ATMs operate and how to cash checks received as compensation.
- vii. Paying compensation money to PAPs

7.10.7. The community

The community (through the Village and Area Development Committees and the PAPs) will be participating in the RAP preparation, identifying land and hosting the resettled PAPs

7.11. Organizational procedures for delivery of entitlements

Delivery of entitlements shall be done through the District Commissioner's office for Chikwawa. Key roles and responsibilities of the District Commissioner's office, in the execution of the RAP shall include to:

- i) provide training and information to PAPs on their financial services which the PAPs will need in the management of their compensation money;
- ii) ensure that PAPs receive compensation in accordance with the payment schedules provided by the developer;
- iii) provide cash transfer arrangements (vans and security) as needed to transfer funds to the designated PAP villages;
- iv) verify and confirm the identity of each beneficiary on the basis of his/ her national identity card, driving license or passport and confirm eligibility based on the compensation schedule provided by developer;

- v) make available to beneficiaries (from the PAs designated payment points or at the offices of a PA), compensation payments according to defined period and agreed terms and for the duration used;
- vi) provide proof of receipt of payment including photographs of PAPS who have received payments; and maintain accompanying receipts for filing at the developer's office;
- vii) verify that the amounts received are consistent with the compensation schedule provided by the developer;
- viii) under no circumstances, hand over compensation to a person other than the PAP as listed and clearly identified by the national identity card, biometric thumb print and signature;
- ix) notify the RAP implementation consultant when compensation funds have been transferred into bank accounts; and
- x) take all reasonable steps necessary to ensure that the compensation, provided by the developer, reaches the beneficiaries referred to without undue delay and in any event, within five (5) working days to the date of transfer of funds by developer to the PA Account.

PAPs have been informed that in case of opting for cash compensation, cash will be paid only where the compensation amount is K50,000 or less. For compensations of more than K50,000 to K100,000, PAPs would be paid using cheques cashable at local banks. For all compensations whose values exceed K100,000, the PAPs would be required to open bank accounts and the DC's office would facilitate PAPs to open the accounts. PAPs were encouraged to open joint bank accounts where applicable.

Prior to implementation of the delivery of payments, the compensation schedule shall be disclosed to stakeholders and the Project Affected Persons by the RAP implementation Agency. The RAP database, fully updated following disclosure (after the Department of Lands has given its approval of the RAP) and compensation agreement signing exercises have been completed, will be provided to SVTP PMT.

7.12. Delivery of monetary compensation

Once the PAPs have agreed with the compensation packages and the finalized RAP is approved by the SVTP Team, AfDB and Ministry of Lands, Housing and Urban Development; the SVTP or its fiscal representative will transfer the compensation sums to the District Council Account and the Council will prepare notices of bank deposit and checks for the smaller sums for the PAPs. The SVTP will determine who will accompany the DC during delivery of checks and notices of bank payments and smaller cash compensations. The notices will be delivered through the Traditional Authorities in this role. Following advance notice to headmen and PAPs, payments will be made at one or more public meetings to be attended by the Implementation Agent, PAPs, designated representatives from the District Commissioner and local leaders. The officials and the Programme Management Team (PMT) representatives will verify that the amount deposited or to be paid is the amount agreed to by the PAP and that the party named in the compensation agreement or a verified designee is present to receive the compensation. The DC will then deliver the payment to the PAP, who will sign a receipt acknowledging payment in full as agreed to in the accepted compensation package.

7.13. Delivery of in-kind compensation

To facilitate the handing over of the replacement structure (in-kind-compensation) to the PAPs, the PMT will request the District Commissioner to set up a meeting to be attended by designated representatives from the District Commissioner and Traditional Authority, the DC's Office and the contractor. At this meeting, the new (replacement) structure and a written title

will be handed over to the PAP. The DC's Office will arrange for transport of belongings shortly thereafter for the movement of the PAPs to the new home.

7.14. Land titles and registration

After the PAPs have agreed with the compensation packages and the finalized RAP is approved, the PMT will arrange for replacement land identification to be conducted with the assistance of the local leaders, the officers of the District Council (including the District Lands Officer) and representatives of the Shire Valley Transformation PMT. The criteria for identifying replacement land will include:

- Distance from current land being used by PAPs;
- Quality of land for agriculture; and
- Size of land available

Steps in identification of replacement land will include:

- Initial assessment of size, location and quality of potential available land;
- Identification of customary land owners and a thorough assessment of land availability to ensure that the seller will not be worse off or displaced as a result of the transaction and to determine the price of the available land;
- Engagement with eligible persons on replacement land, including determining those that require support to negotiate and secure the land;
- Supporting individual negotiations between the buyer and the seller of available land
- Preparation of the customary land transfer agreement form
- Signing of the agreement form and transfer of customary land between the seller and buyer

The PMT and the District Council will assist in surveying the replacement parcels of land, preparation of cadastre maps and arrangement for delivery of registered land titles to the eligible PAPs.

7.15. Procurement and commencement of the civil works contractor services

After all the different types of compensations have been paid to the PAPs and after the District Commissioner, PAPs and PMT have been satisfied with the completion of compensation payments, the PMT will initiate preparations for construction. Compensations from the Intake plus the first 6 km of the Main Canal shall be done by the contractors as stated in the Bidding Documents. Contractors will not commence construction works before the PAPs have vacated the affected structures. This is to make sure that the PAPs are not left without shelter after their structures are demolished.

7.16. Communication and information

Communication between the Programme, the PAPs and organisations/ institutions responsible for delivery of the RAP shall be maintained throughout the RAP implementation period. The existing channels of communication, mainstreamed throughout the preparation of the SVTP including the development of the RPF and this RAP shall be maintained in the implementation of the RAP. The PMT will be overall responsible for communication. Therefore, the staff has included communication expertise that operate the SVTP Information Office.

