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Ministry of Finance, Economic Planning and Development.

Malawi Floods Emergency Recovery Project

Project ID P154 803

RESETTLEMENT POLICY FRAMEWORK

The Secretary to Treasury, Ministry of Finance, Economic Planning and Development, Capital Hill P.O. Box 30049 Lilongwe 3 <u>Malawi.</u>



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List of Selected Acronyms

ADC	Area Development Committee
ARAP	Abbreviated Resettlement Action Plan
ASWAP	Agriculture Sector Wide Approach
DC	District Commissioner
DEC	District Executive Committee
DFO	District Forestry Officer
DoDMA	Department of Disaster Management Affairs
ha	hectare
HIV	Human Immune Defiency Sydrome Virus
IDA	International Development Association
IRLAD	Irrigation Rural Livelihoods Agricultural Development Project
MASAF	Malawi Social Action Fund
MFED	Ministry of Finance, Economic Planning and Development
MFERP	Malawi Floods Emergency Recovery Project
MGDS	Malawi Growth and Development Strategy.
MK	Malawi Kwacha
mm	millimetre.
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
MOEST	Ministry of Education, Science and Technology
MOH	Ministry of Health
MoLGRD	Ministry of Local Government and Rural Development
MoTPW	Ministry of Transport and Public Works
NAC	National Aids Commission.
NGO	Non – governmental organization.
PDNA	Post Disaster Needs Assessment
PIU	Project Implementation Unit
PSC	Project Steering Committee
RPF	Resettlement Policy Framework.
SGR	Strategic Grain Reserve
WFP	World Food Programme
WUA	Water Users Association

Definition of selected terms used in the document.

- **Census**: means a field survey carried out to identify and determined the number of project affected persons or displaced persons in accordance with procedures including criteria for eligibility for compensation.
- **Compensation:** means the payment in kind, cash or other assets given in exchange for the taking of land or impact on assets including fixed assets and livelihoods thereon, in whole or in part.
- Cut off date: means date of completion of the census of project affected people within the project area boundaries.
- **Displaced persons**: means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project result in direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons physically relocate.:
- **Involuntary Resettlement**: means the involuntary taking of land or assets resulting in direct or indirect economic and social impacts caused by: loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the displaced person (s) has moved to another location.
- Involuntary Land Acquisition: means the taking of land by government or other government agencies for compensation for purposes of a public project against the will of the landowner in exchange of compensation. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested legal and/or customary rights.
- Land: refers to agricultural and non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
- Land acquisition: means the taking of or alienation of land, buildings or other assets thereon for purposes of a Project.
- Rehabilitation Assistance: means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels, or at least maintain them at preproject levels.
- **Project affected person(s)** means person(s) who are in some way impacted as a result of project activities. This can include acquisition of land or other assets, or impacts on assets, including livelihood activities.
- **Replacement cost:** means replacement of assets with an amount sufficient to replace lost assets and cover related transaction costs. In terms of land, this may be categorized as follows.
- **Replacement cost for land:** means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land; and any registration and transfer taxes;
- Replacement cost for houses and other structures: means the prevailing cost of replacing affected structures, in an area and quality similar to or better than that of the affected structures. Such costs shall also include transporting building materials to the construction site; labor and contractors' fees; and registration costs.

• Voluntary Land Contribution: means a process by which an individual or communal owner agree to provide land for project-related activities. Voluntary contribution is an act of informed consent, made with prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress. Voluntary Land Contribution may be of two types. These are voluntary land contribution for compensation and voluntary land contribution without compensation.

EXECUTIVE SUMMARY.

This document serves as a Resettlement Framework for Malawi Floods Emergency Recovery Project. The proponent is Government of Republic of Malawi. Government is seeking the financial support of US\$80.00 million from the International Development Association of the World Bank Group for the project. The aim of the project to provide immediate support to the affected populations in restoring their livelihoods, as well as rehabilitating critical infrastructure essential for the restoration of public service delivery and sustainable economic recovery in the flood-affected areas. In addition, the project will also seek to increase the institutional capacity of the Government's post-disaster recovery system and promote long-term. The proposed period of the project is 4 years, from 2015 to 2018.

The project will finance key recovery interventions in 15 flood affected districts in Malawi and these are: Karonga, Rumphi, Nsanje, Chikwawa, Blantyre, Chiradzulu, Thyolo, Dedza, Ntcheu, Mangochi, Zomba, Phalombe, Mulanje, Thyolo and Machinga. Focus areas of interventions include restoration of agricultural livelihoods, enhanced food security, resilient reconstruction of critical public infrastructure roads, bridges, schools and health facilities. The selection of interventions and the corresponding resource allocation under the project have been based on prioritization of the most critical needs identified in the recent post disaster needs assessment.

2.0 RATIONALE FOR THE MALAWI FLOODS EMERGENCY RECOVERY PROJECT.

The rationale of the project is to alleviate the suffering of flood affected segments of society and contribute to immediate household needs (cash transfer and food for work) through labor-intensive social protection interventions/ public works programmes. In addition, the project will support emergency re-construction and recovery of critical public infrastructure (damaged roads, schools and health facilities, irrigation facilities, water supply schemes) in order to enhance restoration of livelihood systems in the 15 flood - affected districts.

3.0 SUMMARY OF PROJECT ACTIVITIES.

The project has four components, and each component has sub-components which focus on specific areas of recovery of the programme. An outline of the components and sub-components is as follows:

Component 1: Livelihoods Restoration and Food Security: This component will support rehabilitation of community infrastructure through labour intensive public works programmes. Labour intensive activities will create jobs and provide immediate assistance for livelihood-supporting and income-generating activities. The component will support beneficiaries in meeting household income and basic needs. The other sub-component is Restocking of the Strategic Grain Reserves .The component will support the procurement of more maize – about 40,000 metric tonnes - for the grain reserve. The procured maize will support flood affected households (estimated 300,000 to 400,000 households) who would be in need of food assistance for part or all of next year.

Component 2: Infrastructure Rehabilitation and Reconstruction of public infrastructure. This component will cover rehabilitation of damaged roads, bridges, schools, health centers, irrigation schemes and water facilities in the 15 flood affected districts.

Component 3: Promotion of Disaster Resilience. One component is Institutional Strengthening of Department of Disaster Management Affairs: It will provide technical assistance to strengthen the institutional set-up and operational capacities of Department of Disaster Management Affairs for postdisaster response and recovery. Activities will include: (a) improving data preparedness and capacity development for post-disaster needs assessment; (b) strengthening recovery planning and implementation; (c) developing community mapping and improve land use planning; (d) enhancing disaster response systems; and (e) carrying out a study to assess the viability of railways rehabilitation.

The other sub-component is Multi-sector Design of Disaster Resilient Infrastructure. This subcomponent will provide technical assistance to different departments and ministries for the development and institutionalization of disaster and climate-resilient design standards for infrastructure construction in the future. This could include the design of roads, drainage infrastructure and public buildings, such as schools, health centers and government offices.

Component 4: Program Management. This component will finance the following activities: (a) incremental operating costs of the Project Implementation Unit ; (b) technical designs for the reconstruction and rehabilitation of infrastructure included under various Project components; (c) supervision quality control and contract management of reconstruction and rehabilitation sub-projects; and (d) audit, studies and assessments required under various Project components.

4.0 PROJECT APPRAISAL UNDER WORLD BANK SAFEGUARDS POLICIES.

Initial evaluation of Malawi Floods Emergency Recovery Project under World Bank Safeguards Policies, has indicated implications on some negative environmental and social impacts, and the project has been rated under category B of Operational Policy 4:01 (Environmental Assessment). Other safeguards policies triggered are: Operational Policy 4:04 (Natural Habitats), Operational Policy 4:11 (Physical Cultural Properties) and Operational Policy 4.12 (Involuntary Resettlement). The appraisal under category B of Operational Policy 4:01 (Environmental Assessment) entails that potential environmental and social impacts would have moderate significance in the environs, and there is need of environmental management plans to address the impacts

5.0 POTENTIAL NEGATIVE SOCIAL AND ECONOMIC IMPACTS.

Civil works will be many, and will vary in size and locality of the activity. Some new project activities may require land acquisitions, and these include rehabilitation and re-construction of health centre and new school blocks in new safer sites in Chikwawa and Nsanje Districts. Land acquisition for these new facilities will entail changes in land tenure and access within the community's settings.

Typical socio - economic impacts from land acquisition for sub – project would include the following: loss of land and houses, loss of business properties and opportunities, loss of crops, loss of household trees, loss of household fruit trees, loss access to natural resources, conflicts over land use and ownership, disruption of footpaths/pathways/roads for public and livestock, loss of communities facilities such as churches, grazing land and open spaces.

In general, the number of project affected people in implementation of most sub-projects will be low. This is because most of the sub-projects will involve site specific rehabilitation/ re-construction of public infrastructure (damaged sections of roads, water supply schemes, damaged irrigation schemes, damaged school blocks). The scale of project affected people in those sub-projects (which may affect land and other tyupes of properties) may be below 10 households. However, one exceptional sub-project which may affect more project affected people (about 300 - 350 local households) would be the upgrading of East Bank Road in Chikwawa and Nsanje Districts. This road is about 68 kilometres. Road improvement works will include upgrading the existing road to bitumen standards, widening and construction of several new bridges. Properties for about 300 -350 households (not newly resettled people due to the disaster, but rather normal households long time naturally settled within the new right-of way of the selected road section may/ will be affected, and these would include buildings, trees and gardens along the current narrow road. Given the width of the existing wayleaves, and the fact that these are free of any activity, in principle, no physical displacement of households is expected;

nevertheless, in the likelihood that such encroachment occurs prior to/during project implementation, Government of Malawi has developed this RPF to guide on the preparation of site-specific Resettlement/ Compensation Action Plans to address and compensate potential PAPs for their potential losses.

Measures will be put in place in order to systematically address potential risks from social and economic negative impacts. Measures will include: minimising location within high density populated areas, payment of necessary compensations on all type of loses based on open market values, and also providing adequate resettlement assistance to all categories of project affected persons prior to commencement of the project activities.

6.0 RATIONALE FOR RESETTLEMENT POLICY FRAMEWORK FOR THE PROJECT

The purpose of the Resettlement Policy Framework (RFP) is to guide in addressing land acquisition and associated compensation requirements for some sub-projects to be funded from Malawi Floods Emergency Recovery Project. Construction of new schools blocks and health centres in safer sites would certainly require formal land acquisition. Land acquisitions may cause loss of important assets and negative impacts in livelihoods to local people.

7.0 AIM AND OBJECTIVES OF RESETTLEMENT POLICY FRAMEWORK.

The aim of Resettlement Policy Framework is to synchronise resettlement planning in implementation of projects to be funded from the Malawi Floods Emergency Recovery Project. Specific objectives are as follows:

- (a) To outline steps in resettlement screening of projects and how to incorporate in appraisal system of the projects.
- (b) To outline the process of preparation of Resettlement Action Plan.
- (c) To identify process to monitor and evaluate resettlement process and project impacts.
- (d) To describe potential socio-economic impacts from resettlement.
- (e) To outline policies to govern resettlement in implementation of the projects.
- (f) To describe policy and legal framework on land acquisition and resettlement.
- (g) To describe eligibility criteria for compensations to various categories of affected people.
- (h) To describe methods of valuing affected assets for purpose of compensations.
- (i) To outline institutional arrangement in implementation of resettlement.

8.0 INSTITUTIONAL FRAMEWORK ON RESETTLEMENT ACTIVITIES.

Resettlement and compensations activities are responsibilities of the Ministry of Lands and Housing, District Commissioner, Traditional Authorities (T/A) and village head men as stipulated within various government policies and laws such as Land Acquisition Act, The Chiefs Act and Malawi National Land Policy.

However, today because of the multi – dimensional nature of resettlement activities, successful implementation of resettlement depend on collaboration of different stakeholders, at district level and national level. Key central government ministries will be: The Ministry of Lands, Housing and Urban Development, Ministry of Local Government and Rural Development. The local authorities will coordinate implementation of Resettlement Action Plans and considerations of resettlement issues within the micro project implementation processes. Specific tasks will include screening and appraisal of the projects on resettlement issues before funding of the projects. In addition, local authorities will monitor and provide necessary technical assistance to management of resettlement activities to be done by the communities.

9.0 GRIEVANCE REDRESS MECHANISMS ON RESETTLEMENT ACTIVITIES.

Resettlement of people generates a number challenges and complaints especially to those affected people moved from one place to another. Examples of complaints include: objections to use of someone's land, encroachment on private land, theft of properties and marginalization in distribution of material assistance. And examples of grievances: include dissatisfaction with amount of compensation and dissatisfaction with size and nature of land replacement.

Negotiation and agreement by consensus between the college/implementing agency and affected persons will provide the first avenue to iron out and resolve grievances expressed by the individuals on resettlement issues. This is because the implementation of projects will be community driven, and in addition, the operations of the infrastructure will community owned. Nevertheless local council will facilitate the communities to address all resettlement related grievances during the identification and appraisal of sites. In this context, proper channels of grievance redress mechanisms will be put in place, and the project affected people sensitized to make use of them. These channels will be in line with norms and culture of the communities as well as laws of the country. The process of grievance redress mechanisms will initially be handled by informal courts handled by traditional leaders (village headmen, traditional authorities) which operate within the community settings themselves.

10.0 CONSULTATIONS & PARTICIPATION WITH STAKEHOLDERS

The preparation of the Resettlement Policy Framework included consultations with various stakeholders. These included officials of Ministry of Finance, Economic Planning and Development, Ministry of Health, Ministry of Education, Science and Technology, Ministry of Agriculture, Irrigation and Water Development, Ministry of Local Government and Rural Development, Ministry of Lands, Housing and Urban Development, officials from district councils and Department of Forestry and a disaggregated number of project potential beneficiaries (women, youth, elderly and disables). A detailed list of selected people consulted is attached as appendix 6. Key areas of consultations included preparation of environmental and social management plans for sub-projects, procedures of environmental and social screening, scope of works, anticipated potential benefits and areas of risks

1.0.0 CHAPTER ONE: BANKGROUND ON THE PROJECT AND RESETLEMENT POLICY FRAMEWORK.

1.1.0 INTRODUCTION ON THE PROJECT.

The proposed project is Malawi Floods Emergency Recovery Project (MFERP). The aim of the project is provide immediate support to the affected populations in restoring their livelihoods, as well as rehabilitating critical infrastructure essential for the restoration of public service delivery and sustainable economic recovery in the flood-affected areas. In addition, the project will also seek to increase the institutional capacity of the Government's post-disaster recovery system and promote long-term. The proposed period of the project is 4 years from 2015 to 2018. Government of Malawi is seeking a grant of US\$80 million from the International Development Association (IDA) of the World Bank Group for project.

The Malawi Floods Emergency Recovery Project will finance key recovery interventions within the 15 flood affected districts in Malawi. The selected sectors include restoration of agricultural livelihoods, enhanced food security, resilient reconstruction of critical public infrastructure - roads, bridges, schools and health facilities. Selections of interventions and resource allocation under the project have been based on prioritization of the most critical needs identified in the recent post disaster needs assessment.

1.2.0 PROJECT IMPACT AREAS.

Malawi Floods Emergency Recovery Project will cover 15 flood affected districts in Malawi.These include Karonga, Salima, Mangochi, Ntcheu, Zomba, Chiradzulu, Phalombe, Mulanje, Chikwawa, Nsanje, Machinga, Dedza, Balaka, Blantyre, Rumphi, Thyolo. In general, the districts are within Rift Valley Floor, Shire Highlands and Lower Shire Valley regions. These regions are among the densely populated areas, and rain fed agriculture is the main economic activity for the people. Map of Malawi showing districts affected by floods is attached in annex 5.

1.3.0 PROPONENT AND IMPLEMENTING AGENCIES.

The proponent of the proposed Malawi Floods Emergency Recovery Project on behalf of Government of Republic of Malawi is Secretary to Treasury. Contact details and addresses of the proponent are as follows:

Proponent Name Postal address :	:	Secretary to Treasury Ministry of Finance, Economic Planning and Development P.O. Box 30049, Capital City, Capital Hill, Lilongwe 3, Malawi.
Telephone Facsimile E-mail Project Contact:	:	265-01-789 355 265-01-789 185 <u>finance@gov.mw.net</u> Dr Ronald Mangani.

