



GOVERNMENT OF MALAWI
MINISTRY OF AGRICULTURE



SHIRE VALLEY TRANSFORMATION PROGRAMME- 1 (SVTP-1)

RESSETLEMENT ACTION PLAN FOR SECONDARY CANALS (SC1A, SC1 and SC4)

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May, 2024

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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 (AfDB) and the Global Environment Facility (GEF). The programme seeks to develop 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. The SVTP plans to construct main irrigation canals for 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 22,280 ha will be utilised in the first phase and 21,090ha in the second phase of the Programme.

The SVTP has designed 19 Secondary Canals (SC) for Phase I area. Each SC (pipeline) covers a large irrigation area divided into smaller portions.

The Project has designed every SC (Pipeline) to discharge at the highest point of each irrigation block, while at the same time making sure that it is abstracting water at the point closest to the Main Canal (MC). Night storage reservoir are placed at the end of each SC, and its size is determined by the area of the irrigation area.

Respective SOCFEs shall develop the irrigation system in each irrigation sector. Each SOCFE will determine the crop pattern and the appropriate irrigation method according to their decision with guidance from technical personnel.

The RAP preparation and implementation for SCs will take a phased approach as the SOCFEs business plans approved and designs for the SCs are prepared and ratified after ground truthing and redesign is done where necessary. An initial RAP assessment was done for all 19 SCs under SVTP 1. However, this RAP covers SC1A, SC1 and SC4 for SOCFEs whose business plans have been approved and SC designs are complete. This is the first RAP submission for the SCs.

II. POLICY AND LEGAL FRAMEWORK FOR THE RAP

Malawi has enacted ten land related laws including the Land Act, 2016; Customary Land Act, 2016; Land Survey Act, 2016; the Lands Acquisition and Compensation (Amendment) Act, 2022; Physical Planning 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 the Local

Government (Amendment) Act, 2016. The RAP development team reviewed these laws alongside the Malawi 2063 Development Policy, the Malawi National Land Policy) and other relevant sector policies. The development of this RAP has also considered the international best practice, notably 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 appropriate compensation of the PAPs to make them better off after compensation than before.

The primary legislation governing the Resettlement Action Plan in Malawi is the Lands Acquisition and Compensation Act. This act outlines the procedures and regulations related to land acquisition and the provision of compensation in the context of resettlement activities. It serves as the fundamental legal framework guiding the implementation of the Resettlement Action Plan in the country.

III. RESETTLEMENT PRINCIPLES AND OBJECTIVES

The construction activities for the proposed secondary canals (SC1A, SC1 and SC4) under SVTP-I are anticipated to cause permanent loss of land and immovable assets, but there will be no physical displacement of residential and other structures in these areas. Therefore, to minimise the social impacts, loss of property and loss of livelihoods associated with the Project, the GoM through the SVTP procured the services of Community Action for Environmental Management (CAEM) to prepare a Resettlement Action Plan (RAP), which details steps for ensuring minimization of impacts of physical and economic displacement of the PAPs in these Project locations.

The RAP presents a strategic and methodical process to ensure appropriate compensation upon land acquisition, relocation, loss of assets and impact on livelihood in the Project areas. The specific activities for the RAP include but are not limited to the following: determination of the physical limits, relevant issues and implementation period for the RAP; generating information on the existing environment and methods of survey/data collection to establish number of PAPs; generating a list of PAPs and affected property; documenting 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 secondary 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 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 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 24th July 2023 to 28th August 2023, 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 secondary canal for the SVTP phase I, is based on the lined canal design, which, according to the detailed design report, the upper reach of the Secondary canal is 20 meters. The field investigations focused on the identification of parcels of land and property, to be affected by the Project, within the 20-metre wayleave. The affected land and property were identified and their positions and sizes established using the GPS and measuring tapes. Data collected from the investigations includes:

Property sizes, location, ownership, construction materials for structures, current use and condition etc.;

Number and sizes of trees to be affected by the Project, including types (whether indigenous or exotic; or fruit or not); and

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 was all affected 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 assembled a team of 18 enumerators, which was divided into two groups. The first group consisted of 10 members who conducted an asset inventory, while the second group of 8 members conducted a socio-economic survey of the affected population. The asset inventory team was subdivided into 5 teams, who worked alongside government surveyors and valuers. Sensitization and mobilization of affected individuals were handled by the district officers.

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:

Chikwawa District has a population of 564,684, of which 49.51% reside in the impacted Traditional Authority areas.

According to findings from field investigations, public consultations and household surveys conducted in the Programme area from 24th July 2023 to 28th August 2023 and intermittently during the Programme; the proposed construction of the SC for the SVTP-I phase will generate the following potential impacts of relocation and economic loss (within the 20m wayleave of the proposed canals).

A total of 31 PAPs will be affected (through loss of land) in the three SCs

An estimated total of 4.6 ha of customary land will be permanently acquired for the project.

3010 exotic trees; 32 fruit trees are estimated to be lost.

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 were 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, 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.

The valuation methodology employed in the STVP I (First Shire Valley Transformation Program) is primarily based on market surveys. When determining the loss of assets, the calculation is based on the replacement value without considering depreciation of the affected assets.

The valuation of natural and exotic trees is determined by their size and growth, with the classification of natural trees based on the 2010 forestry gazette.

The valuation of land is MK6 million for customary land and MK10 million for leased land, reflecting the varying values attributed to different parcels of land within the project area. The compensation rates have been reviewed and revised to take into consideration the devaluation of Malawi Kwacha that took place in November 2023 to meet the full replacement cost without depreciation requirement.

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, all 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.

VIII. GRIEVANCE MECHANISM

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

Community Grievance Redress Committee (CGRC) 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
(Project Management Team) to operate at National Level.

A Grievance Mechanism (GM) 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 GM 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 Community Grievance Redress Committee (CGRC). The CGRC 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 CGRC 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 DGRC, 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 GM include overall management of the GM, 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 GM, while the Communication Officer is responsible for building community capacity on handling grievances, accessing the Shire Valley Transformation Programme Grievance Mechanism and creating demand for the GM 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 Mechanism.

The PMT has operationalized the GM structures at Community, Area 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 grievance mechanism, PAPs will be free to use any facility they deem approachable and efficient to them. However, the design of the GM 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 8.1.

IX. RAP IMPLEMENTATION RESPONSIBILITIES

The RAP implementation will be in collaboration with 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 Councils 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 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.

X. BUDGET AND BUDGET ASSUMPTIONS

The Budget estimate for the RAP Implementation is MK264,047,222.05 (US\$153,808.07) and details are presented in Chapter 9 of this report. This cover the total number of Project Affected Persons is 31 The number of vulnerable households is 14. .

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 SC 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 market research conducted by the Ministry of Lands. The values of fruit trees were based on the 2010 table of values, sourced from the Ministry of Agriculture. The compensation rates (Annex 8) for fruit trees have 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 21.4% of the value of the property loss, based on the Central Bank Lending Rate of 17.3 percent with a 4% allowance in line with the revised Land Acquisition and Compensation (Amendment) Act 2022

XI. MONITORING, EVALUATION AND REPORTING

This RAP will be implemented to support PAPs and will require involvement of multiple stakeholders such as the Chikwawa District Commissioners' Office and the canal construction contractor, etc. Therefore, there is a 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 (MoA) 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, 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.

XII. RAP IMPLEMENTATION SCHEDULE

Construction of the main canal and preparation for construction of secondary pipes under phase 1 of the programme is already underway. The implementation of this resettlement plan will therefore start immediately after approvals have been granted. To mitigate for the unforeseen challenges including failure to surrender land or the land being occupied by other people not included under the RAP, a number of measures have been put in place as follows:

PAPs/PAHs shall sign an agreement to requirement (i) and also sign to acknowledge receipt of compensation;

The project shall undertake comprehensive publicity and awareness creation on the ownership of alignment by government.

The RAP cut-off date of 28th August 2023, while widely publicized in the project area, still requires an official gazetting. The official gazetting process is currently underway. 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 World Bank OP 4.12 i) the project has put in place a mechanism to ensure that compensation is paid to individual PAPs and spouses;

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

Operationalisation of the GM has been completed;
 Clearance of the RAP by the World Bank 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 April so that payments of compensation can start in May 2024.

XIII. CONCLUSIONS AND FURTHER MEASURES TO BE OBSERVED

Phase 1 secondary canal will affect several Traditional Authorities, including TA Maseya, TA Katunga, TA Kasisi, TA Lundu and TA Ndakwera. The three Secondary Canals, however are all in the area of Traditional Authority Kasisi and total of 31 people have been affected.

#	Variables	Data
General		
1	Region	Southern Region
2	District	Chikwawa
3	TA	Traditional Authority Kasisi
4	Activity(ies) that trigger resettlement	Construction of Secondary Canal for STVP phase I
5	Project overall cost	US\$285,000,000.00
6	Overall resettlement cost	US\$ 153,808.07
7	Applied cut-off date (s)	07 th April 2023
8	Dates of consultation with the people affected by the project (PAP)	24 th July 2022 to 07 th April 2023
Specific information		
10	Number of people affected PAPs in the three SCs	31
11	Number of Physically displaced	0
12	Number of economically displaced	0
13	Number of affected households	28
14	Number of females affected	12
15	Number of vulnerable affected	14
16	Number of major PAP (>=MK1,500,000)	8
17	Number of minor PAP (<=MK1, 500,000)	23
18	Number of total right-owners and beneficiaries	29
19	Number of households losing their shelters	0
20	Total area of lost arable/productive lands (ha)	4.65ha
21	Number of households losing their crops and/or revenues	6

#	Variables	Data
22	Total areas of farmlands lost (ha)	0.94ha
23	Estimation of agricultural revenue lost (USD)	
24	Number of buildings to demolish totally	0
25	Number of buildings to demolish totally at 50%	0
26	Number of buildings to demolish totally at 25%	0
27	Number of tree-crops lost	0
28	Number of commercial kiosks to demolish	0
29	Number of ambulant/street sailors affected	0
30	Number of community-level service infrastructures disrupted or dismantled	0

ACRONYMS AND ABBREVIATIONS

ADC	Area Development Committee
ADCs	Area Development Committees
ADD	Agricultural Development Division
ADMARC	Agricultural Development and Marketing Corporation
AfDB	African Development Bank
AGRC	Area Grievance Redress Committee
AIDS	Acquired Immune Deficiency Syndrome
AWF/AfDB	African Water Facility/ African Development Bank
BP	Bank Policy
CADECOM	Catholic Development Commission in Malawi
CAO	Chief Agriculture Officer
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
CLC	Customary Land Committee
COI	Corridor of impact
COMSIP	Community Savings and Investment Promotion
CPEA	Coordinating Primary Education Advisor
CSO	Civil Society Organisation
CUMO	Concern Universal Microfinance Operations
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
EAM	Evangelical Association of Malawi
EPA	Extension Planning Areas
ESCOM	Electricity Supply Corporation of Malawi
ESIA	Environmental and Social Impact Assessment
FGD	Focus group Discussion
FINCA	Foundation for International Community Assistance
GBV	Gender Based Violence
GGRC	Group Grievance Redress Committee
GoM	Government of Malawi
GPS	Global Positioning System
GRM	Grievance Redress Mechanism
GRMCs	Grievance Redress Mechanism Committees
GVH	Group Village Head
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
KPIs	key performance indicators
LO	Lands Officer
m	Metres
MARDEF	Malawi Rural Development Fund
MASEDA	Malawi Social Economic Database
MHM	Menstrual Hygiene Management
MIP-1	The Malawi 2063 first 10-year Implementation Plan
MK	Malawi Kwacha
MoA	Ministry of Agriculture
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 in Malawi
NBM	National Bank of Malawi
NEEF	National Economic Empowerment Fund
NGO	Non-Governmental Organisation
NICE	National Initiative for Civic Education
NS	Serial Number
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
SVIP	Shire Valley Irrigation Project
SVTP	Shire Valley Transformation Program
SVTP-1	Shire Valley Transformation Program Phase 1
TA	Traditional Authority
TNM	Telekom Networks Malawi
ToR	Terms of Reference
USD	United States Dollars
VDCs	Village Development Committees
VGRC	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

GLOSSARY OF TERMS

This glossary of terms has been developed from different sources including the World 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, groundnuts, 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).
- **Chronically Ill:** means people who suffers from the following HIV/ AIDS Asthma, Stomach Disorder, Epilepsy, Chronic Malaria/ Fever, Arthritis/ Rheumatism Mental Illness, Diabetes, TB and Other according to IHS 5 (2019 -2020).
- **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 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 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. 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);
- **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 AfDB 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

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- **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 without depreciation;
 - **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:** Also called marginalized groups or groups at risk of social exclusion are people that experience deep exclusion that negatively affects their quality of life, well-being and future life opportunities. These include 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.

ACKNOWLEDGEMENT

The Ministry of Agriculture is thankful to all persons and institutions that contributed to the preparation of this Resettlement Action Plan (RAP) for secondary canals and auxiliary canals. The Consultant, Community Action for Environmental Management (CAEM) obtained valuable support and information from government ministries, departments and agencies involved in land related matters. At the district level, special assistance was rendered by the Chikwawa District Councils including members of the Area Development Committees (ADCs), Customary Land Committees (CLCs), Village Development Committees (VDCs) and community members. Special thanks to Project Affected Persons for their cooperation and persistence throughout the entire exercise. The assistance rendered culminated in preparation of this report with perspectives from different stakeholders.

April 2023
Lilongwe, Malawi

CHAPTER 1

INTRODUCTION

1.1 Programme background and description

Agriculture plays a crucial role in Malawi's economy, employing approximately 85 percent of the population and contributing over 80 percent of the country's total export earnings. However, the heavy dependence on rain-fed agriculture has led to challenges in achieving food security, increased income, and sustainable socio-economic growth. Low agricultural production and productivity due to weather shocks and natural disasters have been significant obstacles (GoM, 2016).

Recognizing the negative impacts of over-reliance on rain-fed agriculture and the importance of agriculture for national development, the Government of Malawi (GoM) is undertaking a comprehensive approach to irrigation development. This aligns with the government's overall development agenda outlined in the Malawi 2063 first 10-year implementation plan (MIP-1) (GoM, 2021). The GoM aims to develop small, medium, and large-scale irrigation in the Shire Valley, specifically in the districts of Chikwawa and Nsanje.

To address the challenges faced in the region, the Government of Malawi, in collaboration with development partners, launched the Shire Valley Transformation Programme (SVTP). The SVTP aims to leverage the agricultural potential of the Shire Valley, improve water resource management, and enhance social and economic infrastructure. It encompasses a multi-sectoral approach to improve the livelihoods of the local population and promote sustainable economic development.

The development of irrigated agriculture in Chikwawa and Nsanje districts is part of the SVTP and is being planned with financial assistance from the World Bank, the African Development Fund, and the GEF. This support will enable the implementation of irrigation projects, fostering increased agricultural productivity, food security, and socio-economic development in the Shire Valley (AfDB, 2018).

1.2 Programme objectives

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 22,280 ha 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) (AfDB, 2018).

The Project Development Objective (PDO) is to develop irrigated commercial agriculture and to strengthen the management of natural resources in the Program area.

PDO Level Indicators

- Area that can be supplied with gravity-fed bulk irrigation water (ha, divided in existing and new),
- Membership of SOCFEs (number of members, disaggregated by gender),
- Female representation in SOCFE Committees and Customary Land Committees (percentage),
- Customary estates brought under irrigated commercial crops (ha),
- Conservation areas under improved management, as measured by the Management Effectiveness Tracking Tool (METT),
- Direct project beneficiaries from natural resources management initiatives (number, disaggregated by gender),
- Forest area restored under improved management (ha, measure of forested area in Program area).

SVTP is a 14-year Program (2018-2032) supported by a Series of Projects (SoP) with three sequential but partially overlapping projects. The scale and complexity of the development challenges in the Shire Valley can only be effectively addressed through an integrated multi-sector approach. The Program is structured around four coordinated pillars:

- i. providing reliable, professionally managed, and sustainably financed irrigation service to a number of irrigators in a phased construction of an irrigation and drainage scheme;
- ii. supporting farmer organisations within a comprehensive land use plan, and supporting land tenure strengthening and voluntary consolidation;
- iii. establishing and investing in smallholder-owned commercial farm enterprises (SOCFE) transitioning into commercial agriculture from subsistence farming and integrating them into commercial value chains; and
- iv. Natural resources management in and around the project area.

These four pillars are expected to increase the beneficiaries' capacity to respond to ever-increasing drought and floods. The Program aims at providing irrigation to over 43,000 ha through the phased construction of a new gravity-fed irrigation scheme that will supply surface water to over 27,600 ha of agricultural land presently under rainfed cultivation, creating agricultural development opportunities in the fertile valley, as well as approximately 15,700 ha of existing irrigation areas that currently use electric pumps to abstract water from the Shire River (Figure 1-1). In case one or more existing irrigation schemes opt out from drawing water from SVTP's gravity canal, additional new lands can be developed, mostly on the right bank of the main canal in the Nsanje District.