In the RAP implementation phase, the PAPs will receive information on the RAP process and entitlements as well as the RAPs implementation structure, reminder on cut-off date, the GRM and the contact persons within the communities. An Information Leaflet on the outline of the SVTP implementation process and general and the RAPs in particular will be prepared and widely distributed. The information leaflet will include names, contact details and location of the (crosscutting issues) contact persons, the GRMs, the SVTP Information Office and the

SVTP Implementation Unit. The Information leaflet will be produced in English and Chichewa and will include images to make the content understood by the illiterate.

Information campaigns will be conducted in all RAP areas. As RAPs are implemented at different times, several information campaigns will be held, at least one in each of the areas covered by a specific RAP. An important message will be that land disputes have to be solved prior to valuing the land and setting the cut-off date for establishing compensation entitlements and addressing complaints related to resettlement. No construction will occur on land until the affected PAPs have been resettled.

Contact details for the GRM are as follows:

Project Coordinator
Shire Valley Transformation Programme
Department of Irrigation
Ministry of Agriculture, Irrigation and Water Development
16 Chilembwe Road
P/Bag 379
Blantyre

Telephone (mobile): +265 999922015 or +265 888 763 575 or +265991316790 or +265999284915
Email: projectcoordinator@svtp.mw

7.17. Capacity building, training and awareness raising

Most Government Departments lack resources to implement resettlement activities effectively. This is also true for Chikwawa District Council whereby it was established during the RAP studies that, among others, it does not have a Lands Officer, adequate office and storage space and financial resources to properly carry out its activities. Therefore, capacity building for the council should ensure that the lands offices has adequate resources to assist in the implementation of the RAP and the personnel have received appropriate training

The DC's office will be required to have advanced training and extensive experience in the implementation of RAPs, delivery of entitlements and Grievance Redress Mechanism. The SVTP PMT will however, be required to engage the DC's office in awareness meetings so that they understand the Programme, how the RAP was developed, the profiles of the communities and specific areas to pay attention to during implementation of the RAP.

The GRM implementers, drawn from different stakeholder groups (including government, NGOs, District Councils, Traditional Leaders, Contractors, Programme implementation teams, GRM committee, etc.) may not have the specific and essential skills and capacity to engage in an effective grievance resolution process. The GRM implementers have been provided with adequate orientation and training on grievance resolution. Such capacity building training started immediately after setting up the GRCs.

The PMT has established 21 GRCs, trained 20 trainers, trained the 21 GRCs with 172 GRC (111 males and 61 females). The GRM database has been developed and is functional. PMT has carried out sensitisations on GRM using theatre for development in six GVHs. The subject matter for such training/ orientation programs included the following:

- a) Procedures on receiving, registering, and sorting grievances;
- b) Conducting initial grievance assessments;

- c) Effective communication, negotiation, and facilitation skills;
- d) Management of the grievance redress process;
- e) Roles, monitoring performance of staff dealing with complaints, and providing incentives;
- f) Creating awareness of the usefulness of a GRM as an important source of feedback;
- a) Gender and youth, especially on equitable sharing and use of compensation money, since generally the man takes control of all household income.
- g) Problem solving; dispute resolution; and decision making; and their respective parameters, standards, and techniques; and
- h) Documentation and reporting, including the use of "customer feedback" as part of an ongoing organizational learning process for the implementing agency.

Within each community, the DC's office will be required to identify a contact person, develop their capacity on the processes and procedures of the RAPs and GRM as well as communication and crosscutting issues. The community contact persons will also receive information on the SVTP, its objectives, the overall technical design and lay-out, the implementation plan and its organisation and management. After the formal training, the RAP DC's Office will conduct regular meetings with the contact persons to monitor their progress, provide information on the overall progress of the SVTP and the RAPs, share best practices, and address any issues arising. The latter will ensure that issues are addressed at an early stage before these become a major issue. The regular meetings will thus function as training whilst doing apart from sharing communication and information. District staff will participate in the meetings and thus be kept up to date of the progress.

Capacity development will be a combination of formal training with action training. The formal training will be conducted at the start of the process and whenever necessary. The learning whilst doing will be conducted through group and individual meetings. Crosscutting issues including gender, youth, vulnerable groups and poverty will be included in the trainings.

The PMT will hold capacity-building workshops to disseminate the requirements for resettlement planning. Attendees will include District Commissioner staff (especially those expected to participate in implementation), local headmen as available and PMT staff. Training, delivered by PMT staff or Implementation Agent, will focus on the content of this RAP and the provisions of Resettlement Policy Framework, especially the following topics:

- a. The AfDB and World Bank Operational Policy 4.12 principles and objectives governing resettlement preparation and implementation
- b. Process of preparing resettlement plans and the role of participants in this process
- c. Grievance redress mechanisms.
- d. The PMT will also hold trainings for members of the GRM.
- e. It will also facilitate a financial literacy training for all PAPs to help them manage the cash compensation

Chapter 8 BUDGET AND BUDGET ASSUMPTIONS

8.1 Details of the PAPs by type of loss and Traditional Authority

Table 8.1 provides details of the PAPs by type of loss and Traditional Authority. As can be noted from the table; the total number of Project Affected Persons is 1,239. This increase from 815 to 1,239 is mainly due to sub-division of family land into equal portion to the individual family members claiming ownership of the land. To a small extent, it is also a result of pieces of land identified during the verification which were missed the initial assessment.