A central project implementation unit based in Lilongwe will coordinate the overall implementation of The Malawi Floods Emergency Recovery Project. The unit will be supported by sectoral ministries and these will include: Ministry of Agriculture, Irrigation and Water Development, Ministry of Lands, Housing and Urban Development, Ministry of Local Government and Rural Development, Ministry of Natural Resources, Energy and Mining, Ministry of Transport and Public Infrastructure, Roads Authority, Roads Fund, Department of Disaster Management Affairs, Ministry of Health, Ministry of

Education, Science and Technology. There will be number of consultants and contractors will be hired in the design and implementation of civil works to enhance good quality and timely completion of activities.

1.4.0 OUTLINE OF THE PROJECT

The Malawi Floods Emergency Recovery Project (MFERP) constitutes a set of multi-sectoral interventions in response to the wide-scale damages and losses resulting from floods which occurred from December 2014 to February 2015. There are four components, and each component has sub-components which focus on specific areas of recovery of the programme. The summaries of the components and sub-components are as follows:

Component 1: Livelihoods Restoration and Food Security: The estimated budget is US\$24.5 million. There are two sub-components which are:

- i) *Labor-Intensive Community Infrastructure Rehabilitation activities*. The activities will involve public works and input for asset programmes. These activities will create jobs and provide immediate assistance for livelihood-supporting and income-generating activities. The sub-component will help beneficiaries in meeting their food and basic household needs.
- ii) Restocking of the Strategic Grain Reserve .The component will support the procurement of more maize for grain reserve, about 40,000 metric tons. The procured maize will support flood affected households (estimated 150,000 to 200,000 households) who would be in need of food assistance for part or all of next year. Purchase of maize will be done through the existing national mechanisms in compliance with the Bank's guidelines for procurement of goods. Distribution will be done through the existing modalities using World Food Programme under the supervision of the Department of Disaster Management Affairs. Purchase modalities will include a combination of the three options described earlier, using mainly National Food Reserve Agency and Africa Commodity Exchange

Component 2: Infrastructure Rehabilitation and Reconstruction. The estimated budget is US\$47.5 million. This component will cover rehabilitation of damaged roads, bridges, schools, health centres and water facilities. The sub-components are as follows:

- Reconstruction and Improvement of Roads and Bridges This sub-component will support the reconstruction of selected secondary roads, bridges and other drainage structures. This will include the reconstruction and improvement of approximately 60 kilometres of Thabwa Masenjere Muona Road in Chikwawa and about 463m of bridges (including drainage structures) that were either partially or totally destroyed during the floods. The sub-component will cover repair and rehabilitation of other roads (including primary, tertiary, district and community roads) in the 15 flood affected districts.
- ii) Critical Irrigation Schemes and Infrastructure: This sub-component will cover rehabilitation of headwork's, flood protection bunds, main canal sections, drains and in-field infrastructure. All of the irrigation schemes proposed to be rehabilitated are community infrastructures that are smallholder farmer managed and range from mini schemes (below 10 hectares) to about 400 hectares. Rehabilitation will be required, especially for recently constructed and revived schemes that were showing high productivity and have incurred a significant setback.

- iii) *Water Supply and Sanitation Schemes and infrastructure*. This sub-component will cover rehabilitation of water intake structures, water treatment plants, conveyance systems, storage systems, distribution networks, pumping stations, wells and boreholes.
- iv) Water Resources Management. This sub-component will finance flood mitigation works, including: (a) river training works; (b) river bank protection, afforestation of river banks and localized embankment repair works in critical flooding rivers; (c) creation and restoration of stormwater drainage; (d) restoration of riparian forests; and; (e) flood protection bunds around critical infrastructure. The works will be designed to reduce risk levels and will be in line with the Flood Risk Management Action Plan for the Shire Basin.
- v) Rehabilitation and Reconstruction of Education and Health Facilities. This sub-component will cover the rehabilitation and in-situ reconstruction of a proportion of the schools and health facilities damaged or destroyed by the floods. The sub-component will seek to reconstruct and restore the functionality of damaged schools and health facilities (including their upgrading) as well as finance the replacement of school learning materials, medical equipment and medical supplies.

Component 3: Promotion of Disaster Resilience. The estimated budget is US\$4 million. The component has two sub-components and these are as follows:

- Institutional Strengthening of Department Disaster Management Affairs: This sub-component will provide technical assistance to strengthen the institutional set-up and operational capacities of Department of Disaster Management Affairs for post-disaster response and recovery. This will include: (a) improving data preparedness and capacity development for post-disaster needs assessment; (b) strengthening recovery planning and implementation; (c) developing community mapping and improve land use planning; (d) enhancing disaster response systems; and (e) carrying out a study to assess the viability of railways rehabilitation.
- ii) *Multi-sector Design of Disaster Resilient Infrastructure*: This sub-component will provide technical assistance to different departments and ministries for the development and institutionalization of disaster and climate-resilient design standards for infrastructure construction in the future. This could include the design of roads, drainage infrastructure and public buildings, such as schools, health centers and government offices.

Component 4: Program Management. The estimated budget is US4 million. This component will finance the following activities: (a) incremental operating costs of the Project Implementation Unit ; (b) technical designs for the reconstruction and rehabilitation of infrastructure included under various Project components; (c) supervision quality control and contract management of reconstruction and rehabilitation sub-projects; and (d) audit, studies and assessments required under various Project components.

1.5.0 PROJECT APPRAISAL UNDER WORLD BANK SAFEGUARDS POLICIES.

Initial appraisal of Malawi Floods Emergency Recovery Project under World Bank Safeguards Policies, has indicated implications on some negative impacts, and the project has been rated under category B of Operational Policy 4:01 (Environmental Assessment). Other safeguards policies triggered are: Operational Policy 4:11 (Physical Cultural Properties) and Operational Policy 4.12 (Involuntary Resettlement). The appraisal under category B of Operational Policy 4:01 (Environmental Assessment) entails that potential environmental and social impacts would have moderate significance in the environs, and there is need of environmental and social management plans to address the impacts. The main sources of socio-economic impacts would be from proposed rehabilitation and reconstruction works of roads, bridges, schools, health centres, and irrigation schemes among others.

Potential social and economic impacts will include loss of land, closure of footpath, loss of crops in garden to pave way for new school block, loss of fruit trees, increase in incidences of theft and burglary cases; increase in spread of HIV/AIDS and other sexually infected diseases due to influx of migrant workers.

The Resettlement Policy Framework has been prepared to guide on resettlement screening of all subprojects. It should be pointed out however, that upon results screening of the projects, some subprojects may be subjected to further environmental assessment before implementation. A separate Resettlement Policy Framework (RPF) has been prepared to guide resettlement planning and management of socio-economic risks from project activities.

1.6.0 JUSTIFICATION FOR RESETTLEMENT POLICY FRAMEWORK FOR THE PROJECT.

The purpose of the Resettlement Policy Framework (RFP) is to guide in addressing land acquisition and associated compensations for new sites for some sub-projects to be funded from Malawi Floods Emergency Recovery Project. The need for Resettlement Policy Framework emanates from two observations which indicate that the implementation and management of some of the sub-projects would trigger resettlement in one way or the other:

- (a) Construction of new roads, school blocks, new health centres in safer areas would require formal land acquisition for the new facilities entailing land tenure and access changes within the community's settings. In addition, the project activities may cause negative impacts in livelihoods.
- (b) The specific locations of sub-projects within the 15 flood affected districts are not known at the moment as land sites would be selected at a later stage. However, based from previous experiences of new classrooms what is generally known on the aspects of location facilities would be in proximity of the beneficiaries themselves. In this context, the implementation and indeed re-construction of sub projects would likely restrict some households from footpaths, roads, gardens, impact assets and also disturb livelihoods bases.

1.7.0 AIM AND OBJECTIVES OF RESETTLEMENT POLICY FRAMEWORK.

The aim of Resettlement Policy Framework (RPF) is to synchronise resettlement planning in implementation of sub-projects to be funded from Malawi Floods Emergency Recovery Project in order to minimise negative social and economic externalities to project affected people. Specific objectives of the Resettlement Policy Framework are as follows:

- a) To outline steps in resettlement screening of projects and how to incorporate in appraisal system of the projects.
- b) To provide a process by which to identify individuals to be impacted by the project activities as well as the type and magnitude of impact.
- c) To outline the process of preparation of Resettlement Action Plan.
- d) To identify process to monitor and evaluate resettlement process and project impacts.
- e) To describe potential socio-economic impacts from resettlement.
- f) To outline policies to govern resettlement in implementation of projects.
- g) To describe policy and legal framework on land acquisition and resettlement.
- h) To describe eligibility criteria for compensations to various categories of affected people.
- i) To describe methods of valuing affected assets for purpose of compensations.
- i) To outline institutional arrangement in implementation of resettlement.
- k) To outline budget estimates and funding arrangements for resettlement.

1.8.0 USERS OF RESETTLEMENT POLICY FRAMEWORK.

The RPF contains useful information on the procedures for resettlement planning for sub-projects, potential economic and social impacts; measures for addressing the negative impacts, recommended environmental and social rules for contractors. In addition, the framework contains useful information on list of required statutory approvals/licences which need to be obtained in order to ensure that the implementation and management of the project follows sound environmental management practices

stipulated in various policies and pieces of legislation in Malawi. Such information will be useful in planning, implementation of the proposed project activities. In this regard, the report will be useful to the following implementing agencies such as Ministry of Local Government and Rural Development, Ministry of Education, Science and Technology, Ministry of Agriculture, Irrigation and Water Development, Ministry of Natural Resources, Energy and Mining, district councils, project consultants (Project Manager, Project Architects, Landscape Architects and Project Engineers), project construction contractors, Environmental Affairs Department. In addition, the framework will be useful to non – governmental organizations and civil society organizations, development partners such as World Bank, World Food Programme, UNICEF and United Nations Population Fund

1.9.0 TECHNICAL APPROACH IN THE PREPARATION OF RESETTLEMENT POLICY FRAMEWORK.

The focus of the assignment was to undertake initial scoping potential environmental impacts of the activities and prepare and an environmental and social management framework to guide the further environmental considerations in project planning and implementation. In order to achieve these targets, various methods (such as interviews of selected stakeholders, site visits to selected sites, literature review,) were adopted in the assignment.

Step 1: Review of existing literature.

This step involved a review of some existing literature and documents with information and data related to the project. Documents reviewed included: project concept papers, project approval documents, World Bank environmental and social safeguards policies, environmental profiles in Malawi, national environmental and social related policies and pieces of legislation. Examples of data and information obtained from such sources include background information on project, background information on Malawi's land policies and pieces of legislation, data on rainfall, flora and fauna, population statistics, altitude of the area; rainfall figures and the maps used in the report. All these documents have been duly acknowledged in the reference page of this framework.

Step 2: Field surveys in the project area.

This step involved field surveys in four flood affected districts which were Salima, Mangochi, Phalombe and Chikwawa. The objectives of the field surveys were to observe extent of damage to assets such as land, crops, and other structures by floods. The field surveys also assisted to capture baseline data on the components of the environments. In addition, the field surveys provided opportunities to characterize the scale/extent of potential impacts and effects from construction/rehabilitation works.

1.10.0 PUBLIC PARTICIPATION AND CONSULTATIONS.

Procedures for project environmental assessment in Malawi and World Bank safeguard policies require that adequate and informed consultations be carried out during preparation of environmental and social management framework. Consultations are supposed to provide opportunity for stakeholders/project affected persons to air views/concerns on project activities and provide opinions in appropriate plans before implementation. Consultations also help to avoids possible conflicts or misunderstandings on the potential negative risks and also offer measures for addressing concerns. In addition, consultations help to identify enhancement measures for positive impacts.

In order to undertake informed consultations, disclosure of the project is necessary. Information for project disclosure includes: nature and scope of the project, proponent, main components, period of implementation, potential positive and negative impacts among others.

In carrying out consultations for Resettlement Policy Framework for Malawi Floods Emergency

Recovery Project, consultants carried out a series of consultations with different stakeholders. These include flood affected people, farmers in selected irrigation schemes, local government officials, extension workers, local leaders, non—governmental organizations and central government officials: a summary of consultations were as follows:

- Consultations with senior officials at various government ministries and departments. Consultations took place in Lilongwe on 18 -27 March 2015. These included Ministry of Finance, Economic Planning and Development, Ministry of Education, Science and Technology, Ministry of Health, Department of Disaster Management Affairs. The discussions centred on aim and objectives of the project, the scope of the project, design and modalities of implementation. Min issues raised were that the project should have included housing construction for people, support for local roads and re-construction of more teachers' houses. The issue of house re-construction, government officials was advised that the resources were not adequate and that the funds could not cover house re-construction and the focus for the project was on essential service infrastructure such as main and secondary roads, water supply schemes and irrigation schemes. List of all consulted is attached in annex 8.
- Interviews and discussions with local government officials in four selected district councils. The four selected district councils are among the 15 flood affected districts. Main issues raised by local government officials included: need of participation in selection of sub-projects for implementation, shortage of funds for environmental and social mitigation measures, inadequate food assistance for flood affected people (as priority activities), in adequate transport to supervise environmental mitigation measures, lack of skills in storage and management of pesticides, proposals to enhance environmental and social mitigation measures among others. List of all local officials consulted is attached in annex 8
- Consultations with selected non-governmental organizations in selected nongovernmental organizations. The nongovernmental organizations consulted were those in four flood affected districts chosen for field surveys: The non-governmental organizations included: World Vision International, Total Land Care, Eagles Relief Development Programme, Catholic Commission, Malawi Red Cross Society. Main issues raised by non-governmental organizations included: involvement of non-governmental organization in planning and implementation of disaster mitigation related projects, involvement of flood affected people in design and implementation of projects, avoiding duplication in implementation of projects and transparency in resource allocation and utilization on various. Some members of non-governmental organizations raised issues on high costs of pesticides for irrigation farmers. The issues will be incorporated in environmental and social management plans for sub-projects. Most of issues raised by non-governmental organizations would be addressed during planning and implementation cycle of the projects at district level.
- Consultations took place with selected flood affected people and irrigation farmers in four flood affected districts. Views from flood affected people included: that food and clothes assistance was priority at that time and not rehabilitation of irrigation schemes, support to school children disturbed by floods, support with income. Some flood affected people mentioned the need to help in reconstruction of houses damaged by floods. Some flood affected people complained of delay in distribution of food and donated clothes due to poor coordination among local leaders. Consultants could not provide all answers to views/opinions of flood affected people at the time. Most of the issues raised were for local government officials to look into.

1.11.0.0PUBLIC DISCLOSURE.

Public disclosure of the project is important in order to allow stakeholders/public appreciate the impacts of the project on their lives and environment. Project disclosure can take place during feasibility stage or planning stage or implementation stage. Disclosure of the project activities helps to gather wider views on the project and enlist support from local communities. Among others public disclosure of the project has to cover rationale of the project, nature of the project, period of implementation, areas of implementation, potential impacts and proposed mitigation measures.

Public Disclosure of Malawi Floods Emergency Recovery Project will follow several stages through various stages and various means. These include:

- a) Briefs by government officials to news reporters and district information officers at district consultative meetings and briefs to local leaders and non-governmental agencies. These have already been done.
- b) Presentation, briefings and debates in National Assembly. The presentation and debates helped members of Parliament and local people to know more about Malawi Floods Emergency Recovery Project and why government of Malawi planned the project activities. This was already done from March to May 2015.
- c) Another important public disclosure has been through radio announcement. Government officials announced publicly through radio and MBC Television regarding the Malawi Floods Emergency Recovery Project.
- d) Some members of public will be informed of Malawi Floods Emergency Recovery Project through distribution of the project documents in district commissioner's offices, libraries in towns and districts.
- e) The Resettlement Policy Framework will be posted on websites for various government agencies and World Bank Info. The arrangement will allow more people access information on the project and make informed views and opinions.

1.12.0 CONSTRAINTS AND LIMITATIONS.

The information presented in this report is by and large consistent with the data and information gathered through the various sources and approaches outlined above. However, just as in any study, there could be some gaps of information in the report. One constraint was that some district council officials in rural areas (who are ideally key stakeholders to the project) understood the purpose of initial appraisal of the project and the preparation of resettlement policy framework differently due lack of knowledge and advance awareness of the exercise. In view of this, the consultants devoted some considerable time in awareness discussions, including question and answer sessions, prior to settling down to real issues of consultation. Secondly, the consultants could not interview and discuss with all local government officials and flood affected households in field surveys due to time limitations. Examples of those stakeholders not consulted are students and teachers displaced by floods. As such, while the findings and issues advanced in this report reflect the general views and feelings of some selected people, they may not cover the specific issues from some unique situations or some individuals affected by the project. Lastly, but not least, some of the information in the framework was processed from secondary sources, and such data include information on land uses in Malawi, population data among others. It is therefore necessary to understand such information with the time reference and their inherent limitations.