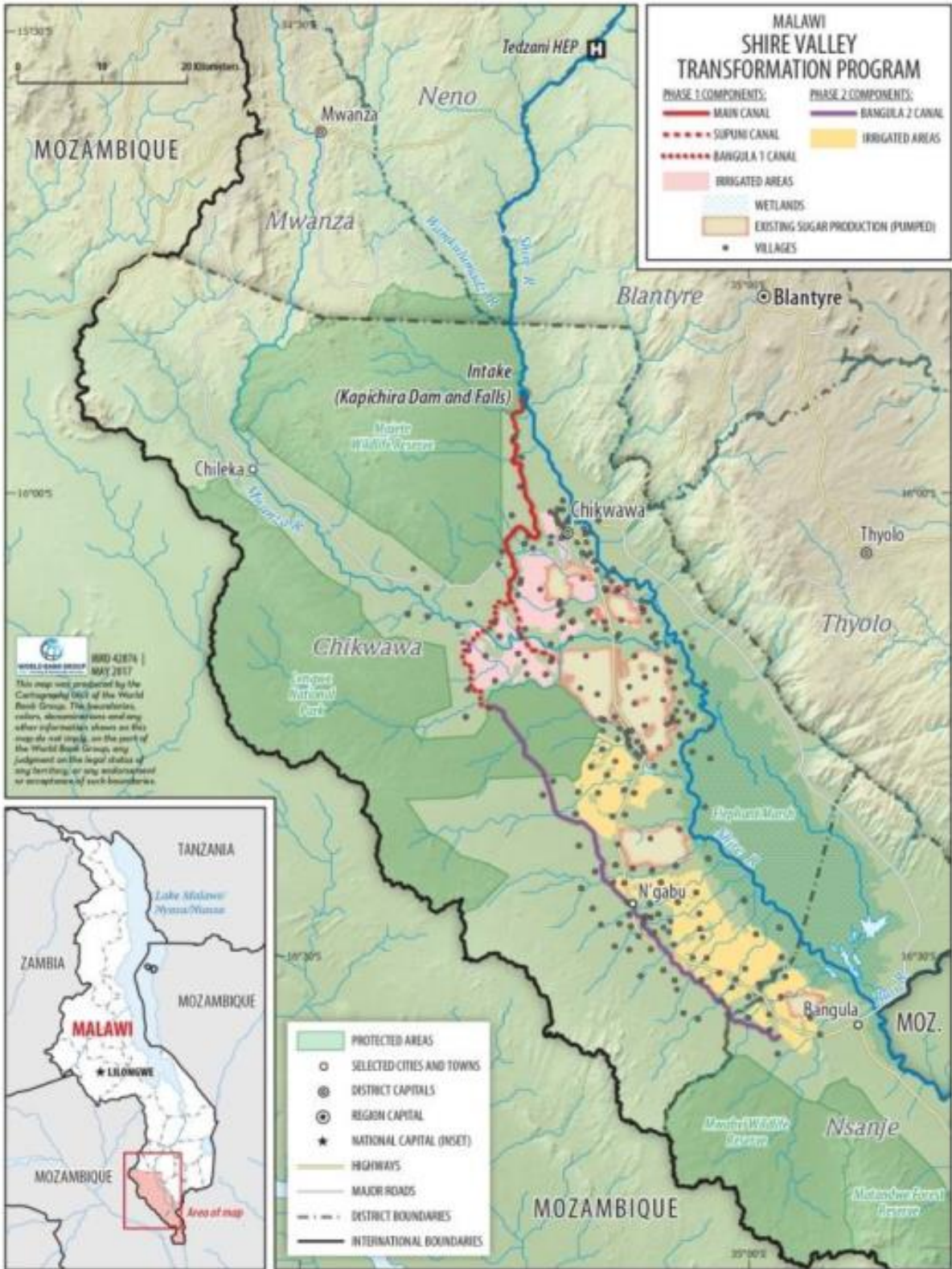


Figure 1-1 Map of Programme area within the targeted districts

The vision of the transformational impact of the project incorporates the maintenance and strengthening of the vital natural capital in the valley for green growth and climate resilience. The program area is particularly vulnerable to floods and droughts. SVTP-2's adaptation strategy is to develop a large irrigation scheme with a reliable water

source that will overcome the recurrent drought conditions in the valley. Particular attention will be paid under Components 1 and 3 to design resilient infrastructure that not only addresses drought issues, but also protects the irrigation scheme against flooding. Improved land tenure (Component 2) will be a precondition for project-intended outcomes to occur, such as resilience through irrigation development and adoption of CSA practices. In addition, the importance of the ecosystem services for the resource dependent vulnerable communities cannot be overstated, especially during periods of climate shocks and economic stress. The catchments of the surrounding program areas have been substantially degraded following decades of neglect and poor management, with increased erosion and silt generation affecting downstream water flows. Although studies undertaken for SVTP have shown that the necessary water for the irrigation scheme can be obtained sustainably from the Kapichira impoundment, maintaining a healthy ecosystem and related watershed services in the surrounding catchments requires initiatives to promote sustainable use of the natural resources remaining in the valley, including in the forest reserves and the protected areas. GEF funding under SVTP-1 is supporting the responsible government agencies in strengthening the management of the protected areas and forest reserves. SVTP-2 will, through Component 4, take a broader approach to support the rich ecosystem of the Lower Shire Valley by reducing the harm and pollution that can come from cumulative risks related to the development of the target region, such as invasive species, accumulation of waste products, and increased use of pesticides. Studies will be conducted to ascertain the financially sustainable and lasting management of these valuable resources. Project interventions will continue and expand ongoing efforts initiated under SVTP-1 to strengthen the management of the protected areas, forest reserves, and biodiversity hotspots, including Lengwe NP, Matandwe FR, Thambani FR, Mwabvi WR, and Elephant Marsh. Innovative options for sustainable financing instruments for natural resource management, including performance-based grants (PBG) and carbon credits, will leverage community and private sector engagement for improved management of the resources.

1.3 Project Component

The project components for this Resettlement Action Plan cover three (3) Secondary Canal (SC1A ~ SC 1) and SC 4 of a total of 19 Secondary Canals to be constructed in the Phase 1 section. Since Main canal is an open canal, a structure that smoothly connects the open canal and the pipeline should be designed. In order to prevent vortex generation or increase in flow velocity at the front of each off-take structure, the floor height of the main canal was lowered by 1.5 m to secure the space in front of the off-take structures. In addition, a 0.6 m high weir was installed at the 2 m downstream point of the main canal from the off-take structures, so that a water depth of at least 2.1 m from the bottom of the main canal is maintained even during the period of minimum irrigation water. The type and size of off-take structures depend on the size of each Secondary Canal and the topography of off-take, and a total of 2 types of off-take structures have been designed. For compensation purposes each Secondary canal shall be 20m wide while length varies from one canal to another.

1.4 Major Project Infrastructure:

1.4.1 Intake Structure:

It is now proposed to locate the intake structure for SVTP at the right bank of the head-pond of the existing Kapichira dam. The head pond also acts as a sedimentation basin for the hydropower station, as well as for SVTP. The HM study has ascertained the right bank to be the optimum location for the intake structure. The intake structure shall have a 46.5 meter wide sill, with 12 sluice gates each 3 m wide. The gates shall be operated by an automatic control system to manage the maximum design discharge of 50 m³/sec.

1.4.2 Main canals

A 33.7 km long main canal 1 will be designed to convey up to 50 m³/sec of irrigation water for both phase 1 and 2 areas before it bifurcates into main canal 2 and 3. Main canal 2 has a length of 77 km, out of which the first 18.4 km serves phase 1 area while the remaining serve phase 2 areas. Main canal 3 with a total length of 10.6 km, serves the existing Nchalo Estate and new areas in Zone A and in Zone I-1 (Figure 1-2). The geotechnical investigation study has recommended to line all the main canals with a 10 cm thick concrete.

1.4.3 Secondary Canals

In Phase I, there are 19 secondary canals which have a total length of 91 km. And 16 primary off-takes shall be constructed, (7 off-takes to Zone I-1 and 9 off-takes to Zone A) (Figure 1-2). Acoustic Doppler Current Profiler systems are proposed to be incorporated with the off-takes to accurately measure discharges to irrigation blocks. All secondary canals are also recommended to be lined to reduce seepage losses.

1.4.4 Night Storage Reservoirs (NSR)

The proposed method of irrigation for the new areas is furrow irrigation. The irrigation methods on the existing areas are mixed type comprising pivot, sprinkler and furrow irrigation methods. For the furrow irrigation methods, the proposed duration of irrigation is 12 hrs per day. As the main canal's capacity is determined based on 24 hrs irrigation, night storage reservoirs shall be provided at the head of the secondary or tertiary canals serving furrow irrigated areas (Figure 1-2). The technical feasibility study has recommended to have a total of 12 NSRs for the project.

1.4.5 Major hydraulic structures

The main canals pass through Majete Wild Reserve and Lengwe National Park and cross many tributary rivers, creeks and roads which require special type of structures such as siphons, culverts, bridges, etc. Other structures to be constructed on the canals among others, include off-take structures, flow control/regulating structures, emergency spillways, wave propagation control structures, sediment basins, cross drainage/aqueducts, invasive fish barriers, animal crossings/bridges, and tail escapes. On the main canal 1 alone, there are 11 siphon structures which have a total length of 4 km. Main canal 2 has the longest (1.9 km) siphon for crossing Mwanza River (Figure 1-2).

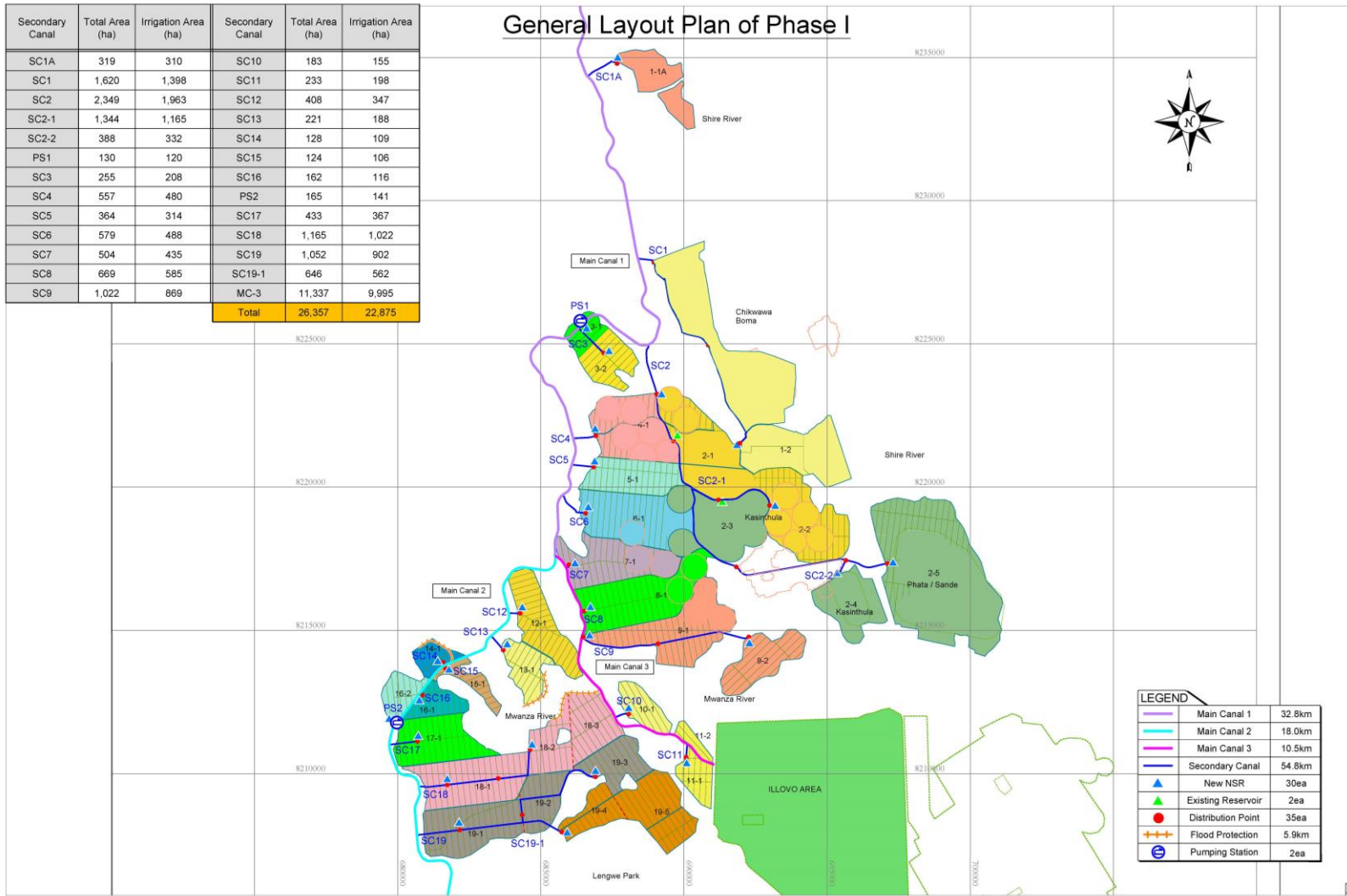


Figure 1-2 Secondary Canal design for phase I

1.4.6 Drainage and flood protection

The project shall be provided with a network of field, tertiary, secondary and main drainage system to safely collect and dispose excess storm and irrigation water. As much as possible, it is planned to use the existing natural drainages (creeks and tributary rivers) as secondary or main drains with some improvements. The project areas shall be protected from floods occurring once in 10 years. About 30 km long dykes are required to protect these areas.

1.4.7 On farm works

The on-farm works include land levelling, tertiary canals and drains, field canals and drains, farm roads and associated structures. The planned irrigation method on the new areas is furrow. Individual fields shall have a size of 200 x 800 meters and the farm layout shall be designed in such a way that the furrow irrigation method could be easily converted to other methods such as pivot without much modifications.

1.4.8 Road networks

In addition to the existing roads in the project area (Main Road M1, Secondary Roads S136 and S152, Tertiary Road T416, T423, and many small district and traditional roads, by which the villages are connected), a network of principal and service roads and access tracks shall be incorporated to the project for efficient transportation of inputs and farm products in and out of the project area and ensure adequate communication between villages. The roads will have different sizes and construction material. A total length of more than 100 km of roads are envisaged to be constructed in Phase 1 of the project alone (Figure 1-2).

1.5 Objectives and scope of the assignment

The objective of this assignment is to prepare a Resettlement Action Plan for the Shire Valley Transformation Program Phase I Secondary Canals (SC1, SC2 and SC4). In doing this the consultant took into account the different tenure regimes (i.e. customary, leasehold or freehold tenures) in the area as well as the different uses of the land (i.e. residential structures, business structures.)

This RAP details steps to minimise impacts of physical and economic displacement of the 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 CAEM on behalf of the Programme proponent; the Ministry of Agriculture (MoA); to be submitted to 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 World Bank. The RAP identifies 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, and the

World Bank (WB) policies and guidelines. Where the 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;

1.6 Methodology for preparation of the Resettlement Action Plan

The survey team conducted field investigations, public consultations and household surveys over the period from 24th July 2023 to 28th August 2023, to collect both primary and secondary data. Main approaches included consultative meetings 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 20-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.

The project team conducted thorough public community consultations and baseline socio-economic surveys to gather information from the 31 households that will be affected by the three secondary canals. This was done through Focus Group Discussions with both PAPs and non-PAPs in all the affected Traditional Authorities. To ensure the effectiveness of these consultations, structured questionnaires, consultation guides, and checklists were administered, and interviews were conducted with each household head or proxy and government officials. Annex 3 contains a list of some of the individuals consulted during the process.

Property surveys and valuation (targeting 100% of the affected land and property) were also conducted within the 20-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 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:

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

The rates for fruit, exotic, and indigenous trees are determined based on the market research conducted by the Valuation Section of the MoL. The rates for land values, which include structures, were developed through a market survey conducted in the Program area in consultation with the District Lands Office for Chikwawa District.

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

- Land Acquisition Act (2016) and Land Acquisition and Compensation (Amendment) Act (2022)
- 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 and SEP 2022-2030);
- Chikwawa District Development Plans;
- Relevant policies, Acts and regulations;
- Project area maps;
- The World Bank Safeguard Policies

After conducting the survey, census of PAPs, and identification and assessment of affected properties, the Project Management Team (PMT) organized comprehensive public consultations and sensitization meetings with all PAPs from 20th December 2022 to 7th April 2023. These meetings were held in all 54 Group Village Head (GVHs) under which the PAPs were situated. The consultations aimed to reach all PAPs, including men, women, and vulnerable groups in each 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 through banks. The project will arrange opening of Bank Accounts for those who do not have Bank Accounts. PAPs (spouses) 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. The PAPs were duly informed about the risks associated with receiving compensations in cash. They were also apprised of the successful implementation of the bank account system during phase one. This process has demonstrated its effectiveness in ensuring the safety and security of PAPs, as no incidents were reported. 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 are they going to receive their compensation?
- Why some PAPs names are not landowners 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 landowners 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?

1.7 Cut-off-date.

The RAP field work commenced on 24th July 2023 and lasted for approximately 35 days, ending on 28th August 2023. The Census and Asset Inventory Survey determined 28th August 2023 as the cut-off date for RAP preparation. Therefore, any assets created or improvements made to existing assets, changes in use or ownership, or potential newcomers within the way leave after this date will not be eligible for compensation. The PAPs and communities in the Programme area of influence were informed that the project will only pay for property that has been assessed, and the PMT will soon make an official announcement via the media.

The absentee landowners will be regarded as grievances, and the implementing agency will take steps to address their concerns. In cases where land parcels were registered in the absence of the rightful owners, a representative was appointed to handle the registration process.

CHAPTER 2

POLICY AND LEGAL FRAMEWORK FOR THE RESETTLEMENT POLICY AND LEGAL FRAMEWORK FOR THE RESETTLEMENT ACTION PLAN

Policy and legal framework on resettlement in Malawi are 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 Legal framework

2.1.1 Constitution of the Republic 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 realization of the right to development (GoM, 1994). 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 24, 28 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.

The SVTP-II is therefore permitted to acquire land, which will be used for public utility, and in line with section 44 (2); public awareness meetings about the land acquisition have to be conducted in the respective areas and proper compensation procedures in line with land acquisition laws have to be followed throughout RAP implementation. Exercise care and caution in all the Programme stages as activities of the Programme may be the subject of constitutional challenges, even if they passed the statutory steps.

2.2 The Land Related Laws

Malawi has enacted 10 land related laws including; Land (amendment) Act, 2022; Customary Land (amendment) Act, 2022; Land Survey (amendment) Act, 2022; the Lands Acquisition (Amendment) Act, 2022; Physical Planning (amendment) Act, 2022; the Forestry (Amendment) Act, 2016; Malawi Housing Corporation (Amendment) (No.2) Act, 2016; Registered Land (Amendment) Act, 2022; 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 have significant impact on this RAP implementation:

2.2.1 The Land (amendment) Act, 2022

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 license 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" (GoM, 2022).