The distribution of the PAPs by Traditional Authority is as follows: 395 PAPs in TA Kasisi, 424 PAPs in TA Katunga and 420 PAPs in TA Ndakwera. It should be noted that initially four TAs were involved in the RAP and included TA Chapananga. TA Chapananga has apportioned part of his area to Ndakwera, hence the canal no longer passes in his area.

The number of Project Affected Households that will lose land but will not be physically relocated is 873. Where the canal passes through villages, the number of households that will have their dwelling units physically relocated to other sites within the same villages is 108. The number of households that will be affected by non-land economic displacement (i.e. loss of structures, businesses, livelihoods, etc.) is 160.

Of the total number of PAPs of 1,239, 563 are females and 676 are males. Of these 475 are vulnerable. These include the elderly (172), people with disabilities (69); chronically ill (57), female heads (114), child heads (3) and people living with HIV/AIDS (3).

As can be noted from table 8.1, there is only one leasehold private properties affected by this Programme. In addition, the canal was affecting only one grave yard in GVH Tomali. However, the canal route was resurveyed and diverted to avoid the graveyard. Annex 10 shows the coordinates of the original route and diverted line as well as the position of the graveyard.

The budget that follows (table 8.2) is based on the information in this table.

Table 8.1: Details of the PAPs by type of loss and Traditional Authority

Summary of impacts SVIP Canal : Preconstruction Stage					
		T.A Kasisi	TA Ndakwera	TA Katunga	TOTAL
Total PAPs	Nos.	395	420	424	1,239
Ownership of land by type					
Customary land holdings(Area Affected)	Hectares	134.6	157.48	141.951	434.03
Leasehold	Hectares	0.4	0	0	0.4
Public land	Hectares	1.7	0	2.5	4.2
Freehold	Hectares	0	0	0	0
Structures					
Dwelling Houses (Principal Structure Affected)		35	30	43	108
Shops		1	0	0	1
Others (Secondary Structure Affected)		86	41	78	205
Trees					
Exotic Trees	Nos.	61	925	1,515	2,501

Fruit Trees	Nos.	55	299	199	553
Natural /Indigenous Trees	Nos.	2,743	987	3,113	6,843
Common Property (2 schools)					
Church blocks	Nos.	2	0	4	6
School Toilets & urinals	Nos.	0	0	14	14
Forest	Nos.	0	0	1	1
Borehole	Nos.	0	1	3	4
Ground	Nos.	0	0	2	2

Table 8.2 is a summary of budgets for the different assets assessed during the survey. However, it should be noted that this budget only covers compensation of PAPs. Costs of livelihood restoration, capacity building/training, consultations, GRM, and disclosure are covered in the various components of the project and the Project Management Team has budgeted for these costs accordingly.

Table 8.2: SVTP -Phase 1: Summary of Budgets: Preconstruction Stage

SVIP -Phase 1: Summary of Budgets: Preconstruction Stage		
ITEMS	TOTAL MWK	US \$
A. COMPENSATION		
<i>Private Assets</i>		
<i>Land under Canal Corridor</i>	665,974,551.00	889,965.60
<i>Structures (Cash compensation)</i>	186,764,755.00	252,384
<i>Structures (To be replaced in kind)</i>	23,248,250.00	31,416.55
<i>Natural Trees</i>	56,479,385.00	76,323.49
<i>Exotic Trees</i>	25,250,000.00	34,121.62
<i>Fruit trees</i>	12,875,000.00	17,398.65
<i>Fruit Seedlings</i>	3,318,000.00	4,483.78
<i>Disturbance Allowance</i>	194,341,322.00	262,623.41
<i>Vulnerability Allowance</i>	38,857,954.00	52,510.75
<i>Moving Allowance</i>	7,625,000	10,304.05
B. TOTAL	1,214,734,217.00	1,641,532.73
<i>Contingency (to meet any unforeseen impacts or escalation in estimated costs) – 5% of total (A + B)</i>	60,736,710.85	82,076.64
Grand Total	1,275,470,927.85	1,723,609.36

Exchange. Rate: **1 US\$ = MK740 as of April, 2019**

8.2 Budget assumptions

1. This budget does not include the livelihood restoration measures proposed in section 5.4. The budget for livelihood restoration measures is included in the SVTP budget.

2. The budget is for losses at preconstruction stage only.
3. Estimated losses are based on the detailed survey of the land in the canal area.
4. The unit value for land per hectare is based on values in other similar projects and the project area as well.
5. Crops have not been considered as it is assumed that the project will allow for time to harvest field crops.
6. The exchange rate used is USD 1= MK740
7. In-kind compensation values for structures are replacement values in existing state.
8. The compensation rate for fruit trees has considered the duration from transplanting to fruit bearing age.
9. Three fruit seedlings have been supplied for every fruit tree being lost and the cost of these seedlings have been included in the budget.
10. A contingency of 5% has been considered on the total compensation amount.
11. Disturbance allowance of 20% is over and above the compensation values for each PAP

Chapter 9 : MONITORING, EVALUATION AND REPORTING

9.1. Need for monitoring and evaluation

This RAP will be implemented to support a large number of Project Affected Persons and will require involvement of multiple stakeholders such as the Chikwawa District Commissioner's Office and the canal construction contractor, etc. Therefore, there is need for a robust mechanism for tracking progress, highlight bottlenecks and redressing the issues effectively and in a timely manner. It also requires that at the end of the RAP implementation period, an evaluation should be carried out, to ascertain that the planned activities have achieved the originally set objectives; i.e. whether livelihoods and living standards of the PAPs were restored to pre-Project status or enhanced. For this reason, the Ministry of Agriculture, Irrigation and Water Development (MoAIWD) through the SVTP Technical Team will conduct internal monitoring; and an End Evaluation for the RAP.