2.0.0 CHAPTER TWO: PROJECT DESCRIPTION AND IMPLEMENTATION OF ACTIVITIES.

2.1.0 AIM AND OBJECTIVES

The aim of the project is provide immediate support to the affected populations in restoring their livelihoods, as well as rehabilitating critical infrastructure essential for the restoration of public service delivery and sustainable economic recovery in the flood-affected areas. In addition, the project will also seek to increase the institutional capacity of the Government's post-disaster recovery system and promote long-term resilience. Specific objectives are:

- a) To restore livelihoods and food security for households in the flood affected districts.
- b) To rehabilitate/reconstruct damaged roads and bridges in flood affected districts.
- c) To rehabilitate irrigation schemes damaged by floods in flood affected districts.
- d) To rehabilitate/reconstruct schools and health facilities in flood affected districts.
- e) To support the design of disaster resilience infrastructure for flood prone areas.

In line of the project objectives, the project has four components and these are: a) Livelihoods Restoration and Food Security, b) Infrastructure Rehabilitation and Reconstruction, c) Promoting Disaster Resilience: Program Management .The MFERP components are part of multi-sectoral and programmatic Disaster Recovery Framework under preparation by Malawi Government. The following sections outline the proposed scope of activities:

2.2.0 COMPONENT 1: LIVELIHOOD RESTORATION AND FOOD SECURITY.

This component includes the provision of: (a) immediate livelihood support to the predominantly agricultural community and households in the flood-affected areas and; (b) food support to meet the critical needs of the affected populations by enhancing and restocking the Government's Strategic Grain Reserve (SGR). The estimated budget is US\$24.5 million. There are two sub- components, and these are:

2.2.1 Labor-Intensive Community Infrastructure Repair.

This sub-component will provide immediate assistance for livelihood-supporting and income-generating activities. It will enable beneficiaries to meet their basic requirements by providing farm inputs for the next season and other in-kind assistance in return for their participation in labor-intensive community infrastructure repair schemes. These interventions will create jobs while simultaneously repair and restore community infrastructure as well as indirectly regenerate farmers' agricultural production. This will allow beneficiaries to meet their food and basic household needs, while the restoration of community assets will also support more diversified and sustainable livelihoods.

Sub-project activities will involve repair and reconstruction of flood-damaged community assets or new assets that increase resilience to future flooding and that have wide public benefit. Examples of sub-projects will be rural feeder roads; soil conservation and afforestation works; storm and road drainage works; reservoirs; embankments; market collection centers; community grain banks; and small-scale irrigation.

This sub-component will be comprised of costs for the inputs (vouchers), the materials/implements to be used during works, additional small works element for which skilled labor needs to be contracted locally, and district administration and technical oversight. The largest percentage of costs (70 percent) will go to inputs in keeping with the objective of the program, leaving the balance to cover the costs of conducting the technical feasibility studies; purchase of inputs (such as cement, seedlings and hand tools); training of project management committees; hiring and training foremen and forewomen; and the transaction costs of the voucher system (printing and distributing vouchers to the workers and the handling charges for distributors and retailers/dealers).

This sub-component will broadly adopt the Inputs for Assets (IFA) approach that has been successfully implemented in Malawi for over the past 12 years, and blend in elements of the equally successful Malawi Social Action Fund (MASAF) approach. It has been designed as a hybrid between traditional farm input subsidy in Malawi and traditional public works programs. Customarily, participants work for one month (20 days) on a community asset and, in return, receive a voucher for farm inputs with the objectives of reducing food insecurity and improving rural infrastructure and developing public assets. While the Project will borrow from MASAF in terms of the implementation approach, it will only focus on providing agricultural inputs and in-kind assistance as opposed to the cash for work option provided under MASAF.

2.2.2 Restocking of the Strategic Grain Reserve (SGR)

This sub-component will support restocking of strategic Grain Reserve to procure more maize for emergency needs of flood affected people in the next agricultural season.

An estimated 150,000 to 200,000 households could be in need of food assistance for part or all of next year. It is therefore anticipated that an additional 20,000 to 25,000MT of maize should be released from the SGR for food assistance. To maintain the SGR at its optimal level, the Project will contribute to its replenishment for an estimated amount of 40,000MT. This amount is based on the current maize market trends and a simulation of various quantity, supply and price scenarios. Purchase of maize will be done through the existing national mechanisms in compliance with the Bank's guidelines for procurement of goods. Release of maize for food assistance will follow existing procedures based on the PDNA and MVAC estimates. Distribution will be done through the existing modalities using the World Food Programme (WFP) under the supervision of the Department of Disaster Management Affairs)..

The restocking of the SGR will utilize existing government mechanisms and will be under the direct supervision of Ministry of Agriculture, Irrigation and Water Development and the National Food Reserve Agency (NFRA), as the managing entities of the reserve. The purchase of maize will use the three following channels and these are:

- Direct procurement by National Food Reserve Agency. This will cover 15000 tones of maize.
- Agricultural Commodity Exchange for Africa (ACE): ACE is a spot and forward market commodity exchange that has adopted widely used regional commodity quality and trading standards. This will cover 20000 tonnes of maize
- Auction Holdings Limited Commodity Exchange : AHCX is a recently established subsidiary of the Auction Holdings Limited. This will cover 5000 tonnes of maize.

2.3.0 COMPONENT 2: INFRASTRUCTURE REHABILITATION AND RECONSTRUCTION

This component will finance the reconstruction and rehabilitation of selected critical public infrastructure destroyed or damaged by the floods. This will include access, irrigation, social, flood protection, water resources management, water and sanitation infrastructure. This component will mainly use hired contractors for reconstruction and rehabilitation, complementing the labor-intensive program under Component 1. These investments will be guided by sector Building-Back-Better standards, such as right sizing and right siting, as well as the Flood Risk Management Action Plan under the SRBMP. These will be technically screened to ensure adequate flood resistant designs. There are three components as follows:

2.3.1 Reconstruction and Improvement of Roads and Bridges

This sub-component will support the reconstruction and improvement of selected critical access infrastructure, including secondary roads, bridges and other drainage structures. The PDNA estimated that a total of 213km of secondary roads were affected, of which more than 100km is comprised of a single road (S151 and S152) in the Lower Shire in Chikwawa and Nsanje districts, amounting to an estimated cost of US\$24 million. The Project will support the reconstruction and improvement of a part of the fully destroyed and washed away secondary roads in these districts. The estimated length of secondary roads that will be reconstructed using project funds is 60km. Since these roads are routinely washed away during the rainy season, the project will build these roads to improved standards to make them more resilient to floods as well as offer a more sustainable solution for their future operation and maintenance. This will include the rehabilitation and reconstruction of drainage structures, such as bridges, that will be designed for enhanced structural stability and to ensure resilience against similar future disasters.

The above works will be implemented by the Roads Authority and the Road Fund Administration (RFA), which are also currently implementing works under the ongoing Agricultural Sector Wide Approach Support Project Roads Component as well as the upcoming Southern Africa Transport and Trade Facilitation Programme (SATTFP).

2.3.2 Rehabilitation of Irrigation schemes and Rural Water Supply and Sanitation

This sub-component will fund the operational restoration of selected and prioritized irrigation and water supply schemes that have been destroyed or damaged by the floods. This will entail the design, supervision, repair and rehabilitation of:

- Critical Irrigation Schemes and Infrastructure: This can include headworks, flood protection bunds, main canal sections, drains and in-field infrastructure. All of the irrigation schemes proposed to be rehabilitated are community infrastructures that are smallholder farmer managed and range from mini schemes (below 10 hectares) to about 400 hectares. Permanent repair will be required especially for recently constructed and revived schemes that were showing high productivity and have incurred a significant setback. Budget estimate is US\$3.5 million
- *Water Supply and Sanitation Schemes and Infrastructure:* This can include water intake structures, water treatment plants, conveyance systems, storage systems, distribution networks, pumping stations, wells and boreholes.

Repairs under this sub-component shall be prioritized based on the damage assessment above and will be refined prior to implementation in consultation with the Government. They will focus on revitalizing the area, leading back to high value production as soon as possible. They will also prioritize schemes where relatively small repairs unlock large productive areas quickly, and where performance of management by Water User Associations (WUA) has been good. Since many of these schemes have received integrated support on scheme management, marketing and farmers' organization over the past years under different programs, the MFERP focuses only on physical repairs to infrastructure (canals, bunds, roads, buildings, drains and headwork's) that are a priority and beyond the ability of Water Users Association to repair.

2.3.3 Water Resources Management

This sub-component will finance flood mitigation works, including: (a) river training works; (b) river bank protection, afforestation of river banks and localized embankment repair works in critical flooding rivers; (c) creation and restoration of storm-water drainage; (d) restoration of riparian forests; and; (e) flood protection bunds around critical infrastructure. Budget estimate is US\$2 million.

These works will complement the activities carried out under the community infrastructure schemes of Component 1.1 and will respond to the requirements of the Flood Risk Management Action Plan as identified under the SRBMP. The SRBMP will assess the needs and advise on implementation modalities. This will also enhance the MFERP, as the Project will be able to leverage support structures already in place, including flood modeling; early community plans; flood risk management guidelines; technical assistance in the form of an implementation service provider which can be a technical clearing house for water-related investments; hydromet systems; early warning system design; and mapping.

2.3.4 Rehabilitation and Reconstruction of Education and Health Facilities

This sub-component will primarily include the rehabilitation and in-situ reconstruction of a proportion of the schools and health facilities damaged or destroyed by the floods. In line with PDNA results, the subcomponent will seek to reconstruct and restore the functionality of damaged schools and health facilities (including their upgrading) as well as finance the replacement of school learning materials, medical equipment and medical supplies. In some cases, facilities in high-risk locations will be rebuilt in less vulnerable areas and schools and health facilities will double up as evacuation centers. This subcomponent will also incorporate the element of Building Back Better, such as right sizing and right siting, as well as promoting disaster preparedness and risk reduction activities. In addition to the above reconstruction and major rehabilitation, and if needed, part of the funding could also be used for repair of partially damaged education and health facilities.

The sub-component will also fund water, sanitation and hygiene facilities and improvement in sanitation standards of schools in these new settlement areas. The Project will take into consideration proper sanitation facilities in education structures, especially as they double up as safe havens/evacuation centers and should be able to accommodate periodic influx of flood-affected communities from the surrounding flood plain. Boreholes, water tanks, water kiosks and latrines should be integrated in the design of these centers. Several previous initiatives have proposed flood-resilient designs and construction techniques and lessons of these initiatives need to be considered in the coming reconstruction phase.

2.4.0 COMPONENT 3: PROMOTING DISASTER RESILIENCE.

This component will provide technical assistance for: (a) strengthening the Government's post-disaster response and recovery systems; and (b) development and institutionalization of disaster resilient design standards for future infrastructure construction across multiple sectors. The following sections highlight the proposed activities:

2.4.1 Institutional Strengthening of Department of Disaster Management Affairs.

This sub-component will strengthen the institutional set-up and operational capacities of Department of Disaster Management Affairs for post disaster response and recovery. Activities will include

a) Improving Data Preparedness and Capacity Development for PDNA: This will include: (i) review and improvement of the national damage assessment guidelines; (ii) formalization of institutional roles and

responsibilities for PDNA, including Standard Operating Procedures (SOPs) for its execution; (iii) strengthening the role of the Malawi Spatial Data Portal (MASDAP) for damage data management and sharing; (iv) building the capacity of District Civil Protection Committees in the use of the PDNA methodology and; (v) development of guidance notes and data templates for data collection in the aftermath of disasters.

- b) Strengthening Recovery Planning and Implementation: This will entail support for conducting reviews and diagnostics to improve: (i) existing national and local institutional frameworks for disaster recovery; (ii) institutional coordination and oversight mechanisms for recovery; and (iii) country budgetary and resource allocation processes, and financial management systems for recovery.
- c) Community Mapping and Land Use Planning: This will include: (i) scaling up community mapping in selected communities of the disaster-affected districts; (ii) carry out a flood zone mapping based on existing topographic information and models developed as a background for the selection of flood mitigation measures and spatial planning; and (iii) develop land use plans that factor Disaster Risk Management (DRM). Land use planning will entail collating the best available information on historical and existing land use, disaster scenarios, investment and land use incentives, land use management practices, and proposed major land use management changes.
- d) Enhancing Disaster Response Systems: This will include technical assistance for (a) training District Civil Protection Committees in disaster response; (b) identifying technical enhancement needs of operational facilities, such as Emergency Operation Center (EOCs), and; (c) staff training in Department of Disaster Management Affairs in successfully implementing DRM coordination and emergency response.

2.4.2 Multi-sector Design of Disaster Resilient Infrastructure.

This sub-component will provide technical assistance to different departments and ministries for the development and institutionalization of disaster and climate-resilient design standards for infrastructure construction in the future. This could include the design of roads and drainage infrastructure and public buildings, such as schools, health facilities and government offices.

This sub-component will also provide technical assistance for: (i) a review and strengthening of guidelines for safer housing; (ii) development of an awareness raising strategy in respect to the use of safer housing construction guidelines and; (iii) development of national building codes and standards for private housing.

2.5.0 COMPONENT 4: PROGRAM MANAGEMENT

This component will finance the following activities: (a) incremental operating costs of the Project Implementation Unit (PIU); (b) technical designs for the reconstruction and rehabilitation of infrastructure included under various Project components; (c) supervision quality control and contract management of reconstruction and rehabilitation of sub-projects; and (d) audit, studies and assessments required under various Project components.

2.6.0 IMPLEMENTATION ARRANGEMENTS OF THE PROJECT

Government of Malawi will establish dedicated project implementation unit (PIU) at central level to spearhead effective and efficient recovery planning and execution of project activities. The mechanism will also rely upon existing local government delivery mechanisms for implementation at the sector and community level. The overall implementation arrangements agreed for the Malawi Floods Emergency Recovery Project are illustrated in the ensuing flow chart and further explained below.

2.6.1 Role of Department of Disaster and Management Affairs.

Department of Disaster and Management Affairs will provide advice on a programmatic, cross-sectoral framework of recovery interventions. Department of Disaster and Management Affairs will thus have an advisory role in guiding the PIU in the development and implementation of a Recovery Framework that

will help towards coordinating and planning floods recovery in an integrated and cohesive manner. Department of Disaster and Management Affairs will thereby also serve as a convening forum and repository for multi-sector and programmatic recovery planning. However, it will not have a direct role in implementation or coordination other than for the execution of Component 3. Sectoral and line-department focal points may also be designated to ensure that an inclusive process that incorporates elements of bottom-up planning merge together with central policy precincts towards shaping a holistic framework for cross-sectoral and programmatic recovery.

Department of Disaster and Management Affairs will head a technical inter-departmental Prioritization Taskforce (PT) to sequence and prioritize activities across and within various sectors. The task force will works closely with the Project Steering Committee (PSC) to solicit policy decisions from Government and communicate them to the respective implementing entities for the various project components.