Section 9 (A) of the Land (amendment) Act, 2022 provides that every person shall have the right to land for shelter and livelihood. The section also provides that the government will ensure that there is no concentration of land to few individuals to the disadvantage of other deserving individuals. Section 9(B) provides that no person shall sell vacant leasehold or freehold land. Section 7 categories land as public land, customary land and private land (GoM, 2022).

Section 13 (1) of the Land Act 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..." (GoM, 2022)

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" (GoM, 2022). Thus, the Act provides powers to the 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 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 (amendment) Act, 2022 will be registered under the Registered Land (Amendment) Act, 2022. 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. Section 11 (3) and (4) land shall be

withdrawn if not developed within two years and underdeveloped land shall be subdivided accordance to Physical Planning Act and maybe reallocated.

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.

The project will require land, some of which is not public land. Hence, the MoA in collaboration with the ministry responsible for lands must provide adequate notification to the affected people, communities and the public. In addition, appropriate compensation (at full replacement cost) must be paid to the PAPs. In addition, land parcels in the SVTP Area should be registered under the provisions of this legislation.

2.2.2 Customary Land (amendment) 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 (GoM, 2016).

Section 20 (1) of the Land (Amendment) Act, 2022 specifies that a customary estate shall be allocated by a land committee to indigenous Malawians, including family members or groups of two or more indigenous Malawians, irrespective of their legal association. Section 20 (2) further establishes that a customary estate cannot be allocated to a partnership or corporate body whose members or shareholders are not indigenous Malawians. Therefore, in accordance with this law, an irrigation program operated on a cooperative basis by indigenous Malawians would be eligible to acquire a customary estate through the normal procedure of acquisition (GoM, 2016).

2.2.3 Lands Acquisition and Compensation (Amendment) Act, 2022

This is a Principal Act dealing with land acquisition and compensation in Malawi. The Act provides powers to the Minister or local government authority to acquire land for public utility either compulsorily or by agreement and pay appropriate compensation thereof (GoM, 2022).

Section 3 (A) states that, in accordance with the written law, if a private developer acquires customary land or customary estate, the private developer is required to provide compensation. The compensation amount will be determined by a valuer appointed by the Minister, and the private developer shall be responsible for covering the valuer's expenses.

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 (GoM, 2022).

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. Where land will be impacted or acquired for purposes of the proposed development, PAPs must be paid fair compensation that considers provisions in section 10 (A) of this Act, before project implementation.

2.2.4 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. Section 67 (2) provides for the acquisition of land and compensation in accordance with the provisions of Land Acquisition Act, to be where it is desirable to acquire land compulsorily. Section 43 (A) of the Act mandates that in Malawi, no person shall engage in any development activities without obtaining the requisite planning permission as per the provisions of this Act (GoM, 2016).

In accordance with this legislation, customary estate adjudication, demarcation, and registration in the SVTP Programme Area shall be done subject to compliance to land use planning in accordance with this Act.

2.2.5 Land Survey (Amendment) Act, 2022

The Land Survey Act outlines the legal requirements and procedures related to surveying land in Malawi. Section 42 stipulates procedures of conducting surveys in Malawi. Section 45 informs that the position of any survey mark fixed, placed or set up for the purpose of denoting the boundaries of any land shall be deemed to have been lawfully established. In addition, a survey mark fixed, placed or set up for the purpose of denoting a boundary of any land shall be deemed to have been lawfully established where the position of the mark is in agreement with (a) the position established in another survey and where a plan based on the survey has been approved by the Surveyor General for the purpose of establishing the survey mark; or (b) an order of the High Court (GoM, 2022).

Accordingly, land surveys under the SVTP should be conducted in accordance with the provisions of this Act.

2.2.6 Registered Land (amendment) Act, 2022

The Registered Land Act serves as the primary legislation governing the registration of land, land rights, and interests in Malawi. Section 45 (2) of the Act provides guidance to the project in cases where land needs to be appropriated after the termination of the lessee's rights, but the owner continues to occupy the land. Section 79 of the Act

addresses the transfer of land from the lessee holder to the proprietor. It sets out the procedures and requirements for transferring the rights and interests in land from the lessee to the proprietor. This section provides the legal framework and guidelines for conducting such transfers in accordance with the provisions of the Act (GoM, 2022).

The project should ensure that all land rights transfers under the Programme are undertaken in accordance with the provisions of the Act.

2.2.7 Local Government (Amendment Act), 2016

This Act is a principal Act on local governance in Malawi. The Act provides legal mandate for local authorities to plan, administer and implement various development programs in their respective geographical jurisdictions. In the context of the new land related laws, several functions including town planning and building control, have been devolved from central government to local authorities (GoM, 2016).

Therefore, the Ministry responsible for agriculture should collaborate with the district councils in the design and implementation of the proposed development to ensure continued support and hence sustainability of the intervention. Such collaboration may include joint planning and implementation of resettlement interventions. Respective local authorities may provide land clerks for each TLMA, district land registrar and land tribunals at various levels to support the smooth operations of the Programme with respect to land matters at local authority.

2.2.8 The Forestry (Amendment) Act, 2019

The Act provides for the management of indigenous forests on public, customary, land. This Act provides for the management and conservation of forestry resources in Malawi. It provides guidance on participatory forestry, forest management, forestry research, forestry education, forest industries, protection and rehabilitation of environmentally fragile areas and international co-operation in forestry and related matters. It seeks to protect fragile areas such as steep slopes, riverbanks, water catchment and to conserve and enhance biodiversity. 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 (GoM, 2019).

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 Project should collaborate with the department responsible for forestry in the management of indigenous forests on public, customary, land.

2.2.9 The Monuments and Relics Act, 1991

The Act makes provision for the conservation, preservation and study of cultural heritage, including places of distinctive natural beauty and of sites, buildings and objects of archaeological, paleontological, geological, anthropological, ethnological, historical, pre-historical and other interests (GoM, 1991).

According to Section 25 (1) of the Act, all monuments and relics; whether movable or immovable, lying on or beneath the surface of the ground, or in a river, a lake or other waters; will be declared as the absolute property of the Government; except for

privately-owned monuments whose owners establish title thereto; and privately-owned monuments or relics which have been registered by the owners.

Section 27 (1) states that “Any person who discovers a monument or relic, or is informed of such discovery, shall notify the Minister, in writing, within fourteen days following the discovery or the date he was informed of the discovery setting forth the fact of the discovery together with the circumstances of the discovery and such other details of such monument or relic as may be prescribed” (GoM, 1991).

Section 29 (1) further says that “A person in charge of any survey, excavation, exploration, construction or new development shall, at the earliest stages of planning for such activities, give notice to the Minister to enable, where necessary, rescue archaeology to be carried out”.

For the SVTP, the requirements of this Act must be observed and MoA must consult the affected communities to ascertain that there will be no damage of monuments and artefacts. Where damage to sites of cultural heritage is unavoidable, MoA must provide compensation for the rituals and displacement of cultural heritage assets, to ensure that cultural heritage is preserved or protected.

2.2.10 The Environment Management Act, 2017

This Act makes provision for the protection and management of the environment and the conservation and sustainable utilisation of natural resources and related matters. 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 utilisation 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 utilisation of natural resources (GoM, 2017). The Act provides for matters relating to:

- Environmental planning, environmental impact assessment, audit and monitoring;
- Environmental Management;
- Pollution control;
- Environmental fund;
- Offences under the Act;
- Legal proceedings.

The design and implementation of resettlement interventions should be in accordance with the law governing environment management in Malawi as provided for in this Act.

2.2.11 The Water Resources Act, 2013

The Water Resources Act provides for the management, conservation, use and control of water resources; for the acquisition and regulation of rights to use water; and related matters. Part VIII, Section 89 (1) prohibits any person who owns, controls, occupies or uses land on which an activity or process is or was performed to pollute water resources and which, unless authorized under this Part, causes, has caused or is likely to cause pollution of a water resource (GoM, 2013). The Act tasks all occupiers of a land to prevent pollution from occurring, continuing or recurring. As such, it is an offence to alter the flow of, pollute, or foul any public water. The Act defines pollution

or fouling of public water as the discharge into, or in the vicinity of public water or in a place where public water is likely to flow, of any matter or substance likely to cause injury whether directly to public health, livestock, animal life, fish, crops orchards or gardens to which such water is used. It includes acts that occasion, or are likely to occasion a nuisance (GoM, 2013).

In compliance with the provisions of the Water Resources Act, the Ministry responsible for Agriculture under the SVTP II should ensure that resettlement activities do not pollute water in the project area.

2.2.12 Other related 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 the SVTP should ensure that there is compliance in that regard. Such issues should therefore be handled in accordance to that specific law of Malawi. Such legislation includes (but is not limited to) the Gender Equality Act, Marriage, Divorce and Family Relations Act, Access to Information Act, Employment Act, Childcare and Justice, and the Deceased Estates (Wills, Inheritance and Protection) Act.

2.3 Policy Framework

2.3.1 Malawi 2063

The Malawi 2063 (MW2063) seeks to transform Malawi into a wealthy and self-reliant industrialized “upper middle-income country” by the year 2063. Pillar 1 advocates agricultural productivity and commercialization and spells out the vision of Malawians having an optimally productive and commercialized agriculture sector. Nonetheless, production and productivity of the agricultural sector has remained below this country’s potential and is insufficient to match the increasing demand from domestic and export markets. Some of the factors that have contributed to the low production and productivity of the sector include high environmental degradation; increasing adverse climatic conditions; and low adoption of climate smart agricultural technologies (GoM, 2020). In this regard, MW2063 advocates investments in sustainable irrigation systems to optimally harness the productivity and commercialization drive while averting adverse climatic variability.

The MIP-1 aligns with the overall objectives of the STVP project by advocating for several key measures to be accomplished by 2030. These measures include improving land tenure, expanding the area under irrigation, enhancing agricultural diversification, strengthening institutional capacities, improving agricultural marketing (including pricing of agricultural products), and ensuring improved access to farm inputs (GoM, 2021). These objectives are crucial in promoting sustainable agricultural practices and fostering long-term agricultural development, in line with the broader goals of the STVP project.

In line with MW2063, the implementation of the RAP should prioritize the realization of community benefits through investments in sustainable irrigation systems, and integration of climate mitigation and adaptation measures in capacity building and

resilience interventions to optimally harness the productivity and commercialization drive while averting adverse climatic variability.

2.3.2 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 (GoM, 2002). 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.

In line with this Policy, implementation of the proposed project should guarantee security of land tenure to all persons affected by the proposed development on the following bases:

- the land-owner agrees to the laws governing disposal of land;
- the proposed land use is compatible with land use plans, environmental regulations and community land management duties and obligations;
- Land values to be determined by open market procedures for customary lands.

2.3.3 The National Gender Policy (2015)

The policy recognizes that women play important roles in the socio-economic development of the country. This contribution is however not matched with their access to and control over resources such as land and capital; and their enjoyment of benefits from management and use of natural resources. The National Gender Policy provides for gender mainstreaming in the planning and implementation of projects to ensure that the needs of different groups of people affected by a project are taken care of in a manner that promotes equity (GoM, 2015).

The proposed project will be undertaken in areas of patrilineal descent; where assets and decision-making power is in the hands of men, which may cause one gender (males) to benefit more than the other (females). Therefore, the Ministry of Agriculture and partners should ensure that the principles that promote equity among different gender groups are applied and adhered to; in line with the policy and the mitigation management plan of the safeguards documents for the SVTP II Project.

2.3.4 National HIV AND AIDS Policy, 2013

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 (GoM, 2013). HIV and AIDS prevalence in the country varies from one region to the other

¹See Section 4.16.2

and from rural to urban areas. The highest rate is in the Southern Region and the lowest in the Northern Region.

The National HIV and AIDS Policy identifies migrant workers and women as highly vulnerable to the transmission of HIV and AIDS and other sexually transmitted diseases (GoM, 2013). In the case of migrant workers, certain factors increase their likelihood of contracting HIV and AIDS. This is attributed to the potential engagement of some single migrant workers in casual sexual encounters with infected local partners in nearby communities or sex workers at the project site. Moreover, the increased income among migrant workers may lead some individuals to engage in extramarital affairs with local individuals, including unmarried women, married women, or men from surrounding villages. These sexual activities significantly contribute to the spread of HIV and AIDS among the workers

In line with this Policy, the MoA should put in place measures for preventing the further spread of HIV and AIDS infection, promote access to treatment for PLHIV and mitigate the health, social-economic and psychosocial impact of HIV and AIDS on project personnel and the beneficiary community. The Ministry of Agriculture should collaborate with stakeholders in raising awareness to PAPs and the communities on the dangers of, and prevention and management measures for HIV and AIDS. This should include sharing Information, Education and Communication (IEC) materials on HIV and AIDS during resettlement processes, among other interventions.

2.3.5 Policies of the World Bank on resettlement

The World Bank has adopted several policy objectives in relation to involuntary resettlement [see (World Bank, 2004)]:

- Involuntary resettlement should be avoided where feasible, or minimised; exploring all viable alternative Project designs.
- 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.
- 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 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:

- informed about their options and rights pertaining to resettlement;

- consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives;
- provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project;
- provided assistance (such as moving allowances) during relocation;
- 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;
- 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
- provided with development assistance, in addition to compensation such as land preparation, credit facilities, training, or job opportunities.

The policy also advocates that:

- 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;
- 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.
- 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.
- 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).
- Patterns of community organisation 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:

- Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Malawi.
- 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.
- 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.

In accordance with the provisions in a) and b) above, PAPs should be provided with compensation, resettlement and rehabilitation assistance for the land, buildings or fixed assets on the land and buildings taken by the Project. The compensation should 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 must 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 should be eligible for compensation. Compensation to communities should include, for example: public toilets, market places, car parks and health posts or other appropriate compensation chosen by the community. Compensation measures should ensure that pre-resettlement socioeconomic status of the communities is restored or improved.

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. In accordance with OP4.12, the MoA and stakeholders should abide by these resettlement guidelines by, among other measures, providing timely compensation for loss of assets at replacement cost and assist displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

2.3.6 Comparison between the National Legal and Policy Provisions, the World Bank Policies on Involuntary Resettlement

Table 2-1 compares the policies and assesses the gaps between the national legal policy provisions, the World Bank Policies on involuntary resettlement. It also proposes measures to bridge the identified gaps.

Table 2-1: Gap analysis of national legislation and World Bank policies

Type of property/PAP	National legislation provisions	ESS 5 of the WB1 provisions	Proposal to bridge the gap
<p>Land</p> <p>Land Owner/ Occupier</p>	<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 acquisition (amendment) Act 2022 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>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>Compensation of land for land of the same or better productive quality to PAPs will be the 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 PAPs in cases of lack of alternative suitable land.</p>

	Payment of cash compensation, based on loss or damage or destruction of buildings		
Buildings (houses, annexes and other affected property)	<p>Compensation in cash is determined based on the full cost of the asset, irrespective of any depreciation that may have occurred.</p> <p>Compensation is provided for both the improvements made on the land and 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>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>

<p>Crops, timber and fruit trees</p>	<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 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>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>Crops are compensated at market value</p> <p>Labour input to look after fruit trees and timber trees are also compensated for</p>	<p>Compensation should be at market value</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>Labour input to look after the trees should be compensated for</p>
<p>Economic Impact</p>	<p>Section 10 (2) D and (J) of Land Acquisition (amendment) Act, 2022 provides for assessment for the loss of business and disturbance.</p>	<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,</p>	<p>Resettlement program that allows the owner to gain full trade income flow. Compensation for the recovery cost of commercial activities elsewhere,</p> <p>The loss of net income during the transition</p>

		<p>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>	<p>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>
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 compensation receive: 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.
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),.
Tenants	Silent	They must be compensated, whatever the type of legal	Compensation whatever the type of legal

		recognition of their land tenure (formal or informal).	recognition of the land tenure, and support for the resumption of activities, if any.
Squatters	No compensation to squatters unless they occupy the private land continuously for a period of more than 12 years	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.

2.3.7 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 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:

- 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.
- Compensations related to customary land acquisition are to be made on real replacement values in accordance to new land related laws.
- 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 PAPs to be included are the squatters, vendors and stalls/hawkers owners.
- Provision of basic social services to PAPs 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 minimised 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 psychological 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, and 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.
- l) The assessment of the substantiality of land use and other land-based natural resources will involve evaluating the existing patterns of land utilisation, including agricultural activities, forestry, and other land-based livelihoods. This assessment will play a crucial role in evaluating the potential impacts of the resettlement and developing suitable mitigation measures within the project area.

CHAPTER 4

BASELINE INVENTORY

4.1 Socio-economic baseline

The second phase of the Project under the program (SVTP-1) will involve the involuntary resettlement of the affected people. To ensure compliance with World Bank standards, it is strongly recommended that a comprehensive census be conducted. The purpose of this census is to gather relevant socio-economic baseline data, which aided in the identification of individuals who will be displaced by the project.

This section aims to examine the social and economic landscape of the Project area. It specifically focuses on assessing the demographic and socioeconomic characteristics of the people residing within the Project area. The primary objective is to establish a baseline understanding of the socioeconomic situation, including access to services, which will serve as a foundation for predicting potential socioeconomic impacts and designing appropriate mitigation measures.

4.2 Population, migration and settlements

This RAP is the third of several RAPs that will be prepared for this project and is limited to communities along three secondary canals (SC1A, SC1 and SC4) of the 19 secondary canals of phase I of the SVTP. The COWI report of 2016 is used for certain population characteristics in the Project area, while the 2018 Population and Housing Census provides the population figures for the project area. The primary data for evaluating the socio-economic status of the Project area is generated from asset surveys and household socio-economic surveys conducted by CAEM in Phase I Project area from 24th July 2023 to 28th August 2023.