9.2. Internal monitoring by the SVTP Technical Team

Internal monitoring will comprise Process and Performance Monitoring, to provide information on the progress of the RAP implementation on a regular basis. While process monitoring will enable the Programme authority to assess whether the processes are being followed or not, performance monitoring will mainly relate to achievement in measurable terms, against the set targets. The details of these two types of monitoring are as follows:

9.2.1. Performance monitoring

Performance Monitoring shall cover aspects such as continuity of staff involved in the RAP implementation and timeliness of implementation of the proposed activities. Key parameters and timelines for the first year of RAP implementation are as indicated in Table 9.1

Table 9.1: Performance indicators and timelines for RAP implementation

Indicator/Parameter	Month of monitoring	Number of times
Variation in final number of PAPs vis a vis the numbers given in the final RAP	May 2019	Once
Listed RAP activities completed in comparison to the proposed schedule. i. Operationalizing of GRM, payment of compensation, provision of financial literacy ii. Opening of bank accounts iii. Construction of replacement housing and relocation	August, September, October 2019	Once in each month
Variation in budget allocated in RAP estimate versus actual disbursed amount	July, August 2019	Once in each month
Payment of compensation prior to issuing notice for vacation of lands and commencement of construction works	July, August 2019	Twice in each month
Continuity of Personnel in RAP as per institutional arrangement	July, August, September, October 2019	Once in each month

9.2.2. Process monitoring indicators:

Process Monitoring will involve the checking of implementation activities, to ascertain whether these are being implemented in accordance with the RAP and thereby enable the SVTP

Technical Team to take appropriate action to address any gaps, deviations, etc. This will be a continuous and routine process of tracking and reporting on Programme staff and activities and outputs associated with use of Programme resources; and will include collection, analysis, reporting and use of information about the progress of relocation, against a time-bound implementation schedule indicated in the RAP. Quantitative indicators that focus on physical and financial targets and delivery of entitlements to PAPs will provide an efficient tool to supplement qualitative assessment that shall be carried out for socio-economic impacts.

The following process monitoring indicators are intended to measure progress of various activities:

- a) Physical activities including movement of PAPs and their assets from one place to another
- b) Financial (payment of compensation establishment expenses)
- c) Resettlement and rehabilitation activities and challenges
- d) Social (education, health, water supply and sanitation etc.)
- e) Implementation processes
- f) Institutional involvement (including those pertaining to grievance redress)

The Shire Valley Transformation Programme (SVTP) Technical Team will, among others) undertake the following activities:

- a) Monthly meetings on a specified date, with all stakeholders (DC's Office, Replacement House Construction Contractor, Canal Construction Contractor, etc.) to review progress and other issues. The meeting shall be attended by the Team Leader and/or Senior Representative of the agency;
- b) Fortnightly meetings with the Chikwawa District Authorities on the issues to be addressed to enable timely completion of planned activities; and
- c) Joint visits to Programme sites to enable on-site assessment of progress achieved.

9.3. Composition of monitoring Team for the SVTP Technical Team

The monitoring activities, which are scheduled to take place at varying times within the Programme cycle (as shown in table 9.1) will be undertaken by the MoAIWD through the SVTP Technical Team comprising staff with expertise in the following areas:

- a) Environment and social performance
- b) Programme planning & development
- c) Monitoring and evaluation
- d) Communication and outreach
- e) Land acquisition and resettlement

9.4. Reporting

Minutes of the monthly and fortnightly meetings for internal monitoring will be taken by the monitoring team and will be kept as part of the Programme files. Any decisions taken will be communicated to the appropriate stakeholder such as the RAP Payment Agent (the District Commissioner's office for Chikwawa) in writing, with specified dates by which the actions need to be completed.

9.5. RAP implementation end evaluation

A RAP Implementation Evaluation will be carried out at the end, to identify any gaps or outstanding issues. If identified, a time bound Corrective Action Plan with Key Actions, dedicated Human Resources, proposed Timelines for closeout and Budget should be drawn up.

The RAP Implementation End Evaluation will draw upon information gathered from routine monitoring, supplemented by information from surveys/ studies, including baseline and follow-up studies and other sources. The evaluation will facilitate a deeper understanding and perspective of the Programme outcomes and impacts. It should be carried out by an external agency, at the end of one year, from the start date of the RAP implementation. However, in case there are any outstanding issues that require attention and administering additional measures for resolution, the evaluation will continue until either the RAP objectives are fully achieved; or until they are deemed substantially achieved (with systems and processes in place) and are adequate to complete pending actions.

The evaluation exercise should be undertaken to cover all (100%) of the PAPs. Other key considerations for the evaluation will include:

- a) Incorporation of the rate of annual inflation to be considered, to ascertain percentage of change (-ve/+ve) in absolute and real terms, in respect to income and expenditure figures.
- b) Conducting specific case studies to enable deeper appreciation of the mitigation measures
- c) Conducting of assessments on the levels of satisfaction towards implementation arrangements, grievances resolution and performance of stakeholder/partner institutions.
- d) The information and reporting linkages of the Implementation End Evaluation are provided in Figure 9.1.