2.6.2 PROJECT ADMINISTRATION STRUCTURES

Five structures have been put in place for implementation of Malawi Floods Emergency Recovery Project, and these are Project Steering Committee, project Implementation Unit, Field Offices, District Councils and Project Management Committees. The roles of each of these structures are as follows:

- a) Project Steering Committee (PSC): This will a principal decision-making body for the Malawi Floods Emergency Recovery Project and will be the PSC chaired by Secretary to Treasury at Ministry of Finance and Economic Development (MoFED). It will be composed of representatives from the MoFED, MoAIWD, Ministry of Education, Science and Technology (MoEST), Ministry of Health (MoH), Ministry of Natural Resources, Energy and Environment (MoNREM), Ministry of Local Government and Rural Development (MoLGRD), Ministry of Transport and Public Works (MoTPW) (which includes the Roads Authority), Ministry of Lands, Housing and Urban Development (MoLHUD) and Department of Disaster and Management Affairs. This committee will provide oversight for project implementation as well as central policy guidance as required on a periodic basis. Department of Disaster and Management Affairs will act as the lead technical agency for the development of the Recovery Framework and sit on the PSC in an advisory role.
- b) Project Implementation Unit (PIU): Project Implement Unit will be responsible for overall project management, which includes coordination across implementing agencies and ministries, financial management, centralized procurement, inter-ministerial reporting arrangements, quality control, social and environmental controls and monitoring and evaluation. Government has decided to transform the existing PIU for the Bank-funded Irrigation Rural Livelihoods and Agricultural Development Project (IRLADP) to a new dedicated PIU for the Malawi Floods Emergency Recovery Project. The unit will be composed of contracted and will remain housed within MoAIWD.
- c) Field Offices: The IRLADP PIU will have field offices in Chikhwawa and Zomba, which are nearest to the most flood-affected areas in the Southern Region of the country. Project Implementation Unit (PIU) will also house staff to oversee project implementation in districts affected by floods in Central Region and Northern Region. Staff in these offices will include Regional Safeguard, Water Harvesting and Conservation Specialists to better support district implementation of the Project activities.
- d) Local Councils. Local councils in all 15 flood affected districts will participate in implementation of labour intensive public works programmes and input for assets activities. Suitable staff such as Directors of Public Works, Director of Planning and Development, Community Development Officers, District Social Welfare officers, District Water Development Officers, District irrigation Officers will play critical roles in

coordinating and supervision implementation of sub-projects at local level. Public Works Programmes and input for assets will be implemented through councils.

e) Project Management Committees: Project Management Committees are community based structures which are elected to supervise and monitor the participation of public works programmes or input for assets projects. The structure are operational in districts are utilized as vehicles for the on-going Malawi Social Action Fund social safety nets and inputs for assets projects. Malawi Floods Emergency Recovery Project will utilize project Management Committees in the rehabilitation community infrastructures assets through Livelihoods Restoration and Food Security Component 1.

2.7.0 DESCRIPTION OF POTENTIAL SOCIO-ECONOMIC IMPACTS OF RESETTLEMENTS.

Land acquisitions for construction of public infrastructure negatively affect host communities. Communities may be affected by direct losses of land or by restriction to access land or other assets such as roads, foot paths. Restrictions to access to assets inhibit free movement of people and also increase distance of travel in communities. In addition, restriction to access to natural resources constraints means of livelihoods. Such resettlement exercises undertaken whether within rural communities or urban setting trigger a number of negative externalities on the affected people. In general, some impacts emanate from the consequences of losses of access to their settlement sites, others from loss of relationships and loss of access to their traditional productive assets. Furthermore, some impacts arise from loss of social cohesion and relations. Examples of potential socio- economic impacts from such sources are outlined below here:

Category of losses	Social and economic impacts
Displacement from land	Landlessness
	 Loss of productive resource for agriculture and other businesses
Loss of residential property	Landlessness, homelessness
and homestead	 Impoverishment of people
	 Disturbance of house production systems
	Loss of sources of income
	 Loss of or weakening of community system and social networks.
	 Loss of access to ancestral sites, graveyards
	 Loss of access to social amenities such as hospitals and schools.
	Loss of traditional authority.
Loss of assets or access to	Impoverishment
assets	Loss of sources of income
	 Loss of employment opportunities (self – employment)
Loss of income sources or	Impoverishment
means of livelihood	 Loss of self – employment opportunities
	 Disruption of attainment of services such as schools, health services
	resulting in further impoverishment, malnourishment
Loss of identity and cultural	 Alienation of persons from their tribal society
survival	Lack of access to community support
Loss of access or proximity to	Impoverishment.
social amenities e.g. water	Loss of sources of income
sources	 Increased time to access resources. Loss or shortage of time for other activities.
Blockage of	 Increase in travel distance due to longer route
footpaths/pathways	
Loss of grazing land	Difficulties in rearing livestock
Blockage of access to public	 Difficulties in collection of water for domestic uses
water bodies	Difficulties in collection of water for irrigation

Table 1: Summary of main social and economic impacts from resettlement activities.

In general, the number of project affected people in implementation of most sub-projects will be low. This is because most of the sub-projects will involve site specific rehabilitation/ re-construction of public infrastructure (damaged sections of roads, water supply schemes, damaged irrigation schemes, damaged school blocks). The scale of project affected people in those sub-projects (which may affect land and other types of properties) may be below 10 households. However, one exceptional subproject which may affect more project affected people (about 300 - 350 local households) would be the upgrading of East Bank Road in Chikwawa and Nsanje Districts. This road is about 68 kilometres. Road improvement works will include upgrading the existing road to bitumen standards, widening and construction of several new bridges. Properties for about 300 -350 households (not newly resettled people due to the disaster, but rather normal households long time naturally settled within the new rightof way of the selected road section may/ will be affected, and these would include buildings, trees and gardens along the current narrow road. Given the width of the existing wayleaves, and the fact that these are free of any activity, in principle, no physical displacement of households is expected; nevertheless, in the likelihood that such encroachment occurs prior to/during project implementation. Government of Malawi has developed this RPF to guide on the preparation of site-specific Resettlement/ Compensation Action Plans to address and compensate potential PAPs for their potential losses.

2.8.0 GENERIC PROJECT CYCLE AND LINKAGES TO RESETTLEMENT ISSUES.

The generic project cycle of an sub - project development project. These steps are outlined in the diagrammatic flow of the project cycle below here.

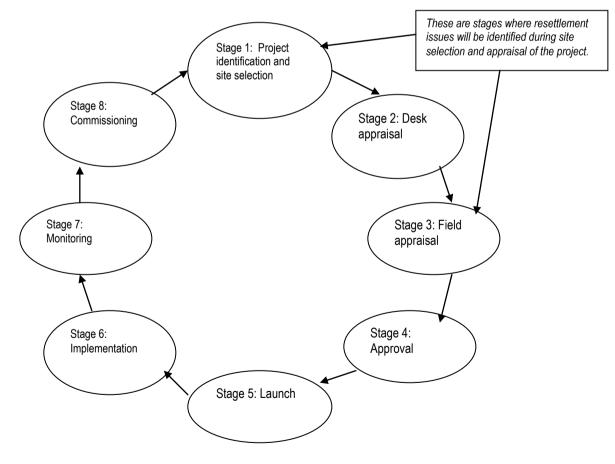


Figure 1: Generic project cycle for implementation of a sub - project.

Identification of resettlement issues will be done during project identification and site selection process in stage 1. It is at this stage that planning team of District Executive Committee carry out resettlement screening and work before the project can be appraised by the District Executive Committee (DEC).

2.9.0 AN OVERVIEW OF LAND USES IN MALAWI.

Malawi is a relatively small country with one of the highest population density in Southern Africa. The country has an estimated population of 13 million people against land size of about 9.5 million hectares. The average population density is 139 persons per square kilometre. However, the southern half of the country has an average population density of about 350 persons per square kilometre. About 85% of the population live in rural areas and depend on small holder farming while only 15% of the population live in towns where as much as 75% of the urban population live in poor peri – urban and informal settlements

Agriculture is the main stay of Malawi's economy, accounting about 40% of gross domestic product and about 85% of export revenue. Small holder farming occupies about 4.5 million hectares while estates occupy about 1.2 million hectares of rural land .Some studies indicates that as much as 55% of the smallholder farmers have less than half of a hectare of cultivable land. As a result of this constraint, most rural households face difficulties in producing enough output for food and cash throughout the year. Poverty levels are estimated at 60% and 65% of populations in rural and urban areas respectively. One of the priorities of the Malawi Floods Emergency Recovery Project is to address infrastructure and capacity requirements in the education sector across the country. In context of Malawi situation, infrastructure interventions pose realistic risks on involuntary resettlements because by design, the preferred choice of sites of schools would be within proximity of communities. Resettlement activities within highly populated areas generate long term setbacks on agro - based livelihood systems.

2.10.0 LAND TENURE REGIMES IN MALAWI

Malawi embraces the capitalistic ideals with regard to land ownership. There are five distinct land tenure classes existing in Malawi. The implementation of the sub-projects under the Malawi Floods Emergency Recovery Project would likely involve land access to any one of the classes. Further more, cases of construction of new education facilities within selected sites would trigger land tenure and access changes. The description and extents of the classes of land in Malawi are as follows:

(i) Customary Land

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

(ii) Leasehold Land

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

(iii) Registered Land

This is grouped into two classes called customary registered and adjudicated land. The first exists in Lilongwe District only. This land is registered in the family leader name with all family names in that area registered including the size of their land holdings. Their implicit freehold status as the

families can trade in its holding by leasing out or selling bits of it with groups consent. Loans can therefore be obtained on strength of their certificates to the land

(iv)Freehold Land

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

(v) Government Land

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

(vi) Public Land

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

2.11.0 BRIEF DESCRIPTION OF LAND ACQUISITION PROCEDURES FOR A SUB-PROJECT.

Upon identification of the specific land area to be acquired, the village development committee will initiate negotiations with the occupier(s) of customary land, registered proprietor or their representatives. Inter-department cooperation will be utilized wherever necessary to tap on the expertise and experiences of the various stakeholder institutions.

- (a) The District Commissioner in consultations with the line district sector line officials prepare actions plans for implementation of land acquisition and resettlement that comply with the provisions of the framework.
- (b) Affected persons are then served with a notice with a clear explanation of the purpose of the acquisition, the area of land required and the owners' right to compensation in accordance with the existing law. The notice is normally for 30 days.

In the case of customary land, District Commissioner/Chief Executive ascertains from the village head, the land register or whichever is applicable in order to determine the person or persons who have the right over that land. And in the case of freehold land the Ministry of Lands and Housing shall ascertain the registered owner or owners of the freehold land to be acquired from the land registers.

The District Commissioner/Chief Executive commissions a survey on such land to be acquired. Thereafter a plan is prepared and certified to be accurate showing:

- (i) land to be acquired;
- (ii) names of the owners and occupiers of that land as far as they can be ascertained; or
- (iii) in the case of customary land the name of the land owner who is the holder of the right over the land as ascertained by the local chief and other bonafide local residents.

A copy of such plan shall be deposited in the office of the District Commissioner/Chief Executive and another at the premises of the local chiefs. Local leaders are responsible for informing the public on the plans

It should be highlighted that in case some project affected persons have objections to the proposed land acquisition and resettlement, their objections have to be done in writing to District Commissioner for or Commissioner for Lands and Valuation within 30 working days after the public notice. Alternatively, formal complaint can be lodged via traditional authority.

The last step is confirmation of land acquisition by way of issue of documents of allocation and subsequent lease for the project

3.0.0 CHAPTER THREE: POLICY AND LEGAL FRAMEWORK ON RESETTLEMENT IN MALAWI.

3.1.0 REVIEW OF POLICIES AND LAWS ON RESETTLEMENT IN MALAWI.

Policy and legal framework on resettlement in Malawi is drawn from various government policies and pieces of legislation. In addition to a review of the Constitution of Republic of Malawi, other key government policies and pieces of legislation considered here include: Malawi National Policy, Land Act, Land Acquisition Act, The Public Roads Act, The Town and Country Planning Act, and the Forestry Act. The following paragraphs highlight some resettlement related requirements in the planning of sub-project under Malawi Floods Emergency Recovery Project

3.1.1 The Constitution of Republic of Malawi.

The Constitution of the Republic of Malawi guarantees land as a basic resource for social and economic asset for all Malawians. It affirms equitable access of land and ownership of property. The constitution also sets a benchmark on the issue of land acquisition. It provides in section 28(2) that "No person shall be arbitrarily deprived of property" and in section 44(4) 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 a court of law". In regard to these facts, it will be necessary for the community to provide adequate land to for displaced persons. The Constitution of Republic of Malawi further guarantees security of tenure of land and free enjoyment of legally acquired property rights in any part of the country. The implication of this provision to resettlements related sub - project under Malawi Floods Emergency Recovery Project in that government will have to pay out fair and adequate compensation to land owners in event of the need to acquire persons' land for construction of new schools blocks or new roads or diversion of roads.

3.1.2 The Malawi National Land Policy.

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

3.1.3 Land Act

Land Act covers land tenure and land use quite comprehensively. Section 27 and 28 of the act guarantees landholders for appropriate compensation in event of disturbance of or loss or damage to assets and interests on land Act also provides procedures of acquisition of one class of land to another. The process begins with appropriate notice the existing lessee of the land. Project Implementation Unit has to ensure that acquisition of land for new schools (in safer places) to be built in Nsanje and Chikwawa have to follow normal procedures are guided in Land Act

3.1.4 Land Acquisition Act.

This law covers procedures relating to the acquisition of land by either the government or individuals or developers from any form of the land tenure systems in Malawi. The act makes provision for preliminary

investigation, preliminary survey of the area and the procedure to be followed where land should be acquired. The procedure for land acquisition starts with issue of a formal notice to persons who have existing interests in the land. Such notices are issued under section 6 of this act. Sections 9 and 10 of the act covers the steps for assessment of land, crops, fruits and other landed properties and subsequent procedures for payments of the compensations to the displaced people. Section 11 to 14 outlines the necessary steps for land surveying and land transfer following notices in government gazette. The responsibility of identifying alternative land for those affected people rests with their village headman, their traditional authority and District Commissioner of the district. The District Commissioner assists in transportation and provisions of necessary services on new sites of resettlement.

Implications for the law on the project include land acquisition for new schools and health centres safer areas) and potential risks of movement of people from some sites new roads diversions. Project Implementation Unit and district councils to ensure adherence to sections 6-14 of Land Acquisition Act.

3.1.5 Town and Country Planning Act.

The Town and Country Planning Act, is a principal act for regulating land use planning and physical developments in Malawi. The aim of regulating land uses and location of physical developments is to enhance orderly spatial physical growth of human settlements activities. In addition the laws promotes orderly physical planning in order to enhance optimum use of land and service infrastructures, protect and conserve fragile environmental systems in space. These objectives are achieved by guiding physical developments, and controlling building uses in designated zones with regulated planning permissions. Section 40 basically prescribes environmental and socio-economic screening for medium to large scale development projects before they can be granted planning permissions under this act. Normally this screening is undertaken by local councils and developers of proposed large projects before they can be sanctioned under this act. Examples of large scale projects (which require environmental a and social assessment) will be re-construction of Thabwa – Masenjere – Fatima Road, rehabilitation of water supply schemes, rehabilitation of irrigation schemes among others

3.1.6 Public Roads Act.

The public roads act covers the management of road reserves and streets. Land acquisition and resettlement issues are outlined in part II of the act. Section 44 provides assessment of compensations which can be paid under this act. The compensations cover surface and land rights of the owner or occupier of land. Section 45 provides for compensation for conversion of land into public use and the section states specifically that in case of customary land compensation is in respect to disturbance to people, section 49 and section 50 provide opportunities for land owners or occupiers to appeal to the High Court on grievances related to resettlement and compensations provided for in this act.

The main implication of this act relates to upgrading of secondary and main roads such as Thabwa – Masenjere – Fatima Road and other roads in East Bank areas in Nsanje and Chikwawa. In line with this act, appropriate census and valuation of properties have to be carried out through the road. All properties within the road reserves earmarked for improvements have to be compensated. A Resettlement Action Plan has to be prepared to cover all properties to be compensated.

3.1.7 Forest Act.

The Forestry Act number 11 of 1997 affirms the role of Department of Forestry on control, protection and management of forest reserves and protected forest areas. In addition the act recognizes the need to promote participatory social forestry and empowerment of communities for conservation and management of trees within the country. In this regard the act encourages community involvement in woodlots and management of forest reserves through co-management approaches. Section 86 of Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees. These rates are gazetted, and are reviewed from time to time by senior government officials. The values are used so that those who are involved in forestry are paid reasonable compensations on their timber trees and fruit trees. In case the department has not reviewed the rates at the material time, the department of Forestry normally assigns an officer to value the trees for purpose of immediate sale or

compensations. Normally, the valuation of people's trees are done based on species of trees, measured diameter of breast height and market price in kwacha per cubic metre. Current rates for compensations of various trees are contained in Malawi Gazette Supplement No 13A of 3 December 2010. Government Notice number 23.

3.2.0 POLICIES OF THE WORLD BANK ON RESETTLEMENT.

World Bank Policy on resettlement is outlined in Operational Policy (OP 4.12, and the overall objective of this safeguard is to avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs. Further the policy advocates encourages community participation in planning and implementing resettlement. More specifically, where resettlement is un avoidable, the policy stipulates criteria for eligibility to compensation, resettlement assistance and rehabilitation assistance measures to displaced persons on the following conditions:

- a. Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of Malawi. This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations.
- b. Those who have no formal legal rights to land at the time the census but have a claim to such land or assets provided that such claims are recognized under the laws of Malawi. This class of people includes foreigners and those that come from outside and given land by the local chief to settle.
- c. Those who have no legal right or claim to the land they are occupying to the land they are occupying. This class of people includes squatters, pirates and those that settle at a place on semipermanent basis, or those settling at a place without any formal grant or authority.