Chikwawa District's total population was 564,684, of which 276,890 were males and 287,794 were females. The average annual population growth rate for the districts is estimated at 2.5% for Chikwawa, which is lower than the population growth rate for the country of 2.9% (National Statistical Office, 2018). The population for 2017 in Chikwawa was 566,283, according to the Socio-economic Profile (SEP) for the district (Chikwawa District Council, 2017). Data from the 2018 Household Census indicates that Malawi has a larger population in the younger age groups, with almost 44 percent of the population being less than 15 years old. Approximately 84% of Malawi's population is rural, and migration mostly takes place towards urban cities, primarily by males (National Statistical Office, 2018) (Table 4-1)

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%

Traditional Authority	Population 2018	Percentage Distribution 2018
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 affected Traditional Authorities (T/As) of Ngabu, Ngowe, Lundu, Ndakwera, Maseya, Katunga, and Kasisi, collectively host 66% of the population in Chikwawa district for the whole project. The three affected secondary canals are in the area of Traditional Authority Kasisi..

4.3 Migration trend

People in the project area often migrate to the cities of Blantyre and Lilongwe, and yet others to South Africa, in search of employment opportunities. Immigration is high from Mozambique. According to the 2018 Population and Housing Census (PHC) Migration Report, in-migrants were estimated at 54,787 and out-migrants at 66,811 for Chikwawa and in-migrants were 22,576 and out-migrants 67,576 (National Statistical Office, 2018). 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. The migration trend posed the potential for multiple individuals claiming the same piece of land, as those who had travelled away could return to assert their ownership. The likelihood of such conflicting claims was mitigated by robust resolution of land ownership issues through a comprehensive land adjudication exercise conducted by the Ministry of Lands prior to the assessment.

4.4 Housing type and Settlement pattern

In Malawi, houses are classified, based on construction materials of the roof and wall, as traditional, semi-permanent and permanent. Permanent structures have a roof made of iron sheets, concrete, and walls made of burnt bricks and stones. Semi-permanent structures have an iron sheet roof and sundried bricks or burnt brick with a thatched roof (Kamanga, Kuyenda, Nyirenda, & Chijere, 2022). Traditional houses are constructed from basic material such as grass-thatched roof, mud walls and floor.

According to the Chikwawa District Physical Development Plan, human settlements in the district include urban areas and village clusters, representing approximately 2.5% of the total land area. The main urban areas in Chikwawa District are Ngabu, Nchalo,

and Chikwawa District Headquarters (Chikwawa District Council, 2020). The areas surrounding the Illovo Estates are densely populated by smallholder farmers.

The proposed irrigation project will bring about changes and improvements in land use and settlement patterns. There are no structures impacted under this RAP.

4.5 Household types

Across rural areas in Malawi, 71 percent of the households are headed by males and 29 percent were headed by females (National Statistical Office, 2020). Figure 4.1 shows that of the total households surveyed in the SVTP phase-1 impact area, 84% are male headed households and the remainder (16%) is female headed. This means in the project impact area has more male household heads than national statistics. 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%.

According to the 2018 NSO Population and Housing Census, the average household size is determined by dividing the total household population by the total number of households in a specific area. In 2018, the average household size for Chikwawa district was calculated to be 4.4 (National Statistical Office, 2018). However, the SVTP-1 2023 household survey indicated that the average household size for the affected households has increased to 5.6. Notably, the household with the highest number of occupants was registered with 22 people.

4.6 Ethnicity and cultural practices.

The Chikwawa district is home to several ethnic groups, including the Sena, Mang'anja, Tonga, Lhomwe, Ngoni, Tumbuka, and Yao. The Sena are the most dominant in the area with 48.64% of the population followed by the Mang'anja at 30.56% of the population. The remaining ethnic groups each had less than 10% representation of the total population (Table 4-3).

Table 4-2. 2018 Malawi Population and Housing Census for Chikwawa

Tribe	Chikwawa Population	Percentage
Chewa	41,664	7.39%
Tumbuka	2,281	0.40%
Lomwe	41,207	7.30%
Tonga	1,863	0.33%
Yao	6,291	1.12%
Sena	274,356	48.64%
Nkhonde	415	0.07%
Ngoni	8,173	1.45%

Tribe	Chikwawa Population	Percentage
Lambya	99	0.02%
Sukwa	133	0.02%
Mang'anja	172,409	30.56%
Nyanja	688	0.12%
Others	14,520	2.57%
Total	564,099	100.00%

The Socio-economic Profile, SEP (2017-2022) says that the major languages spoken in the district are Chichewa, Chisena and Mang'anja spoken by more than 159,535, 96,865 and 80,028 people respectively. The rest speak other languages.

Based on the surveys conducted during SVTP-1 in 2023, the primary ethnic groups identified within the affected community comprise the Sena, Mang'anja, Chewa, Ngoni, Tonga, Tumbuka, and Lomwe. Among these ethnic groups, the Sena exhibited the highest prevalence in the area to be impacted by the three canals.

4.7 Religion

According to the 2018 NSO Population and Housing Census, the majority of people in Malawi are Christians, constituting 77.4% of the population, followed by Muslims at 13.8%, with 6.7% adhering to other religions, and 2.1% having no religious affiliation (National Statistical Office, 2018). In the Programme impact area, the survey indicated that 98% of the affected individuals are Christians, while 1% are Muslims, and the remaining 1% do not have any religious affiliations.

During the stakeholders' consultations, respondents emphasized the significance of graveyards, where special permission is required from the village chief for access. Consequently, they stressed the importance of avoiding these graveyards unless it was practically impossible to realign the canal. Graveyards will not be impacted under this RAP.

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. Based on the FGDs, originally most people followed the matrilineal system of marriage (chikamwini) whereby land is acquired through marriage and a man resides in the wife's village. However, there has been a cultural shift with increased adoption of 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 co-existed in a village. This meant that during the land registration, both men and women would claim land ownership of the land. Therefore, it was important to establish the living arrangements and marriage systems as this would affect land registration processes in the future for the PAPs.

During stakeholder consultations, it came to light that some stakeholders emphasized cultural differences between the Mang'anja and Sena communities regarding land ownership. Traditionally, among the Sena, land is typically owned by men (patrilineal), while among the Mang'anja, land ownership is attributed to women (matrilineal). Many Customary Land Committee members indicated that the project has played a significant role in addressing land ownership issues through land registration exercises. This process has ensured that women and children register and have legal security over land and other family property.

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. The survey conducted by CAEM revealed that female-headed households accounted for 16% of the total, while male-headed households dominated with 84%.

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:

- ensure that women and youth are involved so that they also benefit from the employment created, where feasible;
- ensure gender sensitive practice in terms of targeting, compensation and provision of services to new locations;
- 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;
- provide social safeguards to protect women and girls from being sexually abused and, for irrigation scheme management;
- 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.

The SVIP Phase 1 area is grappling with a significant challenge of high illiteracy rates, particularly among female household heads. According to a SVTP-1 (2023) survey of the affected household, 31% of the households interviewed reported that they are unable to read or write. Notably, the illiteracy rate among female household heads is alarmingly high, standing at 58%, in stark contrast to the 26% illiteracy rate among male household heads. Furthermore, the survey revealed that 31% of the affected individuals in the Phase 1 secondary canal project lack basic literacy skills, while 69% are literate. Addressing this pressing issue within the education system is imperative for the sustainable development of the area (Table 4-3).

Table 4-3. Literacy levels in the PAPs

Household head	Household Head can read or write				Grand Total
	No	No Percentage	Yes	Yes percentage	
Female-headed	109	58%	80	42%	189
Male headed	252	26%	714	74%	966
Grand Total	361	31%	794	69%	1155

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 lack

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.

To prevent discrimination against women or female-headed households in the area, it is imperative to address their marginalized status. Among the 31 total households interviewed, 19 were headed by females, while 912 were headed by males. Out of the total female-headed households, 146 were considered eligible for the vulnerability allowance. These women were selected based on the criteria that, in addition to being female-headed households, they also had other vulnerable members within their households.

Stakeholder consultations during SVTP-1 in 2023 revealed the following key findings:

- Females in the affected area have a lower literacy rate compared to males.
- Cultural norms are leading to low participation of women in the development projects.
- While women who do participate are active, they are not economically benefiting in terms of employment, highlighting the need for women's economic empowerment.
- Decision-making and income from crop sales are predominantly controlled by men, as evidenced by the higher number of male household heads.
- Compensation entitlement is often associated with husbands as heads of the family.
- During asset inventory survey, it was observed that some families share land between husbands and wives, resulting in 42% of registered affected individuals being female and, in some cases, women were allowed to register land.

During the asset inventory process, several measures were implemented to ensure that vulnerable households had the same decision-making rights as others. These measures included:

- **Transparent and Participatory Process:** A transparent and participatory process was implemented, involving all stakeholders, including affected communities. The assessment process took place in the presence of the customary land committee and local leaders. The asset inventory was conducted in phases, with a stakeout team preceding the asset inventory team to prevent opportunistic owners from claiming land unfairly.
- **Clear and Objective Criteria:** Clear and objective criteria for land assessment were established, considering factors such as land productivity, access to resources, and social considerations. Market research was conducted to provide a basis for valuation, ensuring that land from Secondary canal had the same value.
- **Independent and Impartial Assessment:** Assessments were conducted by independent and impartial experts, namely government valuers and surveyors who had no conflicts of interest accompanying the consultant representative.
- **Adequate Compensation and Assistance:** Fair and adequate compensation was provided to affected individuals or communities, considering the value of

the land, property, and any potential losses or disruptions resulting from the resettlement. Support and assistance were offered to help affected people rebuild their livelihoods and access necessary services.

- **Grievance Mechanisms:** Grievance mechanisms were established, allowing affected individuals or communities to raise concerns, provide feedback, and seek resolution for any issues or disputes that arose during the assessment process
- **Legal Framework and Compliance:** The land assessment process adhered to relevant national laws, regulations, and international standards concerning land rights, human rights, and resettlement procedures. Compliance with legal frameworks helped protect the rights of affected individuals and promote equality.
- **The Resettlement Action Plan Monitoring and Evaluation (RAP M&E)** will incorporate indicators to measure the recommendations provided by COWI A/S in 2017.

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. Almost all (99.9 %) of total land surveyed is under customary ownership, as indicated in Table 4-6. In addition, there is increased practice of inter-household land renting for crop production. The land adjudication process under the SVTP, however, will ensure that land ownership is now directly to the people as they will now have individual certificates for their land parcels. Land will no longer be under the jurisdiction of Traditional Authorities.

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 FGDs 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.

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 the 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 practise 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 communities are often linked to boundary disputes, as permanent demarcations are lacking and land titling is not established. Typically, these disputes can be resolved through discussions between families or neighbours. In the project area, however, the majority of the land has been registered through a land adjudication process that is currently ongoing. Nevertheless, in some areas such as GVH Jasi and in the TA Mbenje, there have been numerous challenges regarding ownership and boundary issues because their land is yet to be registered.

Access to land in Chikwawa District was described during a Focus Group Discussion (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.

The SVTP-1 2023 survey reveals that the overwhelming majority, 99%, of the land affected by the project is held under customary ownership. Conversely, alternative forms of land ownership constitute a mere 1% of the affected land.

According to the findings of COWI A/S study, land-size holdings in the impact area are generally very small. The study reveals that the majority of land parcels are less than 0.8ha, with 62.5% of parcels being less than 0.4ha (COWI A/S, 2017). In Phase 1, over three-quarters of parcels are less than 0.8ha, with more than half being smaller than 0.4ha. The SVTP 2 Asset survey further corroborates these findings, with over 93% of surveyed and digitised land being less than 0.5ha. Only 5.71% of the land surveyed falls between 0.5ha and 1ha, with less than 1% being more than 1ha. These figures illustrate the small land sizes in the area.

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 recognized 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.

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. In 2023, Cyclone Freddy struck the districts, resulting in significant devastation. The National Statistical Office (NSO) reported that in 2005, the Southern region had an ultra-poor rate of 31.5% and a poverty rate of 64.4%. In Chikwawa, the ultra-poor rate was 31.9%, and 65.8% of the population were poor. More recent data from IHS 5 (2019-2020) shows that in Chikwawa, the ultra-poor rate has increased to 44.5%, and 44.3% of the population are poor. In Nsanje, the ultra-poor rate is 44.2%, and 40.5% of the population are poor.

According to the Fifth Integrated Household Survey, approximately 27.6% of households in Chikwawa are classified as poor, while a higher percentage, 39.8%, are reported to be in a state of ultra poverty. This data is consistent with the findings of the SEP 2022/2030 report, which identifies rain-fed agriculture as the primary economic activity in the area. However, it is important to note that this sector has proven to be an unreliable source of livelihood due to the various shocks that the district faces, including the fact that nearly 40% of the population in the district is in a critical economic situation.

The household survey conducted during SVTP-1 in 2023 revealed that the primary sources of income for the affected people are as follows: 45.37% rely on crop farming, 28.05% are wage laborers (commonly known as "ganyu"), 6.84% are formally employed, 16% depend on various businesses, 1.65% are engaged in livestock farming, 0.17% are associated with Village Savings and Loans Associations (VSLs), 0.9% generate income through groundnut farming, and 2.08% depend on various other sources as their main income providers (Table 4-4).

Table 4-4. Main sources of income for households

Source of income	Number of Households	Percentage
Business	182	15.76%
Crop farming	524	45.37%
Crop farming – Groundnuts	1	0.09%
Ganyu/daily labor/piece work	324	28.05%
Livestock farming	19	1.65%
Other	24	2.08%
Salaried employment/job	79	6.84%
VSL	2	0.17%
Total	1155	100.00%

The World Bank, in its report titled Vulnerability to Poverty in Rural Malawi dated August 2016 notes that risks, particularly rainfall and loss of off-farm employment, are contributing to the growing poverty levels whilst dragging non-poor households into the poverty trap (Mccarthy, Brubaker, & De La Fuente, 2016). Most households (more than 60%) expressed hope that if implemented, the SVTP will resolve their entrenched hunger and poverty woes.

4.12 Agriculture, food security and diversification

Information from the Chikwawa District Agricultural Office indicated that only 9% of the total population were food insecure. Mbewe EPA, which comprises T/A Lundu and Ndakwera 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 (over 50%) of the household heads 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 (Table 4-8). 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.

Table 4-5. Main crops grown in the project area

Crops	Percentage
Ground nuts	0.43%
Maize hybrid	12.92%
Maize Local	7.12%
Millet	21.58%
Sorghum	33.86%
Sesame/Cotton/Rice/beans	23.76%
Tobacco	0.32%
Total	100.00%

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.

According to the socio-economic survey conducted under SVTP-1, it was discovered that 23.76% of the respondents cited crops other than those initially listed when asked about the most commonly cultivated crops in the area. These additional crops included sesame, cotton, rice, and beans. Respondents explained that they are compelled to cultivate millet and sorghum due to their lower rainfall requirements compared to maize, which is their preferred choice. They also noted that the rains frequently end prematurely, posing challenges for achieving a successful maize harvest. The most grown crop in Chikwawa district is sorghum which carries 33.86% of the total crops grown seconded by millet 21.58% , sesame(Chitowe) and others 23.76%, maize hybrid 12.92%, and the other percentage shared among tomatoes, sugarcane, vegetables and sweet potatoes.

Information from Chikwawa District Agricultural Office indicated that only 9% of the total populations 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).

Among the total respondents, 57.92% reported owning livestock, while 42.08% indicated that they do not own any livestock. The most common types of livestock in the project-affected area are chickens, accounting for 37% of ownership, followed by goats at 33%, and cattle at 16.5%. The remaining 12.5% of livestock ownership is distributed among other less prevalent types of animals in the area (Table 4-6).

Table 4-6. Common livestock for the area

Livestock	Percentage of household with Livestock
Cattle	16.50%
chickens	37.69%
Donkey	0.09%
Ducks	2.74%
Goats	33.33%
Guinea Fowls	1.79%
Hare	0.09%
Mbira	0.09%
Pig	0.09%
Pigeon	1.88%
Pigs	5.21%
sheep	0.34%
Turkey	0.09%
Quail (Zinziri)	0.09%
Total	100.00%

4.13 Access to economic assets, credit and finance

The Chikwawa in Malawi have several banks and credit institutions that cater to the financial needs of individuals and businesses. These include Blue Bank, Green Wing Foundation for International Community Assistance (FINCA), Community Savings and Investment Promotion (COMSIP), the Village Savings Loan (VSL), National Bank of Malawi, Standard Bank, Financial Discount House (FDH), and NBS Bank. These banks have branches in various locations within the two districts, such as Bangula and Nchalo. In addition, mobile money services like Airtel Money by Airtel, Mo626 by National Bank, Unayo and 247 by Standard Bank, and Mpamba by Telekom Networks Malawi (TNM) have made it easier for people in the area to access financial institutions.

Ownership of assets that can be exchanged for money or labor is relatively low in the Programme impact area, with males tending to own more durable assets than females. Ownership of durable assets is slightly lower than what was reported in the Integrated Household Survey 5 (IHS5) results for the southern region. In the SVTP 2023 survey, the data reveals the following asset ownership:

- 1,595 bicycles
- 1,143 cell phones
- 910 radios
- 572 solar lamps
- 425 households' own beds
- 240 households' own motorbikes

- 156 household's own sofa sets
- 138 households' own televisions
- 77 household's own ox carts
- 44 households' own vehicles

These findings indicate the varying levels of asset ownership within the community. The survey also shows that 33.93% of respondents own a house, 22.15% own a cell phone, 0.58% own a vehicle, and 35.28% own a piece of land.

There are numerous credit and finance institutions accessible to the respondents, including Concern Universal Microfinance Operations (CUMO), FINCA, National Economic Empowerment Fund (NEEF) Limited, National Bank of Malawi (NBM), TNM Mpamba, Airtel Money, VSLs, microloans, and others. The study revealed that 54.67% have access to loans, while 45.33% do not. Among those with access to loans, 78.62% access them through VSLs, 6.76% through NEEF, 2.36% through Airtel Money and TNM Mpamba, 4.87% through FINCA, 1.10% through the National Bank, and the rest access loans through social cash transfers, Mudi Sacco, microloans, and Malawi Rural Development Fund (MARDEF).