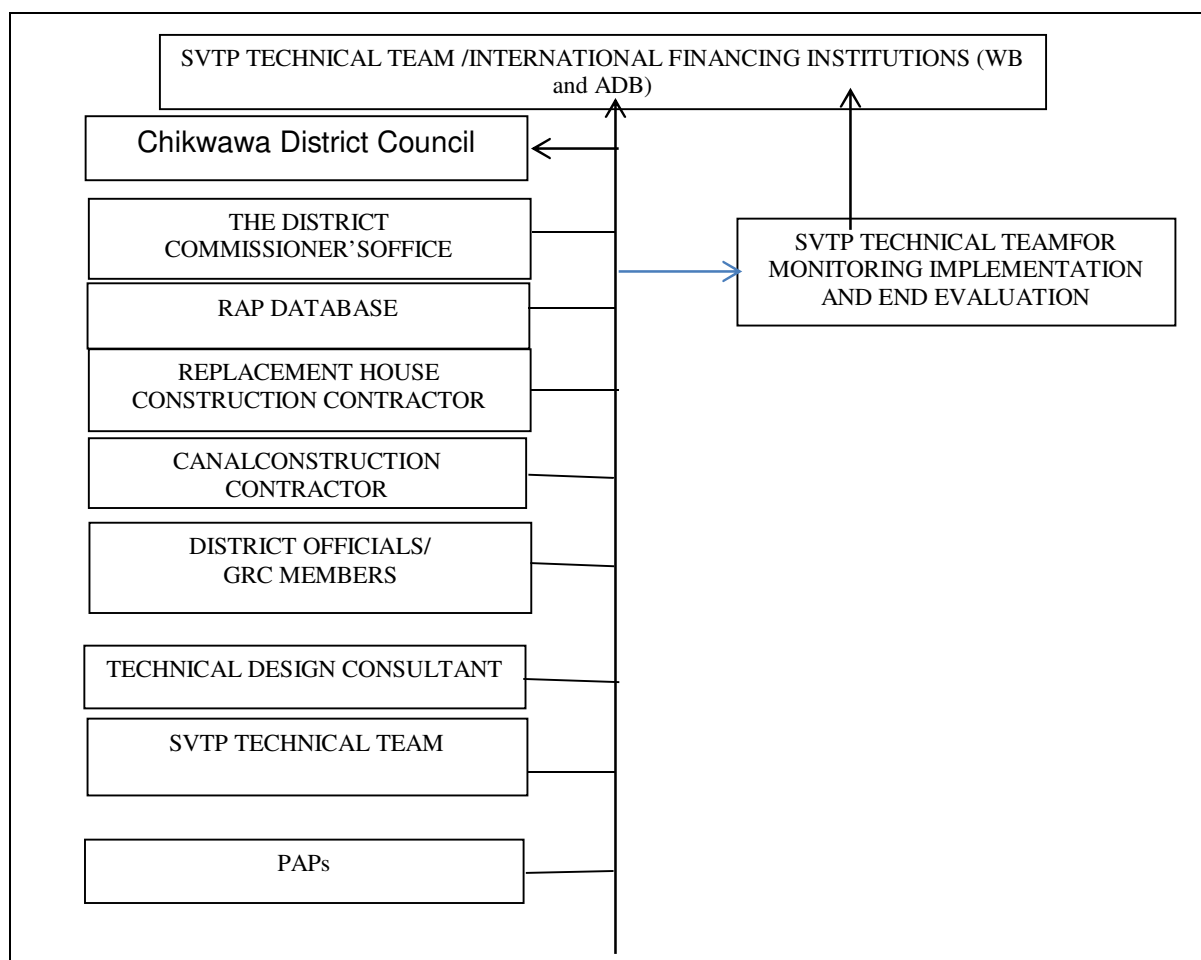


Figure 9.1: Information and Reporting linkages for implementation of the RAP completion audit

Chapter 10 : RAP IMPLEMENTATION SCHEDULE

The programme is ready to implement the resettlement plan for the main canals this year but the actual construction at the lower reaches of the canals may take place 2 to 3 years after compensation. To mitigate for the unforeseen challenges including failure to surrender land or the land being occupied by other people not included the RAP, a number of measures have been put in place as follows:

- vi. All structures shall be removed from the canal alignment once compensation has been made.
- vii. PAPs/PAHs shall sign an agreement to requirement (i) and also sign to acknowledge receipt of compensation;
- viii. The project shall ensure that all structures have been removed from the canal alignment and that government takes 'possession' of the alignment upon PAPs receipt of compensation;
- ix. The project shall undertake comprehensive publicity and awareness creation on the ownership of alignment by government;
- x. The RAP cut-off date of 15th July 2018, while widely publicized in the project area, still requires an official gazetting. The gazetting process has taken quite long but it is now nearing its conclusion. During RAP preparation, PAPs have been informed about their options and rights. In this case PAPs have chosen to receive cash compensation for the loss of land and assets. In line with OP 4.12, i) the project has put in place a mechanism to ensure that compensation is paid to individual PAPs and spouses; ii) the moving allowance should not be dispensed to PAPs unless there is evidence of location and structures to be erected; and iii) the project should put in place a mechanism for follow up on the reconstruction of structures by PAPs.

10.1. Key implementation activities

Key activities in the RAP implementation are categorized into activities that are to be completed at different stages as follows:

- a. prior to commencement of compensation and other payments;
- b. prior to commencement of civil works; and
- c. for all activities under RAP to be considered as complete.

10.1.1. Activities to be completed prior to commencement of compensation payment

i) Operationalization of the grievance redress mechanisms

The proposed GRMs would be operationalized following provision of: a) TORs for the committee at each level and b) commensurate training and resources to enable effective functioning.

ii) The Client will provide additional outreach and Financial Literacy activities.

iii) Disclosure of the RAP

Following the clearance of the Draft RAP by the African Development Bank and the World Bank and approval by the Malawi Ministry of Lands, Housing and Urban Development, the RAP will be disclosed by the client (MoAIWD) in the Programme areas for any feedback from key stakeholders.