Displaced persons classified under paragraph 3.2(a) and 3.2 (b) shall be provided compensation, resettlement assistance and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project in accordance with the provisions of this framework if they occupy the project area prior to the cut-off date (date of commencement of the census). Displaced persons classified under paragraph 3.2 (c) shall be eligible for compensation for the assets but not land.

In addition the World Bank policy on resettlement stipulate those displaced persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

3.3.0 COMPARISON AND GAPS BETWEEN POLICIES OF WORLD BANK AND MALAWI ON RESETTLEMENT.

Policies of the World Bank on resettlement and of Government of Republic of Malawi have a number of common aspects in management of resettlement. For example both policies emphasise on minimisation of the extent of resettlement .Secondly, the policies recommends considerations of fair and adequate compensations to project affected persons. However, there some gaps which exists between the policies of World Bank and those of Government of Republic of Malawi. A detailed comparative analysis is provided in table 3. Some selected examples are as follows:

- (a) On aspect of compensations on assets to project affected people, the policies of World Bank on resettlement include illegally built structures of squatters and pirates as eligible for compensations on their assets. In case of Malawi, such claimants are not entitled to compensations.
- (b) On aspects on compensations on land, the policies of Government of Malawi considers the different intrinsic values associated with various classes of land (customary land, leasehold land, freehold land, public land) .In such cases, rates for compensation on land vary from one site to another and from one class of land tenure to the other. World Bank policies do not distinguish such differential aspects of land classes and corresponding different market rates.
- (c) In cases on compensation of loss of land by project affected people, the World Bank policies prefer land for land compensation. In Malawi an option of land for land compensation is normally preferred in customary land transaction while option of land for money compensation is the preferred options in urban areas.

- (d) World Bank policies clearly stipulate resettlement as an upfront project in that all issues of land acquisition and relocation of project affected people has to be done prior to commencement of the project site on the acquired site. The policies do not clearly spell out this approach and in practice; resettlement is treated as a separate exercise outside project planning and implementation process.
- (e) World Bank Policies clearly recommends for adequate resettlement assistance and rehabilitation assistance to relocated people as a way of restoring and enhancing socio – economic living standards. This is supposed to be undertaken within the first years of relocation on the new sites. Malawi legislation does not clearly define the extent f resettlement assistance to relocated people. Much of available support is normally left in hands of District Commissioner and local chiefs within the district and area of relocation of the project affected people.

3.4.0 MEASURES FOR ADDRESSING THE GAPS IN THE POLICIES IN IMPLEMENTATION.

The approach in addressing the discrepancies between policies of the two institutions is focus implementation of policy aspects which positively favour the project affected persons, and leave out those which negatively impact on the project affected persons. This recommendation is on the observation of that the common position between World Bank Policy on Resettlement and the Constitution of Republic of Malawi on resettlement is the guarantee of fair and adequate compensation and adequate resettlement assistance for the project affected person. In this regard, suitable options to be adopted are as follows:

- (a) Compensations in form of land for land loss to acquisition from those who have been displaced be made as a top priority .The option could come out as cost effective as the land acquisition process (which involves the project affected persons) may be much cheaper compared to acquisition of the same land by the government.
- (b) Compensations related to customary land acquisition to be made on real replacement values as opposed to previous practice of considering customary land as a free commodity. Whenever there is a conflict between the Bank and Government of Malawi policies on land tenure that of the bank will prevail.
- (c) Compensations should be paid to categories of project affected people so long they are covered within the cut off date. Some special project affected persons to be included are the squatters, pirates, vendors' stalls/hawkers.
- (d) Compensations should be paid in relations to labour inputs into gardens and maintenance of trees and crops within the immediate past year.
- (e) Provisions of basic and social services (such as potable water, graded access roads, sanitation facilities, subsidised fertile, income generating activities) to project affected people within the new area of relocations. Such support would enhance the restoration of standards of living of the project affected people.

Project affected person Provisions from relevant laws of Gov		t laws of Government of Malawi	World Bank Provision on the aspects	Appropriate measures for addressing the gaps.
	Name of Legislation	Provision within piece of legislation in Malawi		
Land Owner/Occupier	Public Roads Act (chapter 69:02)	The law stipulates payment of cash compensation based on loss or damage or destruction to structures. No compensation on land.	 The policy stipulates that land owners are entitled to compensation of land, compensation of building on replacement costs, expenses on labour The policy stipulate that land owners are entitled to compensation for crops 	 Compensation of land for land to project affected persons. Compensation of all structures at full replacement costs prior to displacement Compensations on crops and trees on real replacement values.
Land Owner/Occupier	Public Roads Act (<i>chapter 69:02</i>)	 The law stipulates that land owners are entitled to reasonable compensation offered by government on customary land The law stipulates that land owners can be compensated for land to land if alternative land is available. The law stipulates that land owners can be compensated for land to money if there is not alternative land or if the offered alternative land is not economically productive 	option is compensation of land for loss land. Other losses to be compensated at replacement costs.	 Compensation of land for land to project affected persons will be the first priority. Compensation of money for land to project affected persons in cases of lack of alternative suitable land. Compensation of all structures at full replacement costs and labour costs prior to displacement Compensations on crops and trees on market values. Resettlement assistance to project affected persons.
Land Owner/Occupier	Public Roads Act (chapter 69:02)	 The law stipulates that no compensation to improvements on land within road reserves (section 44) The law stipulates that no compensation to squatters unless they occupy the land for continuously for a period of more than 7 years 	 The policy stipulates that persons are entitled to compensation regardless of the legal status of their structures or occupation of the land The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement. 	 Compensation of all structures at full replacement costs prior to displacement Compensations on crops and trees on real replacement values Compensation on labour costs based on real replacement values
Land Owner/Occupier	Land Acquisition Act (Chapter 57:04)	 The law stipulates that compensation based on assessment done by government and agreed by parties. The law stipulates that compensation given when land is acquired. The law stipulates that compensation not 	• The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.	 Compensation of all structures at full replacement costs prior to displacement

apter 57:01) con	e law stipulates that reasonable cash apensation to loss of affected persons	 The policy stipulates that owners of buildings built illegally are entitled to in land 	Compensation of structures at full
	loss of land	compensation at full replacement costs including labour costs prior to displacement.	replacement costs and labour costs prior to displacement
stomary Land Act • The con	e law favours land for land npensations	 The policy favours land for land compensations in cases of loss of land by project affected persons. The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement. 	 Compensation of land for land to project affected persons. Compensation of structures at full replacement costs prior to displacement
			 The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs

4.0.0 CHAPTER FOUR: GUIDING PRINCIPLES ON RESETTLEMENT ACTIVITIES WITHIN MALAWI FLOODS EMERGENCY RECOVERY PROJECT

4.1.0 GUIDING PRINCIPLES ON RESETTLEMENT

The overall policy guidance on execution of new infrastructures under Malawi Floods Emergency Recovery Project will be to determine acceptable alternative options, when possible, to avoid resettlement related cases at the earliest opportunity. This is because resettlement disrupts the existing social and economic fabrics of the poor communities. In this regard, appropriate principles (described below here) will guide acceptable mechanisms for minimising or avoiding altogether incidences of resettlements during implementation of sub - project under Malawi Floods Emergency Recovery Project The principles revolve around the basic tenets of the World Bank Operational Policy on resettlement as well as the existing policies and laws of the Government of Republic of Malawi. The principles are as follows:

Principle 1: Recommended sites for sub - project under Malawi Floods Emergency Recovery Project shall be those site with no or minimal resettlement.

Suitable sites for funding of education project are those sites where the implementation of a project **would not bring** about involuntary resettlement, voluntary or involuntary physical dislocation, eviction of squatters, loss of land (whether ownership is recognized by customary land tenure or land titles, impact on cultivations and property, loss of access to property, loss of access to natural resources and other economic resources.

Principle 2: Projects proposed within a site where resettlement on the proposed site is un avoidable, government will plan and implement resettlement well in advance implementation of the new infrastructure. Implementation of resettlement activities by the communities will be on the following principles:

2.1: Genuine consultation and participation must take place

In case the government wishes to site a school or college on particular interest in public interest, government will adequately consider the views, rights and interests of the displaced and to – be-resettled people.

2.2:A pre - resettlement data baseline must be established

Government will prepare a Resettlement Action Plan or Abbreviated Action Plan to guide compensation and relocation processes. The preparation of action plans will be based on baseline surveys of the project affected persons and the locality of the project.

2.3: Government to provide resettlement assistance to project affected persons.

Project affected people will be provided with necessary support in course of relocation. The support will include provision of transport and basic services on the new sites of settlement.

2.4: A fair and equitable set of compensation options must be negotiated.

In case of resettlement needs on the proposed project site of a school or college, government will take care of required compensations on and assets to project affected people based on open market values.

2.5: Vulnerable social groups must be specifically catered for.

Compensations and resettlement assistance will cover all entitled categories of project affected persons including vulnerable groups such as the squatters, female headed households (widows, unmarried females) the aged, child headed families (orphans), the aged, widowers and the disabled.

2.6: Setting up of accessible grievance redress mechanisms.

Government will put in place user friendly and cost effective mechanisms for addressing complaints from project affected persons. The mechanisms will include use of local grievance redress mechanisms

administered by a project committee, local village heads, traditional authorities as well use of formal courts under the Judiciary. The use of local traditional courts administered by village headmen, group village headmen and traditional authorities will allow project affected people to access such services without going long distance.

2.7: Compliance to relevant policies and laws.

Land acquisition and resettlement activities by government will be implementation in compliance to relevant World Bank Safeguard Policies and government policies and laws.

4.2.0 ESTIMATION OF DISPLACED PERSONS AND CUT – OFF DATE

In context of resettlement, cut off date is normally the date when a task team mandated to facilitate resettlement/relocation of persons completes a census and asset inventory of project affected persons within the project area. Normally, the purpose of the exercise is preparation of pre-resettlement data and information regarding those to be re-located. The exercise involves rapid 'census or head counts' of the number people and their properties within the site. All head of households who were not residents in the area prior to this cut off date are normally not eligible for resettlement assistance and compensations. Normally the exercise is for preparation of database for drawing plans for compensations and resettlements. The steps to undertake appropriate estimation include the following tasks:

Step 1 Undertake site visit to the chosen site for the school/college.

This will help to appraise the pattern of the structures, scope of activities and density of residential properties on the site.

Step 2 **Delineation of the proposed site.** The purpose would be to prepare boundaries of the site within which to work on.

Step 3 Calculate the size of the area in hectares.

This would be to estimate the size of land which the persons would lose and which would be acquired and compensated for after negotiation.

Step 4 Carry out physical check and count of the houses within demarcated site.

This would be to find out the number of residential premises of heads of households within the site to be acquired.

Step 5 Establish the average number of persons per house within the demarcated area.

This would be to find out the estimated number of persons living within the houses within the site. The figure can also be obtained from municipal authorities.

Step 6 Estimate the people to be displaced. This would involve calculations multiplying the number of counted houses of heads of households (step 4) and the average number of persons per house (found in step 5).

However, in case the required estimate is for purpose of preparation of budget and other resources, and that head count of household heads is not feasible, it is advisable to use population density of persons and houses. Data for density of population and houses within the villages are prepared by National Statistics Office. Such data may be used in calculating the estimated number of displaced persons.

However, the officials will still require estimating the size of land (in hectares) which would be subject for calculation of the size of land acquired from displaced people. In case on exercises during the implementation of sub-projects, the officials have to carry out field work

4.3.0 METHODS OF VALUATION OF ASSETS.

Land acquisition and compensation of the assets would depend on proper and fair valuation. In Malawi methods of valuation of assets (such as buildings, trees, fruit trees, crops, vegetables) for purpose of compensations are based on various provisions in various pieces of legislations. These include Land Acquisition Act, Public Roads Act, Forest Act and Town and Country Planning Act. Generally, Ministry of Lands, Housing and Urban Development will provide technical leadership on the exercises. The starts with establishment of compensation schedules to determine values for loss of assets due to implementation of new safer sites for new classrooms and health centres. Currently there three types of compensation schedules based on type of assets affected. These schedules are used to determine compensations for the following groups of assets:

- (a) Physical assets such as buildings, bare land and other structures
- (b) Agriculture produce such as crops fruit trees, plantation crops, flowers
- (c) Trees such as indigenous and exotic trees

Each category of the assets has its own methods of valuation, and the exercises of valuation are based on appropriately established professional rates by relevant experts. The following paragraphs highlight the approaches to valuation of the assets.

(a) Valuation for compensation of agricultural produce

This category covers crops, fruit trees, flowers and plantation crops. The valuation of people's crops and trees is undertaken by a team of relevant professional experts at council level and led by The District Commissioner (DC). Additional come from Ministry of Agriculture and Department of Forestry. A detailed inventory of household heads and their assets will be established. The calculations will be based on established compensation rates. The District Commissioner (DC) maintains schedules of compensation rates for various types of crops and trees. After the exercise, The District Commissioner produces a schedule outlining names of household heads, list of their properties, values of their properties and total value of all properties assessed. This schedule is normally used for payment of the compensations to the affected people.

(b) Valuation of physical building/structures and land.

This category covers valuation of land, building and related structures such as houses, toilets, kitchen, and bathrooms, temporary structures made of wood and metal and animal enclosures. A detailed inventory of household heads and their properties is established. Department of Lands and Valuation in collaboration within District Commissioner calculate compensation amounts based on prevailing construction cost estimates for a given area. Construction costs estimates are normally prepared by qualified quantity surveyors in Department of Buildings. In big and permanent buildings, normally government uses the services of qualified valuation surveyors and quantity surveyors to determine the best replacement values of the affected structures. Normally compensation is paid based on these replacement cost estimates.

Valuation for compensation for loss of land is normally led by Department of Lands and Valuation. Department of Lands and Valuation in collaboration with District Commissioner of the district of interest calculate compensation amounts based on prevailing market rates for a given area. In this case, those people who have interests in land (customary or leased) are compensated based on the market values established by land economy surveyors from Department of Lands and Valuation. Similarly when the government agency intends to acquire land for development or resettlement as is in this case, the government will have to compensate the original owners of land on basis of commercial market prices.

(c) Valuation for compensation of forest trees.

This category covers forest trees (both indigenous and exotic trees). The valuation of people's trees are done based on species of trees, measured diameter of breast height and market price in kwacha per cubic metre. The exercise is led by a team of relevant professional experts from Department of Forestry, council level and led by the District Commissioner (DC). A detailed inventory of household heads and their assets will be established. The calculations will be based on established compensation rates. Department of Forestry, the District Commissioner (DC) maintains schedules of compensation rates for various types of trees. After the exercise, The District Commissioner produces a schedule outlining names of household heads, list of trees lost, values of their properties and total value of all trees assessed. This schedule is normally used for payment of the compensations to the affected people.

4.4.0 LIMITATIONS OF THE EXISTING VALUATION METHODS ON ASSETS.

The existing valuation methods have several limitations as some parameters were established many years ago. The consequences include under valuation of the assets and underpayment of compensations to project affected people. The limitations of the valuation methods stem from the following weaknesses:

- (a) The methods use old rates in valuation of replacement costs of buildings and structures in some local authorities in rural districts.
- (b) The rates for calculation replacement costs for buildings do not include the labour costs, transport costs incurred in the re erection of the houses and other structures.
- (c) The rates used for valuation of crops in some local authorities in rural districts tend to be old rates and not regularly reviewed by relevant authorities.
- (d) In most cases, key experts in some asset valuation are not involved as the actual field work is dominated by officials from local authorities. Cases in points are valuation of trees and fruit trees are normally carried out by officials from District Commissioners Office based on old stipulated figures from Ministry of Agriculture and Department of Forestry. Such incidents leads to undervaluation of assets as some officials can not professionally adjust rates to realistic levels reflecting the field observations.
- (e) The methods do not explicitly stipulate resettlement assistance especially n identification of appropriate alternative land for relocation. The tasks of identification of alternative land is left in hands local leadership such village headmen and traditional authorities of the area where the people stay. The District Commissioner is practically expected to oversee how the people are assisted in relocation by their local leaders. Normally it is when serious difficulties crop up when the District Commissioner assists in identification of alternative land.