4.14 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 Organizations (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 Organization (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 a development process 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 make 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.

4.14.1 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.

Phase 1 secondary canals intersect with several key roads. Specifically, SC2 intersects with M1 road and S136, SC1A crosses T416 road (Majete road), SC2 and SC9 intersect with D384, SC1 also crosses S136, and canal SC19 and SC19-1 intersect with T423. Consequently, the road most significantly impacted by the construction of these secondary canals is S136 road, commonly known as Chapananga road. These roads play a crucial role as access points for the communities residing along the project area.

4.14.2 Access to water and sanitation

The Integrated Household Survey IHS 5 reports that importance of access to safe drinking water is underlined by the fact that it is one of the SDGs 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 minutes.

According to the IHS 5 report, the Southern Region has 90.8% of households with access to an improved water source, of which 67.8% use a borehole. In Chikwawa, 94.2% of households have access to an improved water source, with 82.1% accessing water from a borehole and 5.6% using an unprotected source. Chikwawa SEP 74% access through borehole 23% from gravity fed tap systems with 3% using unprotect sources.

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.

The Integrated Household Survey IHS 5 reports that a household is considered to have access to improved drinking water source if it's piped into the dwelling, piped into the yard or plot, collected from a communal standpipe, a protected well in yard or plot, protected public well, borehole, tanker truck or bower and bottled water. The report notes that the southern region has 90.8% of households with access to improved water source where 20.07% use piped water, 67.8% use boreholes, 2.3% use protected water sources, 9% from open air/dams/streams while 0.1% get their water from an unprotected source (National Statistical Office, 2020).

Based on the SVTP 1, 2023 survey, it was revealed that 87.45% of respondents source their water from boreholes, 6.41% from taps (piped water), and 4.42% from protected wells, while 1.73% use unprotected wells, rivers, and streams as their water sources (Figure 4-1). These findings indicate that over 98% of the affected population has access to safe drinking water. Among these water sources, 62% of respondents pay for access, while 38% obtain water for free.

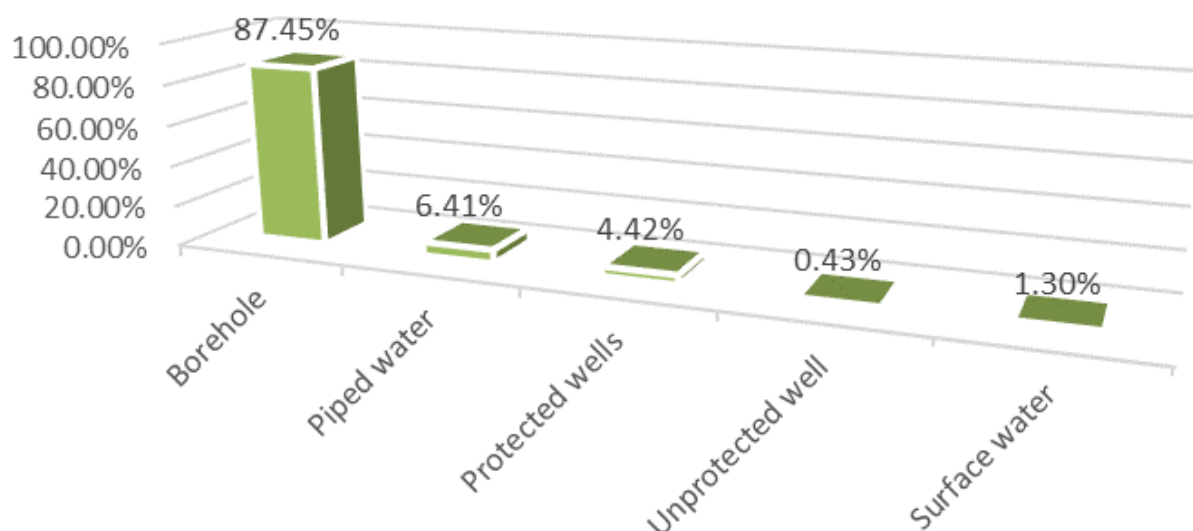


Figure 4-1 Main sources of drinking water for the people

4.14.3 Sanitation services

Access to toilets in Chikwawa is as follows: flash 1.6%, VIP latrine 0.9%, pit latrine with concrete slab 3.7%, pit latrine with earth/sand slab 46.8%, pit latrine without slab or open pit 27.8%, compost toilets 5.4%, and others 3.0%. 10.7% of the population have no facility and practise open defecation (National Statistical Office, 2018).

The Chikwawa District Strategic Investment Plan (DSIP) for Water, Sanitation and Hygiene 2017-2022 and the District Health Management Information System (HMIS)² records that an estimated 61% (69,087 households out of 113,257) of district households have and use pit latrines. However, only 10% of the households (11,326 households) have improved latrines leaving 39% of households without access to proper sanitation facilities. In addition, 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 soap.

4.14.4 Health

The Chikwawa District has a total of 27 Health Posts, 131 village Clinics, and 4 Dispensaries. There are also 13 Health Centres and 3 Hospitals, namely Chikwawa District Hospital, Ngabu Rural Hospital, and Montfort Hospital. The leading causes of morbidity and common diseases in the area include Malaria, Skin conditions, Acute Respiratory Infections, and Diarrhoea, as recorded at the central hospital. A survey conducted in the area found that Malaria was the most common disease, affecting over 60% of respondents within the last 3 months, followed by respiratory infections and diarrhoea. Mortality rates in the district vary by age, with an infant mortality rate of 157/1,000 and an under-5 mortality rate of 205/1,000. The maternal mortality rate is 1200/100. Over 90% of respondents in the survey reported using government-owned health facilities, but more than 80% said it takes them over an hour to get to the nearest health facility.

According to the SVTP-1 2023 household survey, the affected community has access to several healthcare facilities, including Mologeni Health Post, Mwalija Health Post, Bereu Health Centre, Chikwawa District Health Office (DHO), and Ndakwera Health Centre. The survey revealed that 64.12% of respondents in the affected areas have to walk between 1 and 5 kilometers to reach the nearest hospital, while 28.77% have to travel more than 5 kilometers. Only 7.11% have the advantage of walking to a nearby hospital due to its short distance.

Regarding common diseases, the survey found that 52.71% of respondents mentioned Malaria, 16.62% reported Diarrhoea, 14.64% reported Cholera, 6.80% mentioned HIV, 1.48% skin diseases, 0.89% Tuberculosis (TB), and 5.03% other diseases.

4.15 Education

The Integrated Household Survey 5 (2019-2020) revealed that the literacy rate among the population aged 15 years and above was 75.5%, which represents an increase of 2.7% compared to the previous IHS4 report that indicated a literacy rate of 72.8%. Among the literate population, a higher percentage of males aged 15 years and above (83.0%) were identified, compared to females (68.8%) (National Statistical Office, 2020). In terms of district literacy rates, Chikwawa had a literacy rate of 66.9%. According to the Socio-economic Profile (SEP) from 2017-2022, the literacy rate for Chikwawa district stands at 61.5%, with a higher literacy rate among males, at 72%, compared to females (Chikwawa District Council, 2020).

In the project area, the SVTP 1, 2023 survey reveals that 69% of the affected household heads are literate and can read and write, while 31% of them cannot. Male household heads have a higher literacy rate, with 74% being literate and 26% unable to read or write. Among female household heads, 42% are literate, while the remaining 58% cannot read or write. These figures are higher than the figures reported at the district level.

Table 4-10 provides a breakdown of the household heads' education levels. It shows that 35.98% of female household heads have no formal education, whereas only 13.77% of male household heads lack formal education. Additionally, only 3.03% of the affected household heads have tertiary education, while 16.97% have reached senior secondary education.

Table 4-7. Education status of affected population

Level of Education	Female-headed	Male headed	Total
Std 1-4	45 (23.81%)	155 (16.05%)	200 (17.32%)
Form 1-2	12 (6.35%)	110 (11.39%)	122 (10.56%)
Form 3- 4	10 (5.29%)	186 (19.25%)	196 (16.97%)
No education	68 (35.98%)	133 (13.77%)	201 (17.40%)
Std 5-8	51 (26.98%)	350 (36.23%)	401 (34.72%)
Tertiary	3 (1.59%)	32 (3.31%)	35 (3.03%)
Grand Total	189 (100%)	966 (100%)	1155 (100%)

4.16 Vulnerable groups

The World Bank defines vulnerable groups as distinct groups of people who might suffer disproportionately from resettlement effects. 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 makeup 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. The asset inventory revealed that out of the 31 affected individuals, 12 are female. These women will be given priority for training and employment opportunities. 14 were classified as vulnerable and will require additional assistance apart from the compensation they will receive. The list of eligible vulnerable participants will be provided.

All vulnerable groups will receive a 10% additional allowance, which includes women facing additional vulnerabilities such as widowhood or living with HIV. Energy sources

According to the 2018 NSO Population and Housing Census in Malawi, lighting sources in households varied significantly. Battery power emerged as the primary source of lighting, accounting for 52.9 percent of households, followed by electricity at 11.4 percent, solar energy at 6.6 percent, candles at 6.2 percent, and firewood at 4.4 percent. Interestingly, the majority of households relied on firewood (77.4 percent) for their lighting needs, with charcoal following at 18 percent, and electricity at 2 percent.

In the 2018 Census District Report specific to Chikwawa, lighting sources exhibited a different distribution, with 6.6 percent using electricity, 6.9 percent relying on solar power, 50.4 percent utilizing batteries, 1.2 percent depending on paraffin, 4.7 percent utilizing candles, 9.4 percent relying on firewood, 0.8 percent using gas/straw, and 19.9 percent using other sources for their lighting.

However, a household survey conducted by SVTP in 2023 disclosed a distinct shift in lighting sources among affected individuals. According to this survey, a substantial 82.44 percent of those affected now employ torches as their primary source of lighting. Solar electricity accounts for 10.64 percent, while 5.54 percent are connected to the national grid. Additionally, 1.3 percent of respondents use candles, and a mere 0.09 percent employ paraffin lamps for lighting purposes (Table 4-8). These findings highlight the evolving dynamics of lighting sources within the surveyed population over time.

Table 40-8. Energy sources for affected population

Source of energy	Count of source of energy used for Lighting
Candles	1.30%
Grid Electricity	5.54%
Paraffin Lamps	0.09%
Solar Electricity	10.64%

Torches	82.44%
Total	100.00%

Regarding cooking methods, the 2018 Census District Report for Chikwawa revealed that within the region, a mere 1.1 percent of households relied on electricity for cooking, while 0.4 percent utilized solar power, and 0.2 percent resorted to paraffin. Meanwhile, the majority, 82.7 percent, depended on firewood, 13.6 percent used charcoal, 0.6 percent employed straw, scrubs, or grass, and gas was not utilized at all. Additionally, 1.4 percent employed other sources for their cooking needs.

A subsequent survey conducted by SVTP-1 supports the findings of the NSO 2018 report, indicating that 89.7 percent of the affected population in the project area continue to utilize firewood as their primary cooking fuel. Charcoal remained the choice for 9 percent of the population, with 1.21 percent using electricity, and a minimal 0.09 percent opting for gas cookers (Table 4-9). This data suggests that there has been minimal alteration in the choice of cooking energy sources within the project area, reflecting a degree of consistency over time.

Table 4-9. Main sources of fuel for cooking

Source of energy	Count of source of energy used for cooking
Charcoal	9.00%
Electricity	1.21%
firewood	89.70%
Gas cooker	0.09%
Total	100.00%

4.17 Summary of Methodology

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

4.17.1 Phase 1: Sample method and size

The initial step involved determining the scope of the census and socio-economic surveys, specifically focusing on the impacted area. In order to ensure efficiency and avoid surveying unaffected individuals, the surveys specifically targeted all households within the affected area. The first crucial stage of this process involved identifying and mapping all the affected land and households.

4.17.2 Phase 2 – Inception Stage

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. The review involved utilising GIS overlaying on Google images to gain a comprehensive understanding of the impacted area. 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.

4.17.3 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 were 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 the socio-economic survey team.

The surveyors used differential GPS to define and stake out the position of the wayleave. The wayleave is determined to have an average width 20 metres for the secondary canal 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 surveyors were also responsible for collecting coordinates used for georeferencing spatial data using handheld GPS.

4.17.4 Phase 4 – Consultations with other stakeholders

Consultations were held with different stakeholders at community and district levels. At the community level consultations were held with members of the community including the PAPs and traditional leaders through meetings, to solicit their views on the project and to engage them on the land acquisition and compensation activities and process. Participants included representatives of the Area Development Committees (ADCs), Customary Land Committees (CLCs), Village Development Committees (VDCs), Councillors, MoA staff and the consultant's team, and Chikwawa District Council officials.

Traditional leaders, committee representatives and council officials helped with community mobilization and sensitization/ engagement and provided key insights on land issues and associated management approaches. They also helped with the search for sites in the project area by identifying suitable alternative land for PAPs to move to, and to continue their farming, small-scale businesses and other economic activities.

At the district level, consultations were held with Chikwawa District Council to discuss their experience in similar projects and to appreciate how projects involving land acquisition and compensation have been carried out and learn from their experiences.

During all these meetings, project objectives were explained and expectations of the stakeholders discussed and documented.

4.17.5 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:

- be located within a direct impact zone of the canal before the cut-off date, established when the census is started;
- 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
- 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 the proposed canal corridor.

5.2 Types of PAPs and impacts

A Project Affected Person (PAP) refers to any individual, whether a tenant, government lessee, property owner, or non-titleholder (unauthorised occupant), who has been impacted by the project resulting in the loss of their land or other property within the affected area. As per the World Bank's definition, a PAP is a person who experiences direct economic and social impacts caused by both the involuntary acquisition of land, which can result in:

- Relocation or loss of shelter;
- loss of assets or access to assets;
- 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: individual land users or owners (having crops, trees and structures within the 20m corridor of the canal); communities whose resources (land and structure of church, schools and boreholes) have been affected; and 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 5-2 Entitlement matrix

No	Type of Loss	Application	Entitled Person	Compensation
1.	Agricultural land	Loss of agricultural land	Eligible landholder	Cash compensation for lost land at market replacement cost. Eligible for economic rehabilitation assistance and other allowances, as applicable.
			Non-titled but possessory landholder/A griculture labourer	No compensation for land but additional assistance given so that they are not worse off due to the Project and to enable them to replace loss of assets other than land (fixed immovable assets and crop and agricultural produce lost in land acquired as a result of the Project).
			Lease holder	Cash compensation.
		Temporary Acquisition and easement	Eligible landholder	Cash compensation based on opportunity lost during the period. No compensation for land will be provided but all affected assets on the land will be compensated. If the contractor damages the land, it will be rehabilitated to its original state. In cases where the damage is severe, cash compensation at the replacement value will be provided to the landowner.
2	Residential land	Loss of residential land	Eligible landholder	Compensation in cash at replacement cost or, if applicable, replacement land of minimum plot of acceptable size or a plot of equivalent size, whichever is larger, in a nearby resettlement area with adequate physical and social infrastructure.
			Non-titled but possessory landholder	No compensation for land but additional assistance given so that they are not worse off due to the Project and to enable them to replace loss of assets other than land (fixed immovable assets and crop and agricultural produce lost in land acquired as a result of the Project).
			Lease holder	Eligible for relocation assistance and other allowances, as applicable.

No	Type of Loss	Application	Entitled Person	Compensation
3	Commercial land	Plots used for business affected	Eligible landholder	Compensation in cash at replacement cost for the affected portion. Eligible for relocation assistance and other allowances, as applicable. Eligible for economic rehabilitation assistance.
			Non-titled but possessory landholder	No compensation for land but additional assistance given so that they are not worse off due to the Project and to enable them to replace loss of assets other than land (fixed immovable assets and crop and agricultural produce lost in land acquired as a result of the Project).
			Lessee	Compensation in cash at replacement cost for the affected portion. Eligible for relocation assistance and other allowances, as applicable. Eligible for economic rehabilitation assistance
5	Loss of business/incomes/employment	Loss of business/incomes/employment	Affected PAPs	Cash compensation for the loss of business, incomes and wages. Assistance during the transition period. Eligible for rehabilitation assistance and other allowances, as applicable.
6	Standing crops, trees	Crops or trees affected by land acquisition or temporary acquisition/easement	Owner of crops or trees	Compensation for crops will be paid in full for all standing crops recorded during asset inventory exercise. Compensation in cash will be provided to the PAPs based on the market value of the trees. Fruit trees will be compensated at a single lump sum market value. On the other hand, compensation for exotic and natural trees will be determined based on the size categories of the trees, namely small, medium, and large. For further information and specific details, please refer to Annex 8. Other allowances as applicable.
7	Common resources	Loss of access	PAPs	Arrangement for new resource or rehabilitation assistance.
8	Public facilities	Loss of, or damage to, public infrastructure.	Concerned agencies	All public facilities will be compensated in kind.

CHAPTER 6: LIVELIHOOD RESTORATION

6.1 Objective of compensation

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.
- Provision of fruit tree seedlings to replace those lost on the affected lands.

6.2 Livelihood restoration process

The assessment showed that 32 trees were affected and 14 PAPs were classified as vulnerable. Ten seedlings shall be provided for every tree lost while those classified as vulnerable will receive vulnerability allowance in their compensation package.