A Public consultation-cum- disclosure workshop would be conducted at a location in the Programme area, to launch the RAP implementation. The workshop will have participation from the client, representatives of the affected people (including the local leaders) other stakeholders'/ partner agencies and district officials. The objective of the

workshop will be to:

- a) Create awareness on the overall features of the Programme
- b) Disclose contents of the RAP, particularly with respect to applicable entitlements and processes; and
- c) Provide information on mechanisms and processes for sensitization, participation and consultation; and grievance redress.

Additionally, recording of any changes to compensation options e.g. if any PAPs, losing main dwelling structures indicate change to their previous option; i.e. prefer cash now rather than replacement house as chosen earlier, it shall be duly recorded and conveyed to MoAIWD. The Compensation Agreement Form will be revised and the PAP will be required to duly sign the form, indicating the revised preferred option. The RAP Database would be updated to reflect the change.

If there are any significant changes to the rates, these will then be updated and the Compensation Agreements will be revised and re-issued to PAPs, prior to compensation disbursement.

iv) Undertaking financial literacy awareness programs

Financial literacy awareness trainings should be undertaken by the RAP Implementation Agency, with all the PAPs, prior to payment of compensation.

v) Opening of bank accounts for PAPs

The Chikwawa District Council will counsel all PAPs due to receive compensation amounts above an agreed threshold and provide the necessary information to open bank accounts or provide account details if they already have bank accounts.

vi) Holding GVH level and area level meetings to counsel the PAPs

Group Village Head (GVH) level meetings will be held to inform PAPs about the processes and agencies involved in compensation payment, RAP implementation and civil works commencement. Such meetings will be organized by the RAP Implementation Agency.

vii) Updating and finalization of RAP database

All information regarding PAPs' asset details, household level details and changes to preferences will be updated for submission to MoAIWD; and thereafter to the DC's Office and Construction Contractor for Replacement House Structures where that will be applicable.

viii) Production of training report

The Public Relations office will produce a training report that will cover the number of PAPs that attended the specific training module.

10.1.2. Activities to be completed prior to commencement of civil works

i) Construction of replacement houses

As any replacement structures will need to be constructed prior to physical displacement of the PAPs from their current location, the activity will need to be completed within a given time frame. Since the Programme is linear in nature, the activity could be done at locations so as to free up the way leave for the construction contractor to commence activities in accordance with final construction schedule.

ii) Payment of compensation and vacating of land

The Payment Agency (District Commissioner's office) will make the compensation

payments as per the amounts due to each PAP either in cash, or by cheque, or direct to the bank and upon the provision of PAP's identification (ID) card or government issued ID card. The District Commissioner's office will use the following thresholds for payment of compensation:

Table 10.1: Payment Modes

Payment Modes by Threshold Amounts	
Amounts Payable (Malawi Kwacha)	Payment Mode/ Option
up to 50,000	Cash or cheque, or bank account
Over 50,000 to 100,000	Cheque or bank account
Above 100,000	Only bank

The Client, in consultation with the District Commissioner's office will conduct the financial literacy training before payment of compensations. They will also determine whether services of the mobile banks will be required. Payment of compensation directly through the main bank or through a mobile bank are viable options that must be explored during the financial literacy training

All handing over of the property such as land, building and payment of compensation will be made in the presence of the PAP, village head and RAP Implementation Agency.

iii) Demolition of structures and relocation of PAPs to new location

Once construction of the replacement houses is completed, all PAPs will be informed to relocate to their new houses and demolish their old dwelling structures; and salvage any material if they wish to. Further, once compensation payment is made to those who opted for cash, PAPs will have to dismantle their old dwellings and relocate.

iv) Handover of site for construction

Once all property on the affected land is vacated, the site will be considered free from encumbrances, to be handed over to the Canal Construction Contractor, for commencing construction related activities.

10.1.3. Activities to be completed for finalisation of the RESETTLEMENT ACTION PLAN (RAP)

- i) Capacity building, training and awareness raising for key stakeholders, including district staff.
- ii) Implementation of livelihood restoration and enhancement measures, including provision of employment opportunities by the Contractor; and implementation of some land and non-land-based livelihood training programs for PAPs
 Although a linear Programme of this nature will have limited work opportunities, the Canal Construction Contractor would be required to give preference to all the capable local members of the community for labour and other associated services. The district administration will have to place notifications, indicating requirements of labour on their notice boards. The provision of employment opportunities to the Programme affected communities ought to be one of the necessary livelihood restoration and enhancement measures to be considered in the implementation of the RAP. The provision of the job opportunities ought to be accompanied with;
 - Promotion of compliance with the national employment and labour laws including ensuring safe and healthy working conditions, payment of appropriate wages and the avoidance of forced and child labour.
 - Promotion of gender equality in the employment offers; and

- Promotion of fair treatment and non-discrimination of the workers.

Additionally, there should be implementation of some land and non-land-based livelihood programs, in order to promote livelihood restoration and enhancement for the PAPs. Land based livelihood programs should include training programs for PAPs in areas such as vegetable production, livestock production, crop diversification; and soil fertility improvement as well as management of irrigation schemes.

The following non-land-based program skills can be provided through 3 months' informal apprenticeship: food processing enterprises, carpentry and joinery and tailoring. Further linkages to the market would be established by the livelihood support partner and the Chikwawa District Council. The cost of these trainings would be paid to the training provider.

iii) **Internal monitoring**

Internal monitoring by the MoAIWD, through the SVTP Technical Team, will commence soon after the RAP approval. This would specifically record:

- a) Programme inputs, including readiness of institutions such as GRCs and Payment Agent,
- b) Programme outputs, including number of persons affected and compensated as well as replacement housing provided; and
- c) Overall physical and financial progress report; assessing readiness with respect to site handing over and commencement of construction.