Some of the measures which could be adopted in addressing the inadequacies outlined above include the following:

- a) Government authorities to ensure that local authorities which will be involved n valuation of land and assets have update rates of valuation of and crops, trees and buildings structures.
- b) Government authorities will have to ensure that appropriate team of experts are constituted prior to commencement of preparation of resettlement action plans. The team should at least consist of well experienced personnel n land management, valuation, forester, building foreman, quantity surveyor, agronomist and horticulturalist.
- c) Cases of compensations of loss of land should emphasise on allocation of alternative land to those people displaced. The option could come out as cost effective as the land acquisition process (which involves the project affected persons) may be much cheaper compared to acquisition of the same land by the government.

- d) Compensations related to customary land acquisition to be made on open market values as opposed to previous practice of considering customary land as a free commodity.
- e) Compensations should be paid to categories of project affected people so long they are covered within the cut off date. Some special project affected persons to be included are the squatters, pirates, vendors' stalls/hawkers.
- f) Compensations should be paid in relations to labour inputs into gardens and maintenance of trees and crops within the immediate past year.
- g) Provisions of basic and social services (such as potable water, graded access roads, sanitation facilities, subsidised fertilisers, and income generating activities) to project affected people within the new area of relocations. Such support would enhance the restoration of standards of living of the project affected people.

4.5.0 ELIGIBILITY PRINCIPLES FOR COMPENSATIONS FOR PROJECT AFFECTED PEOPLE.

In cases of the need for resettlement in relation to in implementation of sub - project under Malawi Floods Emergency Recovery Project, procedures for determining eligibility for compensation, resettlement assistance and the actual displaced persons shall consider the following:

- (a) Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of Malawi. This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations.
- (b) Those who have no formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Malawi. This class of people includes those that come from outside and given land by the local chief to settle.
- (c) Those who have no legal right or claim to the land they are occupying to the land they are occupying. 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.

Displaced persons classified under paragraph (a) and (b) shall be provided compensation from the community for the land, building or fixed assets on the land and buildings taken by the project in accordance with the provisions of this framework if they occupy the project area prior to the cut-off date (date of commencement of the census). Displaced persons classified under paragraph 4.5(c) shall be eligible for compensation from the community for the assets but not land. Displaced persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

4.6.0 ENTITLEMENTS FOR COMPENSATIONS.

Entitlements for compensation by project affected persons from the local community shall be based on the criteria outlined in 4.5.0 and the various categories of losses identified in the desk studies and field consultations. The matrix in annex 3 will be used in the settlement of claims for compensation for lost assets of project affected persons based on the aforementioned principles in 4.5.0 above and legal framework where land is involuntarily taken. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given by the local community to head of households and not individuals. Annex 3 provides details of entitlements to compensations to various potential categories of project affected persons.

4.7.0 APPROACH AND PROCEDURES FOR DELIVERY OF COMPENSATIONS.

Once valuation of land losses and asset losses has been finalized, it is the responsibility of the extension workers and District Lands Officer to circulate to District Executive Committee for review and approval the compensation packages from the community to project affected people. The process of payment of compensations has to be speeded upon as to reduce risks of inflations and devaluation of the sums of the money. Normally, compensations have to be delivered to project affected persons

within a period of six months from the date of valuation of the assets. The recommended procedures for the community to deliver compensation to project affected people are as follows:

(a) Delivery of compensation based on official valuations.

This delivery mechanism is based on what the community offers such sums deemed adequate as compensation to displaced person; and that person may accept that amount as compensation payable to him. Normally the sums are disbursed to the District Commissioners for the community in question for payment to the displaced persons. Local village headmen, traditional authority and council shall maintain records of displaced persons, their claims and entitlements. After payment of such sums, council documents the name(s) of the displaced persons, the amount of compensation and the records of how the compensation was arrived at. A copy of such records shall be made available to the government and local chiefs.

(b) Delivery of compensation based values arbitrated by formal courts.

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

It should be highlighted that in case some project affected persons have objections land acquisition and resettlement, their objections have to be done in writing to District Commissioner or Commissioner for Lands and Valuation within 30 working days after the public notice; or formal complaint lodged via local village headmen and traditional authority .It should also be pointed out that normally claims are not entertained after five years from the date of the proclamation; and or 12 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired.

4.8.0 GRIEVANCE REDRESS MECHANISMS ON RESETTLEMENT ACTIVITIES.

Resettlement of people generates a number challenges and complaints especially to those moved from one place to another. Examples of complaints include: objections to use of someone's land, encroachment on private land, theft of properties within the land, harassment of women, and marginalization in distribution of material assistance. And examples of grievances: include dissatisfaction with amount of compensation and, dissatisfaction with size and nature of land replacement. Such grievances are likely to crop up in one way or another in implementation sub project under Malawi Floods Emergency Recovery Project It should be pointed out that since the implementation of micro projects will be community based, negotiation and agreement by consensus will provide the first avenue to iron out and resolve any grievances expressed by the individuals, the land owners or households whose land and properties might be affected. The communities will ensure that resettlement related grievances should be addressed during the identification and appraisal of sites.

In this context, proper channels of grievance redress mechanisms will be put in place, and the project affected people sensitised to make use of them. Normally, the channels have to be in line with norms of the communities as well as laws of the country. The process of grievance redress mechanisms will involve informal courts handled by traditional leaders (village headmen, traditional authorities). In some cases, there may be need for involvement of District Commissioner, formal courts within the judiciary.

(a) Traditional courts.

Normally most complaints and grievances related to resettlements are those bordering entitlement to compensations and land ownership disputes. When such cases crop out, the issues will be referred to a village head. The village head will organise a village tribunal to preside on the matter. Both parties in complaints/cases will be called to be heard. When one party is not satisfied with the decision at village headmen level, the complaint can be taken up to group village headmen. Similarly, that party not satisfied with decisions on complaints at that level, can take the matter to traditional authorities (T/A) for

public hearings. In most cases/ complaints of this nature are sorted out at traditional authority level. However those who are not satisfied with the verdict will be allowed to appeal to the District Commissioner (DC) of the district. Further appeals can be made to the central government. In this regard, the matter can be referred to one of the line ministries (Ministry of Lands and Valuation, Ministry of Local Government) on the matter of dispute which may give direction on the existing policy to be implemented.

(b) Formal Courts.

Formal courts include magistrates, High Court of Malawi and Supreme Court of Malawi. These courts handle both civil and criminal cases. In regards to complaints and cases during the proposed resettlements, households with complaints bordering on compensations and criminal cases will have opportunity to take cases to these courts for review and determination on course of action. Such cases may include review of amount of compensations, cases theft of valuable properly as well as beating each other. Magistrate courts are located across the country and this would help project affected people to access the services of these magistrates in case such needs arise.

c) Access to World Bank Grievance Redress system

Malawi Government will also ensure that communities and individuals in project locations are aware of World Bank Grievance Redress System. Government will disclose simple system of submitting issues of concern through letters or newspapers. People who believe that they are adversely affected by project activities carried by contractors or communities may submit complaints (through letters/phones) to Grievance Redress Service (GRS) World Bank Malawi office. The letters would be reviewed by offices. The system ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may also submit their complaint to the Bank's independent Inspection Panel, after having brought the complaint to the attention International Development Association through Malawi Country Office. Information on how to submit complaints to the Bank's Grievance Redress Service and the Bank Inspection Panel will be disclosed to the public during public disclosure of Resettlement Policy Framework

5.0.0 CHAPTER FIVE: THE RESETTLEMENT SCREENING OF SUB – PROJECTS.

Resettlement screening process will consist of a series of appraisal activities prior to approval of the implementation of a sub - project. The exercise will be will be done District Environmental Sub – Committee of a local council. The purpose would be to identify potential resettlement impacts. The objectives of this screening process are:

- To guide implementing agencies in identification of appropriate sites for construction of various new infrastructure.
- To guide communities in identification of measures for addressing resettlement issues (if they arise) prior to submission of the proposal.
- To monitor measures for addressing the social impacts from resettlement.

5.1.0 THE SCREENING PROCESS.

Figure 2 below outlines a diagrammatic flow of the proposed resettlement screening sub - project under Malawi Floods Emergency Recovery Project

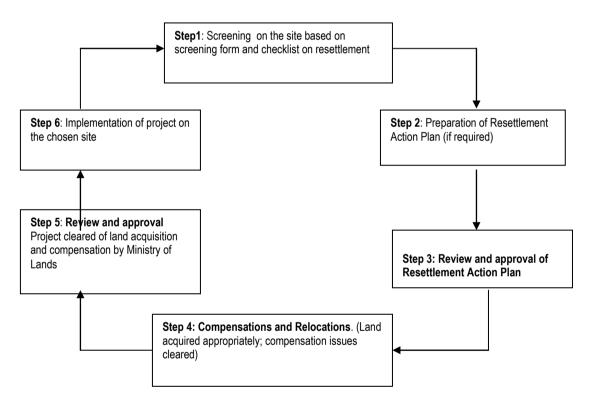


Figure 2: Diagrammatic flow of the screening process.

5.1.1 Screening of the sites by District Executive Committee.

This step will be the first step in the resettlement screening process, and it will be done on the proposed site of the project. This will be undertaken by use of the *Resettlement Screening Form* (annex 3). The committee would be assisted in screening by professionals. The committee will carry out the exercise based on checklist and screening forms (sample in annex3). The committee will be trained on use of the screening forms and prepared checklists on social impacts.

The aim of this exercise will be to assess the suitability of the proposed site or identify any form of encumbrances. In case the land on the chosen site is owned by someone or has assets for somebody, the committee will have to identify necessary compensatory measures for affected persons.

5.1.2 Desk appraisal of the proposed site and project.

Desk appraisal of the projects will be carried out by District Executive Committee lead by District Commissioner in districts of site location. Based of field verification results, the District Executive committee would make anyone of the following recommendations:

(a) Preparation of Resettlement Action Plan for the proposed site.

This would be on observations of that the implementation of the project on the proposed site **would trigger** resettlement, or involuntary physical dislocation, eviction of squatters, loss of land (whether ownership is recognized by customary land tenure or land titles, impact on cultivations and property, loss of access to property, loss of access to natural resources and other economic resources.

(b) Clearance of the project on the proposed site.

This would be on observations of that the implementation of the project on the proposed site **would not** trigger involuntary resentment, voluntary or involuntary physical dislocation, eviction of squatters, loss of land (whether ownership is recognized by customary land tenure or land titles, impact on cultivations and property, loss of access to property, loss of access to natural resources and other economic resources.

5.2.0 PREPARATION OF RESETTLEMENT ACTION PLAN FOR PROJECTS.

In implementation of some sub-projects under Malawi Floods Emergency Recovery Project, may need preparation of a Resettlement Action Plans prior to implementation of the project. It will be the responsibility of District Commissioner to mobilization of appropriate team of experts to prepare a resettlement action plan within a reasonable time. In general, a resettlement action plan for a community based micro project must consist at least the following aspects:

- Description of the location of the proposed sub project.
- The size of land which the sub project will take up and its existing uses.
- Detailed inventory of all assets to be lost by all households and individuals affected by having to move their place of residence or business to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future well being of the household can be measured. A plan of action for the resettlement of the homestead must be drawn.
- Inventory of the people who will lose land over which they have established ownership or rights of usufruct (either permanently or temporary fashion) to allow for construction of the facility. This must be made of baseline survey (census of the area) against which the future well being of the households can be measured. A plan of action for the resettlement of replacement of homestead must be drawn. This should also detail how compensation for crops will be paid, where replacement of land will found (if necessary), and which steps will be followed to ensure that the households productive base is re-established.
- A plan of action for ensuring that the communally held resource base is replaced/reestablished to ensure that no one is worse off after project implementation than before is established

Annex 6 outlines details of contents of a Resettlement Action Plan.

The preparation of a resettlement action plan would be done as collaborative efforts between the college/implementing agency and District Executive Committee. Key officials to be involved would be the District Lands Officer, District Forestry Officer, District Water Officer, Environmental District Officer, Community Development Officer and extension workers. In case there in adequate technical personnel (such as valuation experts) at district level, assistance has to sort from Department of Lands and Valuation at Ministry of Lands and Housing. Such a wide range of the

experts would provide adequate support to the village development committee or area development committee to produce credible schedule for compensations to project affected people.

Resettlement Action Plans prepared by District Executive Committee will be reviewed and approved by The Ministry of Lands and Housing.

5.3.0 MONITORING OF RESETTLEMENT ACTIVITIES.

Monitoring and evaluation mechanisms for resettlement activities within the programme will be linked to existing government monitoring and evaluation systems at community level, district level and national level. Monitoring and evaluation at community level will be undertaken by District Executive Committee (DEC) with technical support of the extension workers. Monitoring resettlement activities at community level has to be done by District Executive Committee (DEC) as opposed to the community structures so that the District Executive Committee provides independent results. The District Monitoring and Evaluation Officer will provide technical support in tracking key monitoring indicators on the exercises. Monitoring at national level will assess the effectiveness of the stakeholders in mainstreaming of resettlement principles in administration and implementation of sub - project under Malawi Floods Emergency Recovery Project The key stakeholders in monitoring at national level will be implementing agencies such as Roads Authority, Ministry of Education, Science and Technology, Ministry of Lands and Housing, and Ministry of Local Government and Rural Development (MLGRD). Information from district councils will be collected by District Monitoring and Evaluation Officer and will be transmitted to Department of Economic Planning and Development. The ministry will produce consolidated annual monitoring reports. Key issues to be monitored at community level will be type of resettlement losses, delivery of compensations to affected people and provision of resettlement assistance to project affected people. Table 3 below here outlines a suggested monitoring plan at local level. The plan outlines typical resettlement losses, entitlements, monitoring indicators, authorities responsible for monitoring and means of verifications.

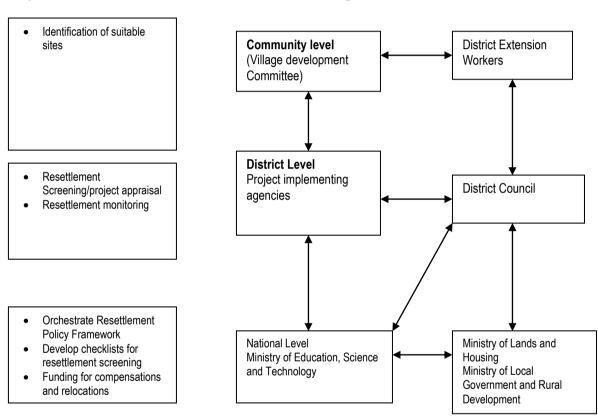
Type of resettlement losses	Compensation entitlement	Monitoring indicators	Monitoring authorities	Means of verifications	Frequency of monitoring
Loss of land	 Land replacement Cash compensation in lieu of land 	 Hectares of land replacement. Cash paid in Malawi Kwacha Number of people compensated. 	District Council	Records	Annually
Loss of residential structures	 Cash compensation 	 Cash compensation. Number structures compensated. Number of people compensated. 	District Council	Records	Annually
Loss of commercial/business structure	 Cash compensation 	 Cash paid in Malawi Kwacha. Number of structures compensated. Number of people compensated. 	District Council	Records	Annually
Loss of rental accommodation	 Cash compensation 	 Cash compensation in Malawi Kwacha Number accommodation units compensated. 	District Council	Records	Annually
Loss of businesses	Cash compensation	 Cash paid in Malawi Kwacha Number of businesses compensated. 	District Council	Records	Annually
Loss of forest trees	Cash compensation	 Number of trees compensated. Cash pad in Malawi Kwacha Number of people compensated 	District Council	Records	Annually
Loss of fruit trees	Cash compensation	 Cash paid in Malawi Kwacha Number of fruit trees compensated. Number of people compensated 	District Council	Records	Annually
Loss of crops	Cash compensation	 Kilogrammes of crops compensated. Cash paid in Malawi Kwacha Number of people compensated 	District Council	Records	Annually
Loss of grazing land	Grazing land replacement	Availability of alternative grazing land	District Council	Records	Annually
Blockages to access to natural resources	Alternative access routes	Functional alternative routes to natural resources.	District Council	Records	Annually
Blockage of pathways/footpaths/roads	 Provision of alternative pathways/footpaths 	 Functional alternative footpaths/pathways 	District Council	Records	Annually

Table 3: Proposed monitoring plan of resettlement activities at community level by District Executive Committee

6.0.0 CHAPTER SIX: INSTITUTIONAL ARRANGEMENTS AND CAPACITY BUILDING ON RESETTLEMENT.

6.1.0 INSTITUTIONAL ARRANGEMENTS.

Resettlement exercises have been a traditional responsibility of the Ministry of Lands, Housing and Urban Development (particularly the Department of Lands and Valuation), the District Commissioner, Traditional Authorities and village headsmen within the chosen area. However, today because of the multi – dimension of resettlement activities, successful implementation of resettlement depend on collaboration of different stakeholders, at local level (village/area level), district level and national level. This is necessary because the implementation of the activities would require inputs, expertise and resources which would be adequately taken care of if the concerned parties liaise from time to time. Figure 3 below outlines a diagrammatic arrangement of key institutions to be involved in resettlement.