Table 6-1 Distribution of compensation expenses across the canals

Canal	Number of PAPs	Land Size	Number of trees	Number of fruit trees
SC1	4	0.79	3	164
SC1A	12	1.96	1	2078
SC4	15	1.71	28	771
Total	31	4.46	32	3013

6.3 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 present 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 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:

- Reusable excavated soil shall be either provided free of charge to surrounding communities or flattened and the land revegetated.
- Management of the Borrow pits from blasting should be repurposed whenever possible and in consultation with the council.
- 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 minimise the negative impacts (e.g. increased human pressure on natural resources, gender-based violence, etc.) from the influx of foreign workers
- The development of a grievance redress mechanism, to allow the community to communicate with the construction contractor about their concerns and grievances. In the case of the area being covered by this RAP, there are already established and functional GRCs.
- 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. The program already has a GBV service provider who deals with GBV issues in the area.
- Chance Find Procedures for the civil works contractors to follow during irrigation canal construction
- 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

Table 6-2 Potential resettlement impacts and proposed mitigation measures

Type of risk / Impact	Management/Mitigating Measure
Drowning	Sensitise local communities, especially juveniles on safety measures to minimise 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	Implement measures to minimise 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.
The potential separation of families is expected to increase due to the presence of the canal, which acts as a barrier between them.	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.	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 practised. Formation of peer groups to discuss issues of HIV/AIDS and communicable diseases
Increased exposure to malaria due to standing water	Sensitize communities on malaria preventive measures Provide anti-malaria drugs and mosquito nets through the clinics/ health posts Provide education on preventative measures to minimise exposure to malaria

6.4 Gender Aspects and Vulnerable Groups

6.4.1 Impact Description

In the context of gender aspects and vulnerable groups, special attention was given to their treatment during the pre-construction phase, particularly in the surveying and registration of land titles. The Resettlement Action Plan (RAP) ensured that women were not marginalized in the process, with particular consideration given to compensation for agricultural losses. During the assessment of assets, everyone was given equal opportunity to participate in registering their property, without any consideration of gender or vulnerability. The process ensured that all individuals, regardless of their gender or vulnerable status, had an equal chance to register their properties for valuation and compensation purposes.

During the construction phase, the project's impact on gender aspects primarily relates to employment opportunities, land use by women, and instances of misconduct by workers, including sexual and physical assaults. Women, who are typically responsible for subsistence activities, may be disproportionately affected by the loss of land and crops. Efforts have been made to provide women with adequate information and ensure fair compensation distribution, including the use of joint bank accounts and scaling formulas to prevent fund misuse by spouses or relatives.

Additionally, other vulnerable groups such as the disabled or elderly should be considered to avoid exacerbating their vulnerability through compensation distribution. Collaboration with legitimate leaders and effective follow-up with affected parties (PAPs) can help mitigate negative impacts and prioritize access to social measures and programs, particularly within the RAP.

During project operations, interactions between workers and communities can lead to cases of sexual abuse or involvement with underage community members, which may be influenced by labor influx and the presence of foreign workers on the site.

The main sources of these impacts include land acquisition, resettlement, the presence of workers, construction activities, and maintenance and repairs during the operation phase.

6.4.2 Mitigation Measures

- i. Prioritize the employment of local workers to minimize the risk of sexual harassment and violence caused by foreign workers.
- ii. Locate workers' camp away from towns and villages to limit interactions between workers and community members.
- iii. In collaboration with the Chikwawa District Health Officer, design and implement a STD, HIV, and AIDS prevention program, which includes a strict prohibition of sexual abuse and intercourse with partners under the age of 18.
- iv. Hold the Lead Contractor and sub-contractors accountable for preventing acts of sexual abuse and underage sex by their employees.
- v. Conduct awareness-raising sessions on the STD, HIV, and AIDS prevention program for all contractors, workers, and community members, explaining the risks of STDs and the sanctions in place, as well as the mechanism for addressing grievances.

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- vi. Instruct all supervisors to report any suspected cases of sexual abuse or underage sex immediately.
 - vii. In the event that a complaint of sexual abuse or underage sex is filed with a grievance committee and found to be valid, suspended all construction work immediately and notify the World Bank inspection panel to conduct an investigation and provide guidance on the next steps.
 - viii. Hire female workers and ensure equal payment for both male and female workers.
 - ix. Provide income-generating opportunities for women during construction, such as catering services or selling local products.
 - x. Take gender issues into account in all decision-making including in the distribution of compensation packages.
 - xi. Compensate PAPs for any damages to crops or other assets.
 - xii. Offer business skills training and other gender-related training for all PAPs, including both women and men.

CHAPTER 7

VALUATION OF AND COMPENSATION FOR LOSSES

7.1 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 (GoM, 1994).

Section 14 of the Land Act 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 (GoM, 2016). Additionally, the Land Acquisition and Compensation (amendment) Act (2022) Sections 10 provides the procedure for the assessment of appropriate compensation and the grounds for the same (GoM, 2022).

The approved 2002 Malawi National Land Policy (4:12,16) and Land Acquisition and Compensation (amendment) Act 2022 describe 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" (GoM, 2002; GoM, 2022).

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 (World Bank, 2018).

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) (IVSC) (GoM, 1989). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council as a member. As such valuation of assets was done in accordance with Practice Statements and Guidance Notes published by the International Valuation Standards Council. The IVSC (2011) defines market value as “the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm’s length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion” (IVS 104 p18 30.1) (IVSC, 2020).

7.2 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 minimum cost was agreed to be MK50,000. Meaning all affected assets with a cost of MK50,000 or less will be entitled to be paid the minimum value. 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. Market research was conducted in order to come up with current rates for cost of buildings per square metre depending on the type of the structure and the range was found to be from MK3, 000 – MK312,000.

- Valuation for loss of land: The land values for the Phase I secondary canals were determined using comparable method. This method compares the subject property with the prices obtained for other similar properties almost at the same point in time with some adjustments applied. That said, however, being an area where most of transactions are not registered, the valuer relied on information given by people in the area itself and elsewhere. The valuer, having considered the information obtained and as prevailing in some areas where similar assessments have been done recently has regarded it as satisfactory to base a decision on. The rate used on land was MK 5,000,000.00 per hectare, and leased land valued at MK 10,000,000.00 per hectare. The leased land value was confirmed upon the verification of lease documents and the presentation of up-to-date proof of payment.

Valuation for loss of crops: Standing crops were documented during the assessment, and the valuation relied on the market research survey conducted by the Ministry of Lands in liaison with District Council. The price range for different crops in the affected area varied from MK360,000.00 to MK14,400,000.00 per hectare. Table 7-1 presents the yields determined through the market research conducted based on the crops identified during the assessment.

Table 7-1 Average price per hectare of selected crops for the area

Type of crop	Average Yield (Kg/Ha)
Maize	2,500.00
Rice	1,500.00
Nandolo	600.00
Tobacco	1,300.00
Beans	500.00
Sorghum	600.00
Groundnuts	600.00
Cassava	12,000.00
Sweet potato	9,000.00
Soyabean	800.00
Sunflower	800.00
Sugarcane	63,000.00
Cashew Nut	2,286.00
Tomato	9,000.00

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. However, the engineers took proactive measures to reroute the canal, thereby preventing any potential adverse impacts on the maize mill and the communities that rely on it.

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 MK80,000.00 has been adopted 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. 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.

Additional support for vulnerable PAPs: As required by the World 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 10%, on the base compensation amount payable, is proposed as “additional financial assistance”.

Loss of trees: The Government Forestry Gazette of 2010 provides the basis for calculating the value of lost trees along the canal route. However, for this project, we have decided to adopt the market research conducted by the Regional Commissioner of Lands South to determine the value of lost trees along the canal route in Chikwawa. The adoption of the market research conducted by the Regional Commissioner of Lands South guarantees that the values are tailored to the local area and accurately reflect the present market conditions.

Loss of fruit trees: In the establishment 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.

Loss of community properties: Impacted properties that belonged to the Communities were valued and in-kind compensation will be provided.

CHAPTER 8

IMPLEMENTATION MECHANISM

8.1 Objectives of stakeholder engagements and community participation

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 24th July 2023 to 28th August 2023. Consultation activities with the PAPs included carrying out a census survey of all households affected by the proposed Project (See Annex 3). 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 communities 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.

- Thorough public consultations and socio-economic surveys were conducted across all affected households in the four Traditional Authorities. The consultations involved both PAPs and non-PAPs and utilised various methods such as Focus Group Discussions, questionnaires, and interviews with household heads or proxies as well as government officials.

- PAPs will be informed of the options of receiving compensations in-kind and in cash including the disadvantages and advantages of each option during disclosure. PAPs were informed that in case of opting for cash compensation, cash will be paid through Bank Accounts. PAPs without Bank Accounts shall be assisted to acquire a Bank Account.

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. The affected parties (PAPs) were duly informed about the risks associated with receiving compensations in cash. They were also apprised of the successful implementation of the bank account system during phase one. This process has demonstrated its effectiveness in ensuring the safety and security of PAPs, as no incidents were reported. 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 are they going to receive their compensation?
- Why some PAPs names are not landowners 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 the 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. A sample of the grievances lodged and how it was resolved is presented in Annex 7.

8.1.1 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 8-1: Stakeholder Analysis

Stakeholder type	Roles/contributions	Rationale for consultation
Ministry of Agriculture	Facilitation of the identification of PAPs and valuation exercise; Provision of funds for compensation; and Complementarity of development initiatives	Overall coordinator of the RAP process Continuation with consultations from the RFP preparation; Address the expectations of the developer in the RAP preparation process; and Reinforce the need for availing resources for compensation to execute the RAP in time as planned.
Ministry of Lands, Housing and Urban Development	Set guidelines on the resettlement process Approve the RAP Monitor and evaluate implementation of the RAP	To ensures compliance with Malawi's policies and legal framework and development partners' operational guidelines
District Council	Participate in development of the RAP Help in land identification and acquisition Regularly update and maintain the database for the PAPs Pay or monitor payment of compensation money to PAPs Coordinate provision of social amenities Monitor and evaluate implementation of the RAP. Technical officers of the District Council (responsible for land, social welfare, gender, environmental health, primary education and agriculture to assist in RAP implementation including payment of compensations. Also, assist the DC and DPD to interpret, domesticate and implement relevant government policies at the district level.	Highest administrative authority in the district that is responsible for managing all development programmes including designing, interpreting, domesticating and implementing government policies and interventions including resettlement matters. In liaison with the Regional Commissioner for Lands, identify alternative land for possible resettlement of PAPs. Administration of 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.

Stakeholder type	Roles/contributions	Rationale for consultation
Local leaders (GVH and TA)	<p>Ascertain that claimant within the Programme area</p> <p>Facilitate and participate in the consultative process for development of the RAP</p> <p>Witness payment of compensation money to PAPs</p> <p>Identify land for resettlement or assimilation of PAPs within existing villages</p> <p>Help with the integration of resettled persons</p> <p>Help in conflict resolution</p> <p>Assist in monitoring implementation of the RAP</p> <p>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>	<p>Village Heads (VH) are critical because they are in control of people at the lowest structure of society.</p> <p>Group Village Head (GVHs) act as referral authorities on village administration matters.</p> <p>Traditional Authorities (TAs) are the ultimate traditional leaders with powers to allocate land. They are only junior to paramount chiefs in some districts.</p> <p>The Customary Land Act 2016 has transferred the responsibility of allocating land to the Land Committees at every Group Village headman (GVH) level, chaired by the GVH. Chiefs exude authority in traditional communities and were consulted to provide security of the ROW and the irrigation scheme assets.</p> <p>To tap insights on resettlement issues and resolution strategies, address their fears and expectations and engage them in setting up grievance redress mechanism.</p>
Project Affected People (PAPs)	<p>To participate in the development of the RAP;</p> <p>To understand the RAP process in order to avoid or reduce complaints and grievances in future;</p> <p>To agree with and endorse the level and nature of compensation</p> <p>To surrender land for the Programme and to participate in the Programme developmental initiatives</p>	<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 convey the feelings, expectations, requirements, demands and grievances of communities to the District Council and Programme Developer.</p>	<p>NGOs and CBOs work with the communities to implement Programmes in various sectors. They have the experiences with resettlement and livelihood pathways for the communities in which they work. As much as</p>

Stakeholder type	Roles/contributions	Rationale for consultation
	To influence well-informed decision-making for the PAPs and the communities.	possible ideas from NGO/CBOs have been taken on board.

8.1.2 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, minimise or avoid the negative impacts and enhancement measures for positive impacts of the Programme, including proper use and protection of the irrigation infrastructure. The community were also sensitised on protection of livestock during construction and operation phase of the project.

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. People consulted are provided in Annex 2.

8.1.3 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 Mechanism (GM) 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 GM. 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 secondary canals.

Group formation: using existing groups or assisting PAPs to form groups provides institutional framework for participatory resettlement

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.

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 sensitise 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.

8.1.4 Site selection for resettlement

The canal infrastructure affects land and other assets. However, there will be no need for identifying a site for resettlement because all the affected people will compensate in cash and have alternative land parcels. The experience gained from phase one (Main Canal compensations) has also revealed that PAPs tend to relocate within the community.

8.2 RAP organisational 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 organisational 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.

8.2.1 Ministry of Agriculture

The Ministry of Agriculture (MoA), as the developer, has the overall responsibility of ensuring that Programme activities, including resettlement activities are implemented successfully. Therefore, the MoA 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 MoA should have strong leadership to foster cooperation with other agencies.

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

At the regional level, the Ministry of Lands, Housing, and Urban Development will assume responsibility for providing guidance and advice to both the Chikwawa District Council and the SVTP Implementation Unit regarding resettlement matters. This includes activities such as planning, site approval, and offering legal counsel in these areas. The minister will also oversee the process of land acquisition on behalf of the MoA.

8.2.3 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.

8.2.4 Shire Valley Transformation Programme Management Team

The Shire Valley Transformation Programme (SVTP) Project Management Team (PMT) is 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:

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

8.2.5 Resettlement Action Plan Implementation Agency.

This RAP will be implemented by PMT in collaboration with the District Council, just like the Main Canal RAP. The following activities shall be undertaken during the implementation. Conduct awareness and outreach meetings and report on lessons learnt and best practices;

- Submission of compensations schedule to PMT
- 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;
- Report on the options made available for PAPs to access economic opportunities, marketing and credit;
- Assist in the Grievance Redress process;
- Prepare the assignment completion report

The district council has capacity to collaborate with PMT to carry out RAP activities, and have the key experts who are capable of conducting this exercise..

Chikwawa District has demonstrated its capacity in implementing the Resettlement Action Plan (RAP), as evidenced by the successful implementation of phase one of the RAP. The district has gained valuable experience and knowledge in carrying out the necessary activities and processes involved in the resettlement and compensation of affected individuals and communities. This experience serves as a solid foundation for the effective implementation of future phases of the RAP in the district.

The district will receive assistance from the PMT to address any skill and experience gaps through capacity building initiatives. The PMT will provide support and training to enhance the district's capabilities in areas where there may be deficiencies.

8.2.6 The community

The community Grievance Mechanism Committees and Customary Land Committees (will be participating in the RAP preparation, identification of the PAP in the canal areas, data collection, disclosure of compensation values and resolution of all grievances that may arise during the RAP preparation period.

8.2.7 Payment of Compensation

Prior to implementation of the delivery of payments, the compensation schedule shall be disclosed to stakeholders and the PAPs 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.

Delivery of monetary compensation. Once the PAPs have agreed with the compensation packages and the finalised RAP is approved by the SVTP Team, 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.

8.2.8 In-kind compensation

No public or community structures were affected during the assessments for land acquisition in the areas where the three secondary canals will be installed. As such, there will be no in-kind compensations in the affected communities.

CHAPTER 9

GRIEVANCE MECHANISM REDRESS MECHANISM

Chikwawa District is currently piloting a harmonised grievance redress mechanism. Thus, ensure that all development programs are utilising the same grievance mechanism structures in a particular locality. A harmonised GRM aims for a negotiated agreement by consensus between the community and affected persons, as the first avenue to resolve grievances expressed by the people affected by the programmes. This is because the implementation of programmes is community driven and resolution at the earliest point possible is faster and more cost effective. Thus, the grievance redress process will initially be handled by the sub-project or programme committee in the community setting.

Since SVTP does not have a special sub-project committee, the GM committee at GVH level shall still act as the first point of contact for any project related grievances resolutions. In the event that the aggrieved party is not satisfied with the assistance or resolution at sub-project or programme committee level, the case will be escalated to a higher grievance redress committee at the village, area, district or national level. If the issue is not resolved up to the national level, then the case shall be referred to the court. In essence, the current SVTP arrangement is already in line with the harmonized system and therefore all current structures will be maintained.

9.1 Importance of grievance mechanisms

Mechanisms to redress grievances are a prerequisite for large infrastructure interventions where people's key economic productive assets are acquired for a public purpose. This has a likelihood of leaving the 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:

- that the aggrieved person is satisfied; and
- 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 mechanism is critical to effectively addressing any issues arising during the Programme implementation; and for Programme monitoring and evaluation. Grievance mechanisms (see Grievance Mechanism Checklist in Annex 5), if included in the Programme design, planning and management; help to realise 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.

9.2 The Aim of the grievance 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.

The key objectives of a grievance mechanism in a resettlement action plan typically include:

- a) Ensuring that affected individuals or communities have easy access to the mechanism and are aware of their rights to raise grievances or complaints.
- b) Establishing a transparent and accountable process that provides clear information on how grievances can be submitted, processed, and resolved.
- c) Ensuring that the mechanism operates in a fair and impartial manner, treating all parties involved with respect and without bias.
- d) Promoting a timely resolution of grievances, with clear timelines for acknowledgement, investigation, and response to complaints.
- e) Providing appropriate remedies and compensation to address the harm or losses suffered by affected individuals or communities, in line with relevant laws, regulations, and project commitments.
- f) Utilizing the mechanism to gather feedback, monitor trends, and identify systemic issues to improve future project planning and implementation.

In the implementation of the GM for this Programme, the procedures shall ensure the following:

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

9.3 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

Table 9-1. Types of grievances

Stage	Types of grievances (indicative)
RAP Implementation	<p>Wrong Bank accounts (learning from phase 1, some PAPs do present wrong bank accounts, ending up not receiving their compensation</p> <p>Family disagreements over received compensation. Some families do quarrel over compensation money and end up brining the issues to PMT</p> <p>Claims of inadequate compensation. Some PAPs will still come to present grievances of inadequate compensation, even after they were given chance to scrutinize the payment invoices and signing for the compensation to be received.</p>

9.4 Composition of Grievance Mechanism

A Grievance Mechanism (GM) has been set up to address various types of grievances, relocations, and entitlements associated with the Programme. The GM operates under the oversight of the SVTP Programme Management Team (PMT). It is led by the Social Safeguard Specialist and assisted by a Communication Officer, Environmental Safeguard Specialist, and Monitoring and Evaluation Specialist, all under the supervision of the Project Coordinator.