The above would be carried out, based on reviews of reports produced by the RAP Implementation Agency, supplemented with field visits to the Programme areas as deemed necessary, with regular updating of the RAP database. Internal monitoring will produce fortnightly reports for use within the SVTP technical team, the African Development Bank, the World Bank and the technical design/ construction supervision consultant. The activity will continue across subsequent stages and until the end of the Programme or up to a desired period as deemed necessary, based on review of progress/ completion of activities.

iv) **Preparation of periodic internal monitoring reports**

Internal Monitoring Reports will be produced periodically, shared internally and with external stakeholders.

v) **Implementation end evaluation**

If all the activities relating to the RAP implementation are expected to be completed in less than 1 year, an Implementation End Evaluation would be carried out at the end of Year 1. The evaluation will assess the activities conducted from the start date of RAP implementation, to assess whether the Programme has met the RAP objectives as a whole.

vi) **Annual Programme review workshop**

Review of the RAP implementation at an Annual Workshop would be carried out in the first quarter of the next year, soon after the findings of the RAP Implementation End Evaluation are available.

vii) **Submission of the RAP implementation completion report**

Upon completion of all the activities, the Chikwawa District Commissioner's Office shall separately produce Implementation Completion Reports for submission to the PMT for review. The PMT will compile and collate the findings along with their own findings through internal monitoring and submit a Consolidated Implementation Completion Report to the World Bank and AfDB.

10.2. Timelines for the implementation activities

The assumption made for these timelines is that the final RAP report is to be approved by the 15th of July 2019. All activities related to capacity building, training and awareness raising for key stakeholders including district staff for RAP implementation will be conducted prior to the commencement of any RAP activities. Sensitization and training of PAPs in financial literacy will be conducted before compensation payments. These training and capacity building activities will not be dependent on disbursement of the loan (for the implementation of the Programme) from the international financiers. Tables 10.1 and 10.2 detail the tentative timelines for implementing the RAP activities.

It is recognised that the actual construction of the canal at the lower reaches of the canals may take place 2 to 3 years from now. However, the effect of inflation on compensation values is well recognised and appreciated. Hence this RAP must be implemented this year from September to October. It is planned that payment of compensation from the 6 km of Main Canal 1 will be done in phases. Specifically, compensation will start with communities that are in the area upstream of the main canal (i.e. 6km after the Intake) and move down to communities near Lengwe National Park. Hence, the first PAPs to receive compensation will be those in TA Kasisi (395 PAPs) followed by TAs Katunga (424 PAPs). The 420 PAPs in TA Ndakwera will be the last. This means that there will be an overlap between the start date of civil works and completion of compensation. But no civil works in any section of the canal will start before payment of compensation.

The civil works for the construction of the Intake and the first 6 kilometres of Main Canal 1 will start earlier and the date is not shown here. This section is wholly in Majete Wildlife Reserve (MWR) and compensation to the Park Management (i.e. African Parks) is incorporated in the bidding documents of the Contractor and will be handled by the Contractor.

Table 10.2: Tentative dates and durations for implementing RAP activities

No	Activities under the implementation plan	Duration for activity implementation	Tentative dates for activity implementation
1.	RAP approval and public disclosure-cum-launch workshop	15 days	15/07/2019-29/07/2019
2.	Capacity building, training and awareness raising for key stakeholders, including district staff.	4 Days	17/07/2019-20/07/2019
3.	Disclosure of the RAP to PAPs	5 Days	24/07/2019-28/07/2019
4.	Operationalization of Grievance Redress Mechanisms	Continuous	Continuous
5.	Finalisation of Contracts with Support Agencies for RAP Implementation	5 Days	05/08/2019-09/08/2019
6.	Holding GVH level and Area level meetings to counsel/ train the PAPs	5 Days	01/08/2019-05/08/2019
7.	Undertaking Financial Literacy Awareness Programs and all the related additional activities under the programs, including opening of Bank Accounts for PAPs	2 weeks	12/08/2019-22/08/2019
8.	Updating and finalization of RAP database	3 weeks	01/07/2019-12/07/2019

No	Activities under the implementation plan	Duration for activity implementation	Tentative dates for activity implementation
9.	Preparation of PAP training Report (training to include community sensitizations on RAP implementation and financial literacy awareness programs)	5 Days	26/08/2019-30/08/2019
10.	Internal monitoring by the SVTP Technical Team	4 months	01/09/2019-08/12/2019
11.	Implementing other Livelihood Restoration and enhancement measures (those focusing on skill development, creation of job opportunities as well as support for income generating activities)	3 months	19/09/2019- 01/11/2019
12.	Payment of Compensation and Vacation of Land	2 months	02/09/2019-18/10/2019
13.	Handover of site for construction	1 day	01/11/2019
14.	Start of civil work for Main Canal from 6km to Lengwe National Park		15/11/19
15.	Dismantling of structures and relocation of PAPs to new location	3 months	01/10/2019-30/12/2019
16.	Implementation end evaluation	1 month	15/02/2020-10/03/2020
17.	Workshop for review of the RAP implementation	2 day	15/03/2020-19/03/2020
18.	Preparation of a Consolidated Implementation Completion Report	2 weeks	06/04/2020-17/04/2020

Table 10.3: Tentative dates and durations for implementing RAP Activities

S No	Activities under the implementation plan	July 2019	Aug 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	April 2020
1	RAP approval and public disclosure-cum-launch workshop										
2	Capacity building, training and awareness raising for key stakeholders, including district staff.										
3	Disclosure of the RAP										
4	Operationalization of Grievance Redress Mechanisms										
5	Finalisation of Contracts with Support Agencies for RAP Implementation										
6	Holding GVH level and Area level meetings to counsel/ train the PAPs										
7	Undertaking Financial Literacy Awareness Programs and all the related additional activities under the programs, including opening of Bank Accounts for PAPs										
8	Updating and finalization of RAP database										
9	Preparation of PAP training Report (training to include community sensitizations on RAP implementation and financial literacy awareness programs)										
10	Internal monitoring by the SVTP Technical Team										