Key resettlement activities

Institutional Arrangements.

Figure 3: Diagrammatic arrangements of key institutions in resettlement activities

6.2.0 DEFINITION OF RESPONSIBILITIES OF STAKEHOLDERS

The following sections outline key responsibilities of the institutions involved in resettlement planning and implementation within the context of implementation of sub - project under Malawi Floods Emergency Recovery Project

(a) Responsibilities of the community.

In context of community development initiatives, permanent community level structures include village development committees, area development committees and area executive committees. Main responsibilities in resettlement activities will as the following:

- The Village Development Committee/ Area Executive Committees (AEC), which include extension workers, will be responsible for resettlement screening based of checklists and screening form (annex 1). This would help to identify and mitigate the potential social impacts within selected sites. The exercise will help the communities to select potential sites without cases of resettlement. The committees will be responsible for consultations with wider communities on resettlement related matters.
- The Village Development Committees (VDC) and Area Development Committee (ADC) will be responsible for identification project affected people, assets to be compensated and identification of resources for compensations to those to be displaced.

The main institutional weaknesses of these local structures include the following: inadequate knowledge on use of screening forms on resettlement, in adequate skills in scoping social impacts from resettlement related exercises. One way of addressing these gaps would be for District Executive Committee particularly District Lands Officer, Environmental District Officer and extension workers to provide technical back up to the village development committees.

(b) Responsibilities of the Local Authority.

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

- Local authorities will be the main implementing government institutions on resettlement activities within the implementation schedule of the sub - project under Malawi Floods Emergency Recovery Project Main tasks will include project screening for resettlement, implementation of compensatory measures in line with Resettlement Policy Framework. Necessary annual budgets provisions for resettlement related activities will be made for each district council.
- At desk appraisal, District Executive Committee will screen the site before land acquisition and resettlement. The District Executive Committee will verify that the land on the site is free from encumbrances. Resettlement activities by the communities will be undertaken based on Resettlement Action Plan prepared based on guidelines outlined in section 5.2.0.
- Making recommendations on rejections for schools/college which would bring about unwarranted involuntary resettlement of households or communities when implemented.
- The District Executive Committee will be responsible for monitoring the community level activities on resettlement to ensure that compensatory measures are taken care off and adequately before commencement of the project.

There will be need for training for the District Executive Committee members on aspects highlighted above .This will help in executing the task better.

Some institutional weaknesses at district council include inadequate technical skills for valuation of properties, in adequate knowledge on use of screening forms on resettlement and in adequate skills in scoping social impacts from resettlement.

There are District Lands Officers in selected districts (although at the time of consultations, there were few Lands Officers in most districts). The District Lands Officers are graduate professionals, and they provide technical leadership in land administration and property management. The main job descriptions for District Lands Officer include overall land management within the district, monitoring land uses, conflict resolution on of referred cases of land disputes, processing land leases and resettlement activities. However, as at the time of preparation of this framework, most posts of District Lands Officer were vacant due to resignations. It is recommended that District Commissioner should also work hand in hand with Regional Physical Planning Officers. Regional Physical Planning Officers support districts in monitoring land uses. In view of this, it will be necessary to undertake adequate trainings in resettlement screenings to existing staff in such as District Environmental Officer, Director of Planning and Development, District Community

Development Officers and others. Such trainings would assist these officers to undertake the initial screenings in absence of the District Lands Officer.

(c) Responsibilities at national level.

Resettlement activities require multi – sectoral services and as such several line ministries would be involved in one way or the other. However, in case of resettlement issues related to sub - projectunder Malawi Floods Emergency Recovery Project, the following ministries have to be involved adequately: , Ministry of Education, Science and Technology, Ministry of Lands and Housing, Ministry of Economic Planning and Development, Department of Forestry. Some of the main activities to be done at national level are as follows:

- Mainstreaming resettlement planning within project management systems of Malawi Floods Emergency Recovery Projectby synchronising resettlement screening with project appraisal systems.
- Preparation of friendly checklists on social impacts from land acquisition and resettlements
- Provision of necessary resources to district level staff for conducting resettlement awareness meetings.
- Provision of necessary resources for conducting resettlement awareness meetings for extension workers and area development committees in selected districts.
- Provision of necessary resources to district level staff for monitoring resettlement activities.
- Coordinating national level monitoring on resettlement activities.
- Sensitization of stakeholders on resettlement planning in implementation sub project under Higher Education and Skills Development (HESD) Project

6.3.0 CAPACITY BUILDING FOR MANAGEMENT OF RESETTLEMENT ACTIVITIES.

The proposed sub - project under Malawi Floods Emergency Recovery Project will be implemented across the country. The risks of generating resettlement issues emanate from observations of that the new schools and colleges would require land uptake within both rural and urban settings. At the moment the specific locations are not known. In order to effectively screen resettlement issues, it is likely that the exercise would require dynamic and multi-disciplinary professionals. It is therefore necessary for the authorities to put in place appropriate tools for enhancing the knowledge and skills among the staff to be involved in resettlement screening and identification of compensatory measures. Some of the key capacity building activities which have to be carried are as follows:

- (a) Preparation of a user friendly manual on land acquisition and resettlement exercises for local authorities.
- (b) Preparation of checklists for social and economic impacts from resettlement activities to be used at local level. Such tools would guide the communities in avoiding involuntary resettlement in site identification processes. The target group for this exercise would be staff of implementing agencies y and District Executive Committee.
- (c) Training and awareness in use of resettlement screening forms in appraisal of sub project under Malawi Floods Emergency Recovery Project The target group for this exercise would be staff of implementing agencies and District Executive Committees

6.4.0 BUDGET ESTIMATES.

Management of resettlement issues in relation to sub - project under Malawi Floods Emergency Recovery Projectwill be carried out at district level and national level. Appropriate budget support to activities expected at each of these two levels is outlined in Tables 4, 5 and 6 below here. It should be pointed out that the budget estimates are indicative, and may be revised by and with stakeholders during census and asset inventory phase as the cases of resettlement become clear and clear. The tables also highlight sources of funding for the exercises. Further more it should be

highlighted that the figures are provided n the following assumption of that the rates of land acquisition and compensation would be on real replacement values. The use of real replacement values in compensations of assets would be consistent with stipulations in the World Bank Safeguards Policy: Involuntary Resettlement (OP 4.12). Compensations on real replacement values of assets would contribute to much higher incomes and better of lives for project affected persons after resettlement exercise.

Serial Number	Main activities budgeted for	Unit of budget	Budget Estimates (in Malawi Kwacha) per year.	Source of funding
1.0	Preparation Resettlement Action Plan	Lump sum	5,000,000.00	Annual budget Malawi Government
2.0	Monitoring activities	Lump sum	10,000,000.00	Annual budget Malawi Government
3.0	Training and sensitization of the communities on resettlement issues	Lump sum	10,000,000.00	Annual budget Malawi Government
4.0	Administrative costs	Lump sum	5,000,000.00	Annual budget Malawi Government
		Total	MK30,000,000.00	

Table 4: Indicative annual budget district level support services for resettlement activities

Table 5: Indicative annual budget for national level support services to resettlement activities.

Serial Number	Main activities budgeted for	Unit of budget	Budget Estimates (in Malawi Kwacha)per year	Source of funding
1.0	National stakeholder awareness workshops on resettlement issues	Lump sum	8,000,000.00	Annual budget Malawi Government
2.0	Preparation of checklists for social and economic impacts of resettlement	Lump sum	5,000,000.00	Annual budget Malawi Government
3.0	Monitoring and evaluation activities	Lump sum	5,000,000.00	Annual budget Malawi Government
5.0	Administrative costs	Lump sum	5,000,000.00	Annual budget Malawi Government
		Total	MK23,000,000.00	

Malawi Government will provide the funding to Project Implementation Unit to facilitate timely compensations to project affected people in those projects which may require relocation of the people or use of their land for construction/ upgrading of public infrastructure such as roads, irrigation schemes, water supply schemes, school blocks among others.

Table 6: Sample of annual nominal resettlement budget based on frequency of sub - project which may require resettlement.

SN	Type sub - project which may require land and resettlement	Average budget (in Malawi Kwacha)	school/health centre/road which may		Budget estimates for resettlement for a school/health centre/road (in Malawi Kwacha)		Annual budget estimates (in Malawi Kwacha)
			Within urban local authorities	Within district local authorities	Urban local authorities	District local authorities	
1	Construction of new school blocks/health centre/shelter in safer areas	200,000.00	7	1	1,400,000.00	0	1,400,000.00
2	Reahabilitation of roads and bridges	200,000.00	2	0	400,000.00	0	400,000.00
3	Rehabilitation of irrigation schemes and water supply schemes	100,000.00	10	10	1,000,000.00	1,000,000.00	2,000,000.00
	Totals						MK3,800,000.00

Malawi Government will provide the funding to Project Implementation Unit to facilitate timely compensations to project affected people in those sub-projects which may whether require or not the physical relocation of the people or the use of their land for construction/ upgrading of public infrastructure such as roads, irrigation schemes, water supply schemes, school blocks among others.

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- World Bank Group (2004) Involuntary Resettlement Policy, Washington.

Annex 1: Summary of implications of the project on various World Bank's Safeguard Policies

List of safeguard Policies	Focus of the safeguard policy	Explanatory Notes
Environmental Assessment OP/BP 4.01	The objective of this policy is to ensure that Bank-financed projects are environmentally sound and sustainable, and that decision-making is improved through appropriate analysis of actions and of their likely environmental impacts. This policy is triggered if a project is likely to have potential (adverse) environmental risks and impacts on its area of influence. OP 4.01 covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; and transboundary and global environment concerns.	
Natural Habitats OP/BP 4.04	restoration of natural habitats in its project financing, as well as policy dialogue and economic and sector work. The Bank supports, and expects borrowers to apply, a precautionary	area (being within the proximity of natural reserves and flood prone areas), it is possible that the ecological balance of the area could be affected, including natural reserves. Restoration of some livelihood activities, such as bee keeping and nature-based enterprises, may affect some protected wildlife reserves in rural communities. Rehabilitation of services and access to roads in flooded-affected wildlife reserves may affect conditions, including natural habitats - e.g. in Mwabvi Game Reserve/Lengwe National
Forests OP/BP 4.36	The objective of this policy is to assist borrowers to harness the potential of forests to reduce poverty in a sustainable manner, integrate forests effectively into sustainable economic development and protect the vital local and global environmental services and values of forests. Where forest restoration and plantation development are necessary to meet these objectives, the Bank assists borrowers with forest restoration activities that maintain or enhance biodiversity and ecosystem functionality. The Bank assists borrowers with the establishment of environmentally appropriate, socially beneficial and economically viable forest plantations to help meet growing demands for forest goods and services.	
Pest Management OP 4.09	The objective of this policy is to (i) promote the use of biological or environmental control and reduce reliance on synthetic chemical pesticides; and (ii) strengthen the capacity of the country's regulatory framework and institutions to promote and support safe, effective and environmentally sound pest management. More specifically, the policy aims to (a) Ascertain that pest management activities in Bank-financed operations are based on integrated approaches and seek to reduce reliance on synthetic chemical pesticides (Integrated Pest Management (IPM) in agricultural projects and Integrated Vector Management (IVM) in public health projects. (b) Ensure that health and environmental hazards associated with pest management, especially the use of pesticides are minimized and can be properly managed by the user. (c) As necessary, support policy reform and institutional capacity development to (i) enhance implementation of IPM-based pest management and (ii) regulate and monitor the distribution and use of pesticides.	irrigation schemes. This involves investments in the agriculture sector that will enhance production and will likely increase the use of pesticides. However, the Project will not finance the procurement of pesticides. In cases where pesticides are used within existing production systems, the Project will promote the use of integrated pest management and the safe use, storage, and disposal of agro-chemicals. Irrigation schemes may use pesticides to control pests on schemes. An Integrated Pest Management Plan (IPMP) will be prepared to provide guidance on the use of proper use of

Resources OP/BP 4.11	The objective of this policy is to assist countries to avoid or mitigate adverse impacts of development projects on physical cultural resources. For purposes of this policy, "physical cultural resources" are defined as movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above ground, underground, or underwater. The cultural interest may be at the local, provincial or national level, or within the international community.	contractors during rehabilitation and reconstruction of public infrastructure discover archeological sites, historical sites, remains and objects, including graveyards and/or individual graves. The Government of Malawi will prepare Chance Find Procedures for Contractors to guide them in the proper management of physical cultural properties in case they are found.
Indigenous Peoples OP/BP 4.10	The objective of this policy is to (i) ensure that the development process fosters full respect for the dignity, human rights, and cultural uniqueness of indigenous peoples; (ii) ensure that adverse effects during the development process are avoided, or if not feasible, ensure that these are minimized, mitigated or compensated; and (iii) ensure that indigenous peoples receive culturally appropriate and gender and inter-generationally inclusive social and economic benefits.	N/A
Involuntary Resettlement OP/BP 4.12	The objective of this policy is to (i) avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs; (ii) assist displaced persons in improving their former living standards, income earning capacity, and production levels, or at least in restoring them; (iii) encourage community participation in planning and implementing resettlement; and (iv) provide assistance to affected people regardless of the legality of land tenure.	bridges, health facilities and schools and irrigation schemes may require land for temporary or permanent use. The land acquired for this purpose may lead to loss of
	The objectives of this policy are as follows: For new dams, to ensure that experienced and competent professionals design and supervise construction; the borrower adopts and implements dam safety measures for the dam and associated works. For existing dams, to ensure that any dam that can influence the performance of the project is identified, a dam safety assessment is carried out, and necessary additional dam safety measures and remedial work are implemented.	assets and income sources.
Projects on International Waterways OP/BP 7.50	The objective of this policy is to ensure that Bank-financed projects affecting international waterways would not affect: (i) relations between the Bank and its borrowers and between states (whether members of the Bank or not); and (ii) the efficient utilization and protection of international waterways. The policy applies to the following types of projects: (a) Hydroelectric, , flood control, navigation, drainage, water and sewerage, industrial and similar projects that involve the use or potential pollution of international waterways; and (b) Detailed design and engineering studies of projects under (a) above, include those carried out by the Bank as executing agency or in any other capacity.	Recovery Project will finance activities outlined in Flood Risks Management Plan for Shire River Basin Management Programme. The project will finance river training activities on Ruo River, one of main tributaries of Shire
	The objective of this policy is to ensure that projects in disputed areas are dealt with at the earliest possible stage: (a) so as not to affect relations between the Bank and its member countries; (b) so as not to affect relations between the borrower and neighboring countries; and (c) so as not to prejudice the position of either the Bank or the countries concerned.	N/A

Annex 2: Terms of reference for Resettlement Policy Framework



Government of Republic of Malawi Ministry of Agriculture, Irrigation and Water Development.

Malawi Floods Emergency Recovery Project - Project ID 1431

INTRODUCTION.

The Government of the Republic of Malawi is seeking the financial support of US\$50.00 million from the International Development Association (IDA) of the World Bank Group for The Malawi Floods Emergency Recovery Project (MFERP). The Malawi Floods Emergency Recovery Project (MFERP) will seek to address critical flood-prone areas by providing immediate support to the affected populations in restoring their livelihoods, as well as rehabilitate critical infrastructure essential for public services and economic recovery in flood-affected areas. The project will also seek to increase the institutional capacity of the government's post-disaster recovery system and promote long-term resilience. In 2014/2015 rainny season, Malawi has experienced one of worst floods in the last twenty years with severe impacts on human settlement, public infrastructure and the environment. By end of February 2915, over 400,000 people were estimated displaced and estimated 180 people were reported to have died due to floods. Preliminary post disaster assessment results show extensive networks of roads and bridges, rural irrigation canals, public schools, public hospitals, trading centres, government offices have been destroyed in about 15 districts in Malawi.