The composition of the grievance committee at the district and lower levels remains the same as used in phase one of the project. These committees play a crucial role in ensuring the effective functioning of the Grievance Mechanism and addressing grievances in a timely and appropriate manner.

To ensure effective functioning of the Grievance Redress Committees (GRCs), a member of staff from the District Commissioner's (DC's) Office is assigned to each committee as the secretary. The secretary is responsible for record-keeping and follow-up on cases for timely resolution. This support ensures that the committees run smoothly, and grievances are resolved in a timely and efficient manner.

The main responsibilities of the PMT in the GM include overall management of the GM, 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 GM, while the Communication Officer is responsible for building community capacity on handling grievances, accessing the Shire Valley Transformation Programme Grievance Mechanism and creating demand for the GM 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 Mechanism.

The PMT has operationalized the GM 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 GM 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 9-2](#).

Table 9-2 Proposed composition, roles and responsibilities of GRMCs

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
Community Grievance Redress Management Committee (CGRMC)	Group Village Headman/Woman	Representative from Village Development Committee (VDC) Representative from Child Protection Representative from Women’s Forum Representative from Community Based Organisation (CBO) Representative from Government – Extension worker (Secretary) Representative from Customary Land Committee (CLC) Representative from Community Policing Forum Representative from Youth Network Representative from Pastors Fraternal Group Village Head/ Traditional Authority Cooperative member Representative One influential person who is development oriented	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 CGRMC 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 CGRMC and ensuring that the grievances are addressed in a timely manner. Recording grievances in GRM project logbooks. Overall responsibility for communicating with the complainant regarding progress of the grievance resolution. Acts as SVTP CGRMC 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 CGRMC and the complainant, where required.

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
			Responsible for organising VGRC meetings.
Area Grievance Redress Committee (AGRC)	Traditional Authority Level	<p>Representative from Area Development Committee (ADC)</p> <p>Representative from Child Protection</p> <p>Representative from Women's Forum</p> <p>Representative from Community Based Organisation (CBO)</p> <p>Representative from Government - Agriculture Extension Development Coordinator (Secretary)</p> <p>Representative from Customary Land Tribunal (CLT)</p> <p>Representative from Community Policing Forum</p> <p>Representative from Youth Network</p> <p>Representative from Pastors Fraternal</p> <p>Traditional Authority/Paramount Chief</p> <p>Cooperative member</p> <p>Representative</p> <p>One influential person who is development oriented</p>	<p>Receiving and redressing grievances that have been referred to the Area Grievance Redress Committee by the CGRC</p> <p>Providing direction and advice to the CGMC committee on grievance redress procedures and practices</p> <p>Referring grievances that the committee cannot redress to the DGRC</p> <p>Acts as the voice of DGRC in communicating messages to the CGRC, in particular women through a female, youth and the vulnerable committee representatives.</p> <p>Overall responsibility for monitoring and reporting the Programme success and grievances to the DGRC and ensuring that the grievances are addressed in a timely manner.</p> <p>Responsible for documenting community meeting minutes, where required; including taking a register of the participants.</p> <p>Responsible for organising community meetings or meetings between DGRC and complainants, where required.</p> <p>Responsible for organising AGRC meetings</p>
District Grievance Redress Committee (DGRC)	District level	<p>Chair – Director of Planning and Development</p> <p>Co-Chair – Director of Administration</p> <p>Secretary – District Environmental officer</p>	<p>The District Commissioner's office acts as the main contact for SVTP GRMC in reporting and the coordination of grievances resolving.</p> <p>Acts as the Secretariat for the DGRC and as the second point of contact for SVTP GRMC.</p>

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
		District Gender officer Police representative Judiciary representative District Lands Officer Civil Society Organisation representative District Labour Officer District Social Welfare Officer District Community Development Officer Non-Governmental Organisation representative.	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	PMT – Secretariat Representative of the Ministry of Natural Resources and Climate Change. Representative of the Ministry of Civic Education and National Unity. Representative of Ministry of Gender, Children, Disability and Social Welfare Representative of the MoA Representatives and Ministry of Lands, Housing and Urban Development	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. Facilitating high level evaluation, monitoring and reporting on grievance management.

Grievance Redress Committee	Operational level	Members	Roles and Responsibilities
		Representative of the Ministry of Local Government and Rural Development	

9.5 Grievance redress procedures

This GM will cover grievances related to resettlement. Hence, stakeholders and the GM Committee members at all levels should understand that, under the Customary Land Act (CLA), there is a structure established to handle land conflicts consisting of 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 officers and all the committees have been trained and hence, are aware of this structure and its role in addressing land related grievances.

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:

- Community Grievance Redress Committee;
- Area Grievance Redress Committee;
- District Grievance Redress Committee;
- Central Grievance Redress Committee; and
- 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: Contact and Dialogue between the Aggrieved Party and the 'Respondent'.

Where possible, the first step in the GRM should be contact and dialogue to reach an amicable position before it is formally lodged with a GRC.

Step 2 – Lodging of grievances.

As a second step, all complaints and grievances relating to any aspect of the Programme are to be lodged to either the secretary of CGRC as receivers who will hear and try to resolve the grievance. The secretary analyses the grievance and advises the complainant on the way forward. If the grievance is addressed, there will be no further action. If the complaint is not addressed and it has been analysed that it is project related, it will be referred to the Community Grievance Redress Committee or Customary Land committee (Step 3).

Step 3 – Grievance redress at the Community Grievance Redress Committee Level

Complaints that are not resolved at Step 2 are referred to the Community Grievance Redress Committee (CGRC) which shall investigate and rule within 14 days. The CGRC shall record and maintain a 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 CGRC and addressed through consultations conducted in a transparent manner; and aimed at resolving matters

through consensus. Minutes of the CGRC meetings shall be kept and if the resolution proposed by the CGRC 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 4 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 Community Grievance Redress Committee (CGRC).

Obligations of the CGRC

During the first meeting of the committee, the members shall be introduced to the chairman 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 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 4 – 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 5 –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 6).

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 6 – 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 MoA. 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 7) 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 7 – 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.

9.6 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.

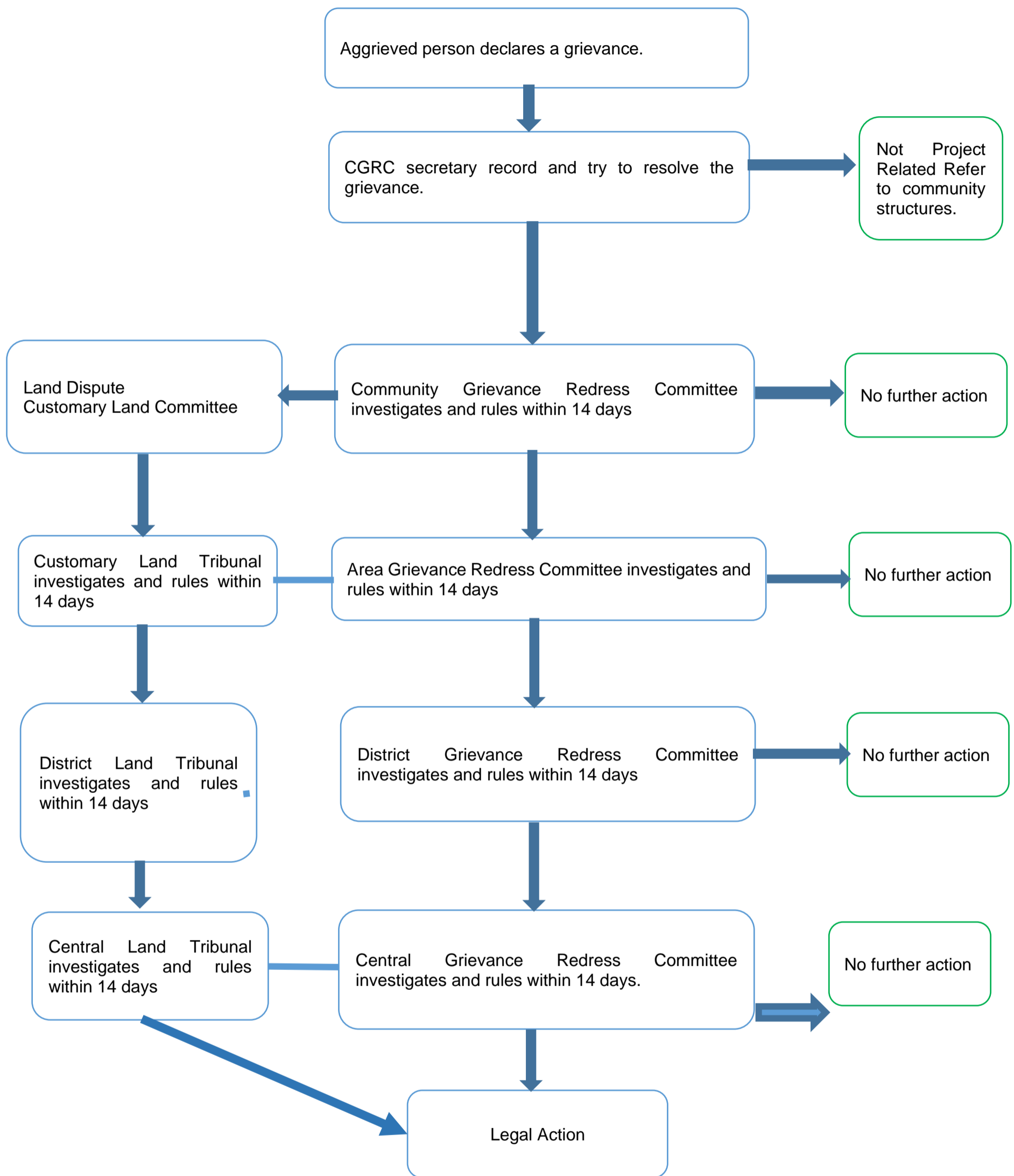


Figure 9-1 The Grievance Mechanism Process

9.7 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.

9.8 GRM Budget

All the committees in the area are already trained and are operational and may not require intensive training. A Budget, however will be allocated for refresher or review meetings to discuss the committees' operations. The estimated budget allocated for supporting the activities of GRM committees is MWK75,000,000.00 (approx. US\$43,687.66) as shown in Table 9-3.

Table 9-3: Estimated GRM Budget

Activity	Budget MK	Budget US\$
CGRMC	45,000,000.00	26,212.59
AGRC	10,000,000.00	5,825.02
DGRC	10,000,000.00	5,825.02
CGRC	10,000,000.00	5,825.02
Total	75,000,000.00	43,687.66

CHAPTER 10

BUDGET AND BUDGET ASSUMPTIONS

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

Table 10-1 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 31.

All the number of Project Affected Households that will lose land but will not be physically relocated and no structures will be affected. There are no PAPs that have been economically displaced such that there is no loss of structures, businesses, livelihoods, etc.).

Out of the total of 31 affected individuals, 12 are female and 19 are male. Among these, 14 are considered vulnerable, including the elderly (5), widows (1), individuals with disabilities (6), and high dependency (2)

Table 10-1 is a summary of budgets for the different assets assessed during the survey. Table 10-2 shows summary of cost of RAP implementation, GRM, and disclosure are covered in the various components of the project and the Project Management Team has budgeted for these costs accordingly.

Table 10-1: Summary of RAP Budget

Canal	Grand Total (MK)	Total in USD
SC01	8,637,538.96	5,031.38
SC01A	33,211,572.60	19,345.81
SC04	29,856,907.20	17,391.71
Sub Total	71,706,018.37	41,768.91
Contingency (20%)	14,341,203.67	8,353.78
Total	86,047,222.05	50,122.69

Exchange Rate: 1 US\$ = MK 1,716.732 as of April 2024 based on Reserve Bank of Malawi Selling rate

Table 10-2: Summary of the total budget

Summary	Total Amount (MWK)	Total Amount (US\$)
Cost of Resettlement Action Plan	86,047,222.05	50,122.69
Implementation cost of RAP	53,000,000.00	30,872.61
Cost of Monitoring and Evaluation	50,000,000.00	29,125.11
Cost of Grievance Mechanism	75,000,000.00	43,687.66
Grand Total	264,047,222.05	153,808.06

10.2 Budget assumptions and Limitations

- This budget does not include the livelihood restoration measures proposed in section
- The budget is for losses at pre construction stage only.
- The unit value for land per hectare is based on values in other similar projects and the project area as well.
- Crops have not been considered as it is assumed that the project will allow for time to harvest field crops.
- The exchange rate used is USD 1= MK1,716.732
- In-kind compensation values for structures are replacement values in existing state, where applicable. No structures have been affected in this RAP, hence no budget.
- The compensation rate for fruit trees has considered the duration from transplanting to fruit bearing age.
- Three fruit seedlings have been supplied for every fruit tree being lost and the cost of these seedlings have been included in the budget.
- A contingency of 20% has been included in the total compensation amount to account for the risk of grievances and changes of alignment due to engineering factors.
- The disturbance allowance of 20% and the vulnerability allowance of 10% are additional to the compensation values provided to each Project Affected Person (AP).

CHAPTER 11:

MONITORING, EVALUATION AND REPORTING

11.1 Need for monitoring and evaluation

Implementation of the RAP will require the engagement of multiple stakeholders including the Chikwawa District Commissioner's Office and the canal construction contractor. Therefore, there is need for a robust mechanism for tracking progress, highlighting bottlenecks and redressing the issues effectively and in a timely manner. It also requires the conduction of an evaluation at the end of the RAP implementation period to ascertain the extent of implementation or achievement against the originally set objectives; i.e. whether the project has restored to previous status or enhanced the livelihoods and living standards of the PAPs. For this reason, the Ministry of Agriculture (MoA) through the SVTP Technical Team will conduct internal/performance monitoring and an end/impact evaluation for the RAP. Where required, an independent audit may also be instituted as summarized hereafter.

11.2 Performance monitoring

Performance monitoring is an internal management function allowing the sponsor or the organizations responsible for resettlement to measure physical progress against milestones or key performance indicators (KPIs) established in the RAP (IFC, 2002). Progress is usually reported against a schedule of required actions (typically displayed through such devices as bar charts, Gantt charts, or MS Project tables) (IFC, 2002). Examples of performance milestones include:

- Public meetings held;
- Census, assets inventories, assessments, and socioeconomic studies completed;
- Grievance redress procedures in place and functioning;
- Compensation payments disbursed;
- Housing lots allocated;
- Housing and related infrastructure completed;
- Relocation of people completed;
- Income restoration and development activities initiated;
- Monitoring and evaluation reports submitted.

The SVTP Technical team will conduct performance monitoring of the RAP.

11.3 Impact Monitoring

Impact monitoring gauges the effectiveness of the RAP and its implementation in meeting the needs of the affected population (IFC, 2002). Impact monitoring will be done by the Project Resettlement function of the SVTP with the support of an independent external agency (a consultant). The purpose of impact monitoring will be to provide the MoA with an assessment of the effects of resettlement, to verify internal

performance monitoring, and to identify adjustments in the implementation of the RAP as required. Where feasible, affected people shall be included in the measurement of baseline indicators.

11.4 Completion Audit

The financier may require Government to undertake a completion audit through an independent third party to assess whether the outcome of the RAP complies with the involuntary resettlement policy. The key objective of this external evaluation, or completion audit, is to determine whether GoM's efforts to restore the living standards of the affected population have been properly conceived and executed. Thus, the audit shall verify that all physical inputs committed in the RAP have been delivered and all services provided. In addition, the audit shall evaluate whether the mitigation actions prescribed in the RAP have had the desired effect. The socioeconomic status of the affected population, including the host population, shall be measured against the baseline conditions of the population before displacement, (as established through the census and socioeconomic studies.

11.4.1 Monitoring Indicators

Indicators and targets will be established for the project as a whole, in consultation with representatives of the affected communities and other key stakeholders. Indicators are usually grouped into the following categories:

- **Input indicators** – measure the resources (financial, physical and human) allocated for the attainment of the resettlement objectives, such as livelihood restoration goals.
- **Output indicators** – measure the services/goods and activities produced by the inputs. Examples include compensation disbursements for acquired assets.
- **Outcome indicators** – measure the extent to which the outputs are accessible and used, as well as how they are used. They also measure levels of satisfaction with services and activities produced by the inputs. Examples include the ways in which recipients use compensation. Although not measures of livelihood restoration in themselves, they are key determinants of well-being.
- **Impact indicators** – measure the key dimensions of impacts to establish whether the goals of the Resettlement Plan have been achieved. Examples are restoration and diversification of income levels and the sustainability of income-generating activities, as dimensions of livelihood restoration and well-being.
- **Process indicators** – measure and assess implementation processes. Examples are the functioning of liaison/participation structures, the levels of representation of different social categories/interest groups, and the processes by which conflicts, and disputes are resolved.

Table11 -1: Indicators and Variables to be monitored and timelines.