S No	Activities under the implementation plan	July 2019	Aug 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	April 2020
11	Implementing other Livelihood Restoration and enhancement measures (those focusing on skill development and creation of job opportunities)										
12	Payment of Compensation and Vacation of Land										
13	Handover of site for construction										
14	Start of civil work for Main Canal from 6km to Lengwe National Park										
13	Dismantling of structures and relocation of PAPs to new location										
15	Implementation end evaluation										
16	Workshop for review of the RAP implementation										
17	Preparation of a Consolidated Implementation Completion Report										

Chapter 11 : CONCLUSIONS

This chapter presents the key conclusions of this Resettlement Action Plan. The following is a summary of the conclusions:

- The RAP is for the proposed construction of main irrigation canals (which are to run for a total estimated 51km) from the intake point at Kapichira hydro-power dam to Lengwe National Park, under the first Phase of the Shire Valley Transformation Program (SVTP-1) in Chikwawa District. The Programme will be implemented in the four Traditional Authorities of the district (Katunga, Kasisi and Ndakwera) affecting 29 villages.
- The RAP will be implemented and financed by the Malawi Government through the Ministry of Local Government.
- According to findings from field investigations, public consultations and household surveys conducted in the Programme area from 14th to 25th May 2018 and intermittently during the Programme; the proposed construction of the main irrigation canals for the SVTP-1 phase will generate the following potential impacts of relocation and economic loss (within the 60m wayleave of the proposed canals).
- - A total of 1,239 PAPs will be affected (through loss of land or property)
 - Twenty-five common properties (six church blocks, twelve school toilets, two school urinals, a forest, four boreholes and two grounds.)
 - An estimated total of 434.03 of customary land will be affected
 - A total of 314 physical structures will be affected, of which 108 are residential dwelling houses.
 - 2,501 exotic trees; 553 fruit trees and 6,843 indigenous trees are estimated to be lost
- Implementation of this RAP offers an opportunity for adherence to the ordinances of the newly passed land-related Laws of Malawi. These Laws (together with other international best practice policies) have been reviewed and recommendations on how the Programme ought to adhere to them are made in this RAP report.
- The national and international legislation and policies have been reconciled to ensure that the PAPs are adequately compensated and that they are better-off after compensation than before.
- For this RAP, all PAPs including those who have no recognizable legal right or claim to the land they are occupying, are eligible for compensation or other assistance, commensurate with the nature and extent of the impact. This conforms to the tenets of international best practice policies (specifically the African Development Bank's (AfDB) policy on Involuntary Resettlement and the environmental and social policy and performance requirements of the World Bank's OP/BP 4.12 - Involuntary Resettlement)).
- Community participation and stakeholder engagement; using consultative and participatory meetings, interviews and discussions; as well as administration of questionnaires have been carried out, with over 90% of the PAPs being personally informed about the proposed Programme. The general feeling from the locals is that they are excited about this irrigation Project, as they expect it to improve agricultural development and food security.
- Proposals for instituting a grievance redress mechanism (GRM) have been discussed with various stakeholders including the PAPs and the decision was place the GRM under the Social Safeguard Specialist in the PMT, to be responsible for operationalization of the GRM through the following proposed Grievance Redress Committees:
 - Group Village Grievance Redress Committee (GVGRC) to operate at Group Village Headman level;

- Area Grievance Redress Committee (AGRC) to operate at Traditional Authority Level;
- District Grievance Redress Committee to operate at District Level; and
- MoAIWD (Project Management Team) to operate at National Level
- This RAP calls for the engagement of a consultant or a professional firm/agency as a RAP Implementation Agency, to be monitored by the SVTP Implementation Unit, in close coordination with existing organizational structures at the District Council level. The PMT together with the Chikwawa District Council will be guided by the Ministry of Lands, Housing and Urban Development on resettlement matters including planning, approval of sites; and providing legal advice on the same.
- A total budget of **MK1,275,470,927.85 (US1,723,609.36)** is estimated for compensations in the RAP which has considered the following: full/total acquisition of land within the canal way leave; full replacement costs without depreciation for loss of structures; and appropriate compensation and supply of seedlings, in addition to cash compensation for loss of fruit trees; a top up disturbance allowance of 20% of the value of the land lost; a top-up of 20% on the base compensation amount payable for livelihood restoration and support to vulnerable groups; a shifting allowance for PAPs who must relocate and a contingency amount of 5% of the total compensation to accommodate cost escalations.
- It is strongly recommended that in the implementation of this RAP, there must be prioritisation of community engagement to secure support for the Programme from the local communities. Additionally, financial literacy awareness and appropriate and timely compensations to PAPs should be prioritised.

The Programme will traverse a long stretch of land, with considerable levels of mitigable socio-economic impacts. Loss of land, spread of diseases in the areas, creation of unskilled labour employment and accidents (mainly to children) among others were the potential significant impacts, according to the people in the Programme areas. These and others impacts have been highlighted in the report and were also well covered in the Environmental and Social Impact Assessment report prepared separately for the Programme.

For the RAP to be successful, there will be need for continued monitoring and evaluation to ensure that the recommendations are followed. It is also important to monitor the Grievance Redress process to ensure that dissatisfaction with the RAP process for the PAPs and community members is minimised. This will ensure that arising issues are properly addressed to facilitate and continue to build the PAPs as well as the community's trust.