Indicator	Variables	Timeline (Months)	Frequency
Resettlement Action planning	Update of PAP census after final engineering design	1	Once
	RAP updating (Updating database of affected PAPs)	Throughout	Monthly

Indicator	Variables	Timeline (Months)	Frequency
	Disclosure of RAP to PAPs and other stakeholders	1	Quarterly
	Receive WB clearance for updated RAP		
Land acquisitions	Approval of RAP by minister of Lands, housing and Urban development	1	Once
Compensation	Compensation for PAP's relocation cost paid prior to displacement	Throughout	Monthly
	Special allowances for vulnerable PAPs provided prior to displacement	Throughout	Monthly
	Other assistance to PAPs provided prior to displacement (Transport allowances)	Throughout	Monthly
		1	Once
		Throughout	Monthly
		Throughout	Monthly
Grievance Redress	Grievance Redress Mechanism established and functional	1	Once
	Level of awareness among PAPs and other stakeholders on GRM, its location, reporting procedures, timeframe for grievance resolution	Throughout	Monthly
Impact Mitigation	Environmental & Social Management Plan (ESMP) prepared and included in contractors' work agreement.	1	Once
	Social and environmental safeguards officers are appointed by the contractor and Project Managers.	Throughout	Yearly
	Fruit seedlings are procured and distributed in good time.	Throughout	Annually
	Number of seedlings that survived the first rains.	Throughout	Yearly
	Implementation of ESMP is regularly monitored by the District Environmental Officer.	Throughout	Quarterly
	Unforeseen impacts are effectively addressed	Throughout	As need arise
	Assessment of social services in the host areas.	Throughout	Monthly
Institutional arrangements	Institutional arrangements for RAP implementation and monitoring are established.	Throughout	Quarterly
Management	Number of implementing agencies by function	Throughout	Quarterly
	Number of GOM ministry officials available by function	Throughout	Monthly

Indicator	Variables	Timeline (Months)	Frequency
	Effectiveness of compensation delivery system	Throughout	Quarterly
	Number of land transfers effected	Throughout	Monthly

11.4.2 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 MoA through the SVTP Technical Team comprising staff with expertise in the following areas:

- Environment and social performance
- Programme planning & development.
- Monitoring and evaluation
- Communication and outreach
- Land acquisition and resettlement

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

- Monthly meetings on a specified date, with all stakeholders (DC's Office, 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;
- Fortnightly meetings with the Chikwawa District Authorities on the issues to be addressed to enable timely completion of planned activities; and
- Joint visits to Programme sites to enable on-site assessment of progress achieved.

11.4.3 Reporting

The monitoring team will take minutes of the monthly and fortnightly meetings for internal monitoring. The minutes will be kept as part of the Programme files and 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.

11.5 RAP implementation end evaluation

MoA will carry out a RAP implementation evaluation 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 a budget shall be drawn up. The RAP implementation end evaluation will draw upon information gathered from routine monitoring, supplemented by information from surveys/ studies, including the 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:

- 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.
- Conducting specific case studies to enable deeper appreciation of the mitigation measures.
- Conducting assessments on the levels of satisfaction towards implementation arrangements, grievances resolution and performance of stakeholder/partner institutions.

11.6 External Monitoring

External monitoring during a resettlement action plan involves the involvement of independent third-party entities or individuals to oversee and assess the implementation of the plan. This will be done at the end of each RAP so that subsequent RAPs may benefit from the experiences of the other RAP implementation. The purpose of external monitoring is to ensure transparency, accountability, and compliance with the agreed-upon standards, regulations, and safeguards throughout the resettlement process. The key aspects of external monitoring during a resettlement action plan may include:

- Independent oversight: external monitors are independent from the project and have no vested interest in the outcomes. They are appointed to provide unbiased assessments and evaluations of the resettlement activities.
- Compliance verification: external monitors verify whether the resettlement action plan is being implemented according to the agreed-upon guidelines, legal requirements, and project commitments. They assess if the actions taken are in line with the principles of fairness, equity, and the protection of human rights.
- Impact assessment: monitors assess the actual impacts of the resettlement on affected individuals or communities, including their social, economic, and cultural well-being. They evaluate whether the planned mitigation measures are effectively addressing the negative consequences of the resettlement.
- Grievance mechanism: external monitors ensure that an effective grievance redress mechanism is in place and accessible to affected individuals or communities. They review the process and outcomes of grievance handling, ensuring that grievances are adequately addressed and resolved in a fair and timely manner.
- Reporting and recommendations: monitors provide regular reports on their findings, observations, and recommendations to the relevant stakeholders, including project authorities, funding agencies, and affected communities. These reports contribute to transparency, accountability, and improvement of future resettlement processes.

The SVTP should engage the services of an external monitoring entity for the implementation of phase 1 of the resettlement action plan. This step aims to bolster the credibility and integrity of the process, protect the rights and well-being of affected individuals or communities, and ensure adherence to established standards and

regulations. By involving an independent monitoring entity, the SVTP can enhance transparency, accountability, and the overall effectiveness of the resettlement efforts.

11.7 Monitoring Budget

The budget for monitoring and evaluation has been estimated taking into consideration the experience gained from phase one and prevailing market prices.

11.7.1 Internal monitoring budget

Internal monitoring budget will be covered in the RAP implementation budget.

11.7.2 External monitoring budget

The external monitoring budget is estimated at MWK50,000,000.00 (approximately, US\$42,362.29) as shown in Table 11-2.

Table 11-2 estimated budget for external monitoring of RAP implementation

Activities	Budget (MK)	Budget (US\$)
Independent oversight	20,000,000.00	16,944.92
Compliance verification	5,000,000.00	4,236.23
Impact assessment	10,000,000.00	8,472.46
Grievance redress mechanism	10,000,000.00	8,472.46
Reporting	5,000,000.00	4,236.23
Total	50,000,000.00	42,362.29

CHAPTER 12

RAP IMPLEMENTATION SCHEDULE

The SVTP is ready to implement the resettlement plan and construction of the secondary canals from 2024. To mitigate against unforeseen challenges including failure to surrender land or land occupation by people not included in the RAP, implementers should:

- Undertake comprehensive publicity and awareness creation on ownership of alignment by government and continued community support towards the development.
- Gazette the official RAP cut-off date of 28th August 2023 (as the end of inventory date). During RAP preparation, the RAP Team informed PAPs of their options and rights. In this case, PAPs have opted to receive cash compensation for the loss of land and assets. In line with World Bank OP 4.12 and AfDB Operational safeguard 2:
 - the project has put in place a mechanism to ensure that compensation is paid to individual PAPs and spouses;

12.1 Key implementation activities

Key activities in the RAP implementation are categorised in stages as follows: prior to commencement of compensation and other payments;

- prior to commencement of civil works; and
- Finalization of RAP implementation.

12.1.1 Activities to be completed prior to commencement of compensation payment

- i. Operationalization of the grievance redress mechanisms: The proposed GRMs should be operationalized following provision of: a) TORs for the committee at each level and b) commensurate training and resources to enable effective functioning. The affected areas, however already have operational Grievance Committees.
- ii. Disclosure of the RAP: Following clearance of the Draft RAP by the World Bank and approval by the Malawi Ministry of Lands, the RAP will be disclosed by the client (MoA) in the Programme areas for any feedback from key stakeholders. A Public consultation-cum- disclosure workshop should be conducted at a location in the Programme area, to launch the RAP implementation. The workshop will involve representatives from the client and the PAPs (including the local leaders), other stakeholders/partner agencies and district council officials. The objective of the workshop will be to:
 - Create awareness on the overall features of the Programme
 - Disclose contents of the RAP, particularly with respect to applicable entitlements and processes; and
 - Provide information on mechanisms and processes for sensitization, participation and consultation; and grievance redress.
- iii. Record any changes to compensation options e.g. if any PAPs that are likely to lose main dwelling structures indicate change to their previous option; e.g.

- prefer cash rather than replacement house as chosen earlier, it shall be duly recorded and conveyed to MoA. 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 will be updated to reflect the changes.
- iv. 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.
 - v. Opening of bank accounts for PAPs: PMT in collaboration with other stakeholders 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 organised by PMT.
 - vii. Updating and finalisation of RAP database: All information regarding PAPs' asset details, household level details and changes to preferences will be updated for submission to MoA; and thereafter to the DC's Office and Construction Contractor for Replacement House Structures where that will be applicable.

12.1.2 Activities to be completed prior to commencement of civil works

Payment of compensation and vacating of land: In accordance with the current arrangement in phase one, the district will cooperate with the PMT to facilitate the payment of compensation. The PMT will assist and provide support to ensure the effective and efficient execution of the compensation process. The PMT will be responsible for making compensation payments to each PAP based on the respective amounts due. Payments will be made through direct bank transfers upon presentation of the PAP's identification card (ID) or a government-issued ID card.

12.1.3 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.

- iii. **Internal monitoring:** Internal monitoring by the MoA, through the SVTP Technical Team, will commence soon after the RAP approval. This should specifically record: Programme inputs, including readiness of institutions such as GRCs and other stakeholders, Programme outputs, including number of persons affected and compensated as well as replacement housing provided; and overall physical and financial progress report; assessing readiness with respect to site handing over and commencement of construction.

The above should 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 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 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.

12.1.4 Timelines for the implementation activities

All activities related to capacity building, training and awareness raising for key stakeholders including district staff for RAP implementation will be conducted prior to commencement of any RAP activities. Tables 12-1 and 12-2 detail the tentative timelines for implementing the RAP activities.

Table 12-1 Tentative dates and durations for implementing RAP activities

No	Activities under the implementation plan	Duration for activity implementation
1	RAP approval and public disclosure-cum-launch workshop	15 days
2	Capacity building, training and awareness raising for key stakeholders, including district staff.	4 Days
3	Disclosure of the RAP to PAPs	5 Days
4	Operationalization of Grievance Redress Mechanisms	Continuous
5	Finalisation of Contracts with Support Agencies for RAP Implementation	5 Days
6	Holding GVH level and Area level meetings to counsel/train the PAPs	5 Days
7	Undertaking Financial Literacy Awareness Programs and all the related additional activities under the programs, including opening of Bank Accounts for PAPs	2 weeks
8	Updating and finalisation of RAP database	3 weeks
9	Preparation of PAP training Report (training to include community sensitizations on RAP implementation and financial literacy awareness programs)	5 Days
10	Internal monitoring by the SVTP Technical Team	4 months
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
12	Payment of Compensation and Vacation of Land	2 months
13	Handover of site for construction	1 day
14	Start of civil work for secondary canals	
15	Dismantling of structures and relocation of PAPs to new location	3 months
16	Implementation end evaluation	1 month
17	Workshop for review of the RAP implementation	2 days
18	Preparation of a Consolidated Implementation Completion Report	2 weeks

Table 12-2 Tentative dates and durations for implementing RAP Activities

SN	Activities under the implementation plan	Oct	May
1	RAP approval and public disclosure/launch workshop		
3	Disclosure of the RAP		
4	Operationalization of Grievance Redress Mechanisms		
6	GVH and Area level meetings to counsel/ train the PAPs		
8	Update and finalise the RAP database		
9	Prepare and submit PAP sensitisation Report		
10	Internal monitoring by the SVTP Technical Team		
12	Payment of Compensation and Vacation of Land		
13	Handover of site for construction		
16	Implementation end evaluation		
17	Workshop for review of the RAP implementation		
18	Preparation of a Consolidated Implementation Completion Report		

12.2 RAP Implementation Budget

The RAP implementation budget is estimated at MWK456,000,000.00 (approx. US\$ 386,344.09) (Table 12-3).

Table 12-3 RAP Implementation Budget

SN	Activities under the implementation plan	Duration	Budget MK	Budget US\$
1	RAP approval and public disclosure-cum-launch workshop	5 days	5,000,000.00	
2	Disclosure of the RAP to PAPs	5 Days	3,000,000.00	
3	Operationalization of Grievance Redress Mechanisms	Continuous	5,000,000.00	
4	Holding GVH level and Area level meetings to counsel/train the PAPs	5 Days	5,000,000.00	
5	Update and finalize RAP database	1 weeks	3,000,000.00	
6	Internal monitoring by the SVTP Technical Team	4 months	8,000,000.00	
7	Payment of Compensation and Vacation of Land	2 months	8,000,000.00	
8	Conduct end of RAP evaluation	1 month	4,000,000.00	
9	Workshop for review of the RAP implementation	2 days	12,000,000.00	
TOTAL			53,000,000.00	

CHAPTER 13

CONCLUSION

13.1 CONCLUSION

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

- a) The RAP is for the proposed construction of 3 secondary canals, under the First Phase of the Shire Valley Transformation Program (SVTP-I) in Chikwawa District. The Programme will be implemented in four Traditional Authority Kasisi,
- b) The RAP will be implemented and financed by the Government of Malawi through the Ministry of Local Government and the World Bank.
- c) According to findings from field investigations, public consultations and household surveys conducted in the Programme area from 24th July 2023 to 28th August 2023 and intermittently during the Programme; the proposed construction of the secondary canals for the SVTP-I will generate the following potential impacts of relocation and economic loss (within the 20m wayleave of the proposed canals):
 - A total of 31 PAPs will be affected (through loss of land or property)
 - An estimated total of 4.6 ha of customary land will be permanently acquired for the project. 3,013 natural trees and 32 fruit trees are also 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 for ensuring adherence are included 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.
 - All PAPs including those without recognizable legal right or claim to land they are occupying, are eligible for compensation or other assistance, commensurate with the nature and extent of the impact. This aligns with the principles of international best practice policies, specifically adhering to the environmental and social policy as well as the performance requirements outlined in the World Bank's (OP/BP4.12) - Involuntary Resettlement.
- d) Community participation and stakeholder engagement; using consultative and participatory meetings, interviews and discussions; as well as administration of questionnaires have been carried out, and over 90% of the PAPs have been personally informed about the proposed Programme. Generally, the locals are excited about the proposed irrigation Project in expectation of improved agricultural development particularly, food security and income generation.
- e) Stakeholders including the PAPs have resolved to institute a grievance mechanism (GM) under the Social Safeguard Specialist in the PMT, to be responsible for operationalization of the GM through the following proposed GRM Committees:

- Village Grievance Redress Committee (VGRC) 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
 - MoA (Project Management Team) to operate at National Level
- f) Implementation Unit, in close coordination with existing organisational 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.
- g) A total budget of MK86,047,222.05 (US\$50,122.69) 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;
- h) Implementation of this RAP must prioritize 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.
- i) 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, 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 are also well covered in the Environmental and Social Impact Assessment report prepared separately for the Programme.
- j) To ensure the success of the RAP, ongoing monitoring and evaluation will be essential to verify the implementation of the recommended actions. Equally important is the continuous monitoring of the Grievance Redress process, aimed at minimizing dissatisfaction among the PAPs and community members with regard to the RAP process. This proactive approach will enable the timely resolution of any emerging issues, fostering trust-building within both the PAPs and the community as a whole.

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ANNEXES

Annex 1: List of vulnerable PAPs

PAPCODE	PAP Name	Female headed	Chronically ill	Elderly	Widow	Disability	HIV
SC1-001	Joseph Banda			X			
SC1-002	Shelifa Ching'ang'a					X	X
SC1A-003	Nairon Msesa			X		X	X
SC1A-005	Friday Nylon					X	
SC1A-006	Zione Nylon	X				X	
SC1A-008	Melita Luciano	X			X		
SC1A-009	Luka Nairon						X
SC1A-010	Enifa Chabvala						X
SC4-001	Lucius Tembo					X	
SC4-002	Robert Chibisa			X			
SC4-003	George Watson						X
SC4-010	Ellen Kusowa	X			X		
SC4-011	Alfred Aliseti Tizola			X			

Annex 3 List of female PAPs

PAP CODE	PAP Name	Sex	National ID Number	GVH	Traditional Authority
SC1A-008	Melita Luciano	Female	PZVD59HZ	Njereza	Kasisi
SC1A-007	Silveria Brazala	Female	GWQ88NHZ	Njereza	Kasisi
SC1A-006	Zione Nailoni	Female	R5EVFT45	Njereza	Kasisi
SC1A-011	Joyce Msungama	Female	KT52RYM4	Njereza	Kasisi
SC1A-010	Enifa Chabvala	Female	K74KKGW	Njereza	Kasisi
SC4-006	Egile Chatepa	Female	P3ZT2WN9	Nyamphota	Katunga
SC4-008	Solomon Zuze	Female	NJ9M5SZV	Nyamphota	Katunga
SC4-005B	Doreen Happy Madanitsa	Female	N8X57HG1	Chinangwa	Katunga
SC4-010	Ellen Kusowa	Female	V2DS68KG	Nyamphota	Katunga
SC4-005A	Thomson Phingo	Female		Singano	Ndakwera
SC4-005	Magret Frank	Female		Singano	Ndakwera
SC4-012	Mercy Edson	Female	K71K9AX5	Singano	Ndakwera

Annex 4: Check list of grievance mechanism

Project District & Canal (Secondary or main Canal)		
Main Canal (Y/N)		Secondary Canal (No)
	Date	
No	Grievance No.	
1	GRM level (select as appropriate)	Community Grievance Redress Committee Area Grievance Redress Committee District Grievance Redress Committee National Grievance Redress Committee
2	Name of the GRC (Name as appropriate)	
3	Person Recording Grievance/Feedback	
3.1	Name of Person	
3.2	Position in GRC	
3.3	Phone Number	
4	Person reporting grievance/feedback	
4.1	Name of Person	
4.2	Aggrieved or Representative?	
4.3	Role in the project Activities	
4.4	Phone Number	
5.	Description of Concern, Incident or Grievance	What is your concern/grievance/what happened? Where did it happen? Who did it happen to? What is the result of the problem?
6	Initial Assessment of the Case	Accepted and to be handled by GRC Referred to police/Court, others Rejected, lacks credibility/substance

Annex 5: Check list of grievance dress form

Reference No:	
Name of GRC	
TA	
District	
Main Canal (Y/N)	
If Secondary Canal (No)	
Full Name	
Description of Concern, Incident or Grievance:	
Description of Actions Taken to Resolve the Grievance	
Date of Submission of Grievance	
Date of Communication of Solution to Grievance	
Has the grievance been resolved (Yes/No)	
Name of a person Handling the grievance	
Date:	
Signature	

Mr Bamusi Tsatakwawa vs Winford Kapinda.

Mr. Bamusi Tsatakwawa lodged a complaint with the Customary Land Committee (CLC) of GVH Chikhambi, alleging that Mr. Winford Kapinda (PAP CODE SC1-022) had encroached on his designated land parcel during the asset inventory assessment. Following deliberations, the committee concurred with Mr. Bamusi's claim and promptly communicated the issue to the project authorities. Subsequently, the assessment team conducted a fresh evaluation, ultimately resolving the matter by assigning Mr. Bamusi the PAP CODE SC1-122.