Development Objectives of Malawi Floods Emergency Recovery Project are as follows:

- a) To address critical flood-prone areas by providing immediate support to the affected populations in restoring their livelihoods, as well as rehabilitate critical infrastructure essential for public services and economic recovery in flood-affected areas.
- b) To increase the institutional capacity of the government's post-disaster recovery system and promote longterm resilience

1.1Component 1: Livelihoods Restoration and Food Security

- 1. Sub-component 1.1: Labor-Intensive Community Infrastructure Repair US\$14 million: This subcomponent will provide immediate assistance for livelihood-supporting and income-generating activities. It will enable beneficiaries to meet their basic requirements by providing farm inputs for the next season in return for their participation in labor-intensive community infrastructure repair schemes. These interventions will create jobs while simultaneously repairing and restoring community infrastructure. The beneficiaries will be able to utilize their earnings for meeting their food and basic household needs.
- 2. Sub-component 1.2: Restocking of the Strategic Grain Reserve (SGR) US\$10.5 million: An estimated 150,000 to 200,000 households could be in need of food assistance for part or all of next year. It is therefore anticipated that an additional 20,000 to 25,000 tons of maize should be released from the SGR for food assistance. To maintain the SGR at its optimal level, the project will contribute to its replenishment for an estimated amount of 40,000MT. This quantity is however adjustable depending on prices during the periods of procurement. Purchase of maize will be done through the existing national mechanisms in compliance with the Bank's guidelines for procurement of goods. Release of maize for food assistance will follow existing procedures based on the PDNA and Malawi Vulnerability Assessment Committee (MVAC) estimates. Distribution will be done through the existing modalities using World Food Programme (WFP)

under the supervision of the Department of Disaster Management Affairs (DoDMA).

1.2 Component 2: Infrastructure Rehabilitation and Reconstruction

- 3. Sub-component 2.1: Repair and Reconstruction of Roads and Bridges US\$24.5 million: This subcomponent will support the rehabilitation and reconstruction of selected critical access infrastructure, including secondary roads, bridges and other drainage structures.
- 4. Sub-Component 2.2: Irrigation and Rural Water Supply and Sanitation US\$8 million: This subcomponent will fund the operational restoration of selected and prioritized irrigation and water supply schemes that have been destroyed or damaged by the floods. This will entail the repair and rehabilitation of:

Critical irrigation schemes and infrastructure (\$3.5 m): This can include headworks, flood protection bunds, main canal sections, drains and in-field infrastructure. All of the irrigation schemes proposed to be rehabilitated are those that are smallholder farmer managed and range from mini schemes (below 10 hectares) to about 400 hectares. Permanent repair will be required, especially for recently constructed and revived schemes that were showing high productivity and have incurred a significant setback.

Water Supply and Sanitation Schemes and infrastructure (\$1.5 m): This can include water intake structures, water treatment plants, conveyance systems, storage systems, distribution networks, pumping stations, wells and boreholes.

- 5. Sub-Component 2.3: Water Resource Management US\$4 million: This sub-component will finance flood mitigation works, including: (a) river training works; (b) river bank protection, afforestation of river banks and localized embankment repair works in critical flooding rivers; (c) creation and restoration of storm-water drainage; (d) restoration of riparian forests, and; (e) flood protection bunds around critical infrastructure designed to reduce risk levels and in line with the Flood Risk Management Action Plan for the Shire Basin.
- 6. Sub-Component 2.4: Rehabilitation and Reconstruction of Education and Health Facilities US\$8 million: This sub-component will primarily include the rehabilitation and in-situ reconstruction of a proportion of the schools and health facilities damaged or destroyed by the floods In line with PDNA results, the sub-component will seek to reconstruct and restore the functionality of damaged schools and health facilities (including their upgrading) as well as finance the replacement of school learning materials, medical equipment and medical supplies. This sub-component will also incorporate the element of Building Back Better, such as right sizing and right siting, as well as promoting disaster preparedness and risk reduction activities. In addition to the above reconstruction and major rehabilitation, and if needed, part of the funding could also be used for repair of partially damaged education and health facilities.

1.3 Component 3: Promoting Disaster Resilience

- Sub-Component 3.1: Institutional Strengthening of DoDMA US\$2 million: This sub-component will
 provide technical assistance to strengthen the institutional set-up and operational capacities of DoDMA for
 post-disaster response and recovery. This will include: (a) improving data preparedness and capacity
 development for post-disaster needs assessment; (b) strengthening recovery planning and
 implementation; and (c) enhancing disaster response systems.
- 8. Sub-Component 3.2: Multi-sector Design of Disaster Resilient Infrastructure US\$2 million: This subcomponent will provide technical assistance to different departments and ministries for the development and institutionalization of disaster and climate-resilient design standards for infrastructure construction in the future. This could include the design of roads and drainage infrastructure and public buildings, such as schools, health centers and government offices.

Component 4: Program Management – US\$4 million

 This component will finance the following activities: (a) incremental operating costs of the Project Implementation Unit (PIU); (b) technical designs for the reconstruction and rehabilitation of infrastructure included under various Project components; (c) supervision quality control and contract management of reconstruction and rehabilitation subprojects; (d) audit, studies and assessments required under various Project components.

2.0 SOCIAL SAFEGUARDS TRIGGERED.

Components of the project which would trigger environmental and social safeguards polices are community public works activities (under Livelihoods Restoration Component) and rehabilitation and reconstruction of public infrastructure – roads, s bridges, railways, schools, health centres among others. Initial appraisal of the project highlights that the project activities would trigger three social safeguards policies, and these are: (i) Involuntary Resettlement (OP 4:12), Physical Cultural Resources (OP 4.11). Initial evaluation of scope of activities and potential scale of negative social impacts have rated low and category requires partial assessment of social and economic risks/impacts. In line with Involuntary Resettlement Policy (OP 4.12), a Resettlement Policy Framework (including Chance Find Procedures required under OP 4.11) will be prepared to provide guidance on mitigating social and economic risks and losses from the project activities

3.0 COUNTRY CONTEXT

Malawi has an estimated population of 16 million people against land size of about 9.4 million hectares, and a population density is 139 persons per square kilometre. However, the southern half of the country has an average population density of about 350 persons per square kilometre, highlighting high population pressure within the country. About 84% of the population live in rural areas and depend on small holder farming while only 15% of the population live in towns. Agriculture is the single most important sector of the Malawi economy, contributing about 36% of value-added to GDP, employing 85% of the workforce, and contributing 90% of foreign exchange earnings in 2003. Total cultivated area in the past five years have been on average about 2.7 million hectares, of which 1 million hectares is held in some 30,000 estates with average farm size ranging between 10-500 hectares and the remainder (1.7 million ha) is under smallholder cultivation of average farm sizes of about 1 ha. Land pressures (and correspondingly extreme poverty) are most severe in Southern Malawi where average farm sizes are as low as 0.1 ha and much less in the Northern and Central regions of the country, where average farm sizes are 10-15 ha and 5-10 ha respectively.

Malawi is endowed with diverse natural resources, which include some fertile soils, forest and water resources which accommodate diverse species of flora, fauna and fish resources. However these resources are currently challenged by complex interaction of several factors which include the rapid rate of population growth of about 2.8% per annum. This imposes ever intensive pressure on the natural resources utilization, leading to unsustainable land use, depletion of forest resources, and loss of biodiversity, heavy soil erosion and water pollution.

Official government estimates indicate that HIV/Aids prevalence rate is about 10% (in rural areas), 17% (in urban areas) and 12% (national prevalence rate) of adult population (2010). According to the National AIDS Commission, about 1 million adults and children were infected with HIV in Malawi. The fact that HIV/Aids is one of the leading cause of death in the most productive age group (20-49 years) points to its potential adverse effects on rural labour productivity. This is an issue being addressed in other projects in Malawi, supported by a number of donors through a pool of funds through the Global Fund. The National Aids Commission, a government agency is responsible for coordination of efforts and mechanisms of addressing HIV/Aids issues and impacts. Recent reports indicate that prevalence rates are on decline in some parts. The proposed Malawi Floods Emergency Recovery project will have to mainstream adequate mitigation measures to minimize further spread of HIV/Aids through construction activities.

TERMS OF REFERENCE FOR THE PREPARATION OF RESETTLEMENT POLICY FRAMEWORK

1.0 BACKGROUND AND RATIONALE.

The World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) must be applied to any project which displaces people from land or productive resources, and which results in relocation, the loss of shelter, the loss of assets or access to assets important to production, the loss of income sources or means of livelihood, or the loss of access to locations that provide higher incomes or lower expenditures to businesses or persons. The policy applies whether or not the affected persons must move to another location¹. The Bank describes all these processes and outcomes as "involuntary resettlement," or simply resettlement, even when people are not forced to move. Resettlement is involuntary if affected people do not have the option to retain the status quo that they have before the project begins.

¹ The full policy and its Annex are available on the World Wide Web (the Internet), in Volume 2 of the Bank's Operational Manual at http://wbln0018.worldbank.org/institutional/manuals/opmanual.nsf/textonly

The proposed Malawi Floods Emergency Recovery Project would involve multiple subprojects within flood affected districts of Malawi. Some projects would require land acquisition for temporary use of permanent use such as new school blocks, reconstructed bridges and roads. This entails land access changes affecting both public land and customary land within the country. Project sites will cover all flood affected districts in Malawi, but the sizes of land acquisition is not be known at this stage because subprojects/interventions will be selected at a later date by government agencies and local councils.

It is against this background that two types of resettlement planning will be required. First is a Resettlement Policy Framework (RPF) that will guide and govern the project as subprojects are selected for inclusion. Second are the specific resettlement plans (RAPs, "resettlement action plans" or abbreviated resettlement action plan) that are done for each subproject where the displacement described above will take place. The RPF must be prepared, accepted, and disclosed publicly before the Bank will appraise the project. No part of the investment program (normally the first year's investments) will be decided before the project is approved. Provision must be made in the RPF for the process for reviewing and accepting subsequent RAPs before any subproject is approved for inclusion in the Bank-supported program.

The Resettlement Policy Framework is a statement of the policy, principles, institutional arrangements and procedures that the Borrower will follow in each subproject involving resettlement. It sets out the elements that will be common to all the subprojects. Preparing it allows the Bank and the Borrower to agree on principles and processes, so that these need not be discussed for every subproject. The RPF will allow project implementers, who will be in many locations, agencies, or communities, to undertake specific subprojects without having to re-negotiate fundamental agreements. The RAP will constitute a detailed action plan for treating a given set of people -- for example, those who will lose land to the relocation of landless people, or those who will be excluded from land they enter for accessing livelihoods or common resources.

The RPF and the individual RAPs are fully complementary to one another. It is conceived that actions will be included in the RPF in order to minimize content of individual RAPs as there will be hundreds of subprojects, therefore, it is obviously much more efficient for the project to take the time to get the RPF as full as possible.

The principles and requirements underlying both RPFs and RAPs are contained in OP 4.12. In OP 4.12, Annex A, the basic contents of both RPFs and RAPs are set out.

3.0 OBJECTIVES OF PREPARATION OF THE RESETTLEMENT POLICY

FRAMEWORK.

As part of the preparation of the proposed Malawi Floods Emergency Recovery Project, the Government of the Republic of Malawi seeks to engage a Consultant to prepare a Resettlement Policy Framework (RPF) to outline land acquisition framework and the needs of some local people who may be affected by the project. The RPF will be written to the standards of the Government of Malawi policy on land acquisition/resettlement and the policy of the World Bank, in its OP 4.12.

The objective of the RPF is to set out the policies, principles, institutional arrangements, schedules and indicative budgets for the resettlement to take place in the project. The Consultant will design and produce the RPF. The work will involve consultation with all stakeholders during the preparation of the RPF. Drafts will be presented to the project team at two stages of its work, and a draft final RPF will be presented to the Secretary for Education, Science and Technology. The RPF Consultant will make itself available to the client to respond to successive reviews of the draft RPF by Government and by the World Bank, and will present a final draft, incorporating the comments made and the agreements reached, for formal transmission by Government to the Bank prior to Appraisal of the project.

3.1 Specific requirements for the contents of the Resettlement Policy Framework

The Consultant shall be expected to prepare an RPF that meets the requirements elaborated below. The RPF will specifically follow the World Bank requirements as stated in the World Bank's policy on Involuntary Resettlement (OP 4.12) while at the same time designed to meet the legal requirements of the Malawi Government. Where there are gaps between Bank and Government requirements, the Consultant will set these out clearly spelling out to appropriate stakeholders to be consulted in decision making so as to address any existing gaps.

4.0 SCOPE OF THE ASSIGNMENT

In carrying out the assignment the Consultant will undertake the following tasks

4.1 Impacts, Land Acquisition, and Resettlement.

The RPF will include discussion on land acquisition, or restrictions of access that may be required especially by rehabilitation and re-construction of roads, bridges, schools, health centres, irrigation schemes. Given the nature of the project, a description of why resettlement is necessary, and why there needs to be an RPF will be provided with reasons justifying that a full resettlement plan (RAP) or a Process Framework (see OP 4.12 for details) cannot be prepared before project appraisal, and what the sequence of RAP preparations may be during the life of the project.

4.2 Principles and Objectives Governing Resettlement Preparation and Implementation.

The resettlement objectives are to move (or deprive from resources) as few people as possible consistent with the requirements of the project, and that general principles of doing no harm, of avoiding or minimizing resettlement are to be followed in all subprojects. Acquisition of land or resources is needed and resettlement cannot be avoided in every case as expansion of services to meet sector specifications may require additional land. The RPF should include instruments that will be used to ensure that affected people are meaningfully consulted, compensated fully and fairly for their losses, and assisted in their efforts to improve their livelihoods and standards of living or at least to restore them. The RPF will describe any particular conditions in the subprojects that may present special problems or opportunities, and show how the resettlement will be done, in principle, so as to overcome risks or take advantage of such opportunities.

4.3 RAP preparation, review, and approval.

The RPF will describe the relationship of the RPF to the individual RAPs that will be done later for each subproject where there is resettlement. The RPF will designate responsible officers for preparation of RAPs, and how Ministry of Lands, Housing and Urban Development and the Ministry of Agriculture, Irrigation and Water Development will be involved in reviewing and approving them.

The World Bank will not be required to review the RAPs for each sub project as these will have been addressed in processing applications at the level of screening to ensure that land has been properly acquired with set minimum criteria

4.4 Estimated population displacement and categories of affected people.

It is impossible to estimate exactly eventual displacement expectations to be caused by HESD Project funded subprojects, the Consultant should therefore prepare templates to be used in evaluation and consultation processes. Potential challenges to the local staff should also be indicated. Different categories of those displaced may include, for example, those losing legal title and those without it, those losing lands or those losing housing or those losing both, those losing temporary access or those losing permanent rights, business or residential property. This should include unit of analysis, whether "cases" (such as properties or fields), or households or individuals. The RPF will also discuss approaches in different sector subprojects considering technological requirements across a range of subprojects, and indicate how records will be kept.

4.5 Description of policies and legal frameworks for resettlement.

The consultant will review the national laws governing the taking of land or other assets and prepare appropriate instruments based on various World Bank Safeguard Policies and Malawi's Laws and Sector Policies of Malawi. These should cover but not be limited to – land and water law, customary law, land tenure legislation, urban construction regulations, and constitutional guarantees of compensation for takings for public utility. The RPF will discuss discrepancies among the various legal instruments, if found and summarize what laws and regulations may apply to different categories of affected people. Next, set out any requirements of the Bank for resettlement that applies to the types of cases that will arise in the project. Analyze all gaps between national and Bank requirements, and say how such gaps may be bridged.

4.6 Eligibility criteria for various categories of affected people.

The RPF will clearly include the following:

Determine the method for setting a cut-off date [see OP 4.12] for eligibility for compensation.

Set out the different categories of people affected by the project, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, water sources, proximity to work, and others, and including combinations (house and land, for example).

Define the criteria that are to be used to identify the eligibility for compensatory measures for each category of affected people, whether losses are partial or total, whether people have their own land or also rent land, what happens when buildings are occupied by more than one business tenant or household, for example.

Make the criteria user-friendly, so that those applying the principles to subprojects "on the ground" will be able quickly to identify whether people affected there are eligible for compensatory measures, and how and

Describe who will judge eligibility in difficult cases, for example by the use of neighborhood or village committees, or outside experts, and how such processes will work.

4.7 Methods of valuing affected assets.

The RPF will describe the methods to be used by stakeholders in valuing those assets that it deems eligible for compensation, and those that must be compensated under the policy principles that meet the World Bank's requirements. Explanation on the methods for *inventorying* assets, *assigning values* to each type of asset, and *coming to agreements* with each affected person or group on the total profile of losses and compensation. The RPF will, to the degree possible, present an "entitlement matrix" which shows the types of affected people, the types of losses, and the forms and amounts of compensatory actions that will be taken for each type.²

4.8 Organizational elements and procedures for delivery of entitlements, including the responsibilities of each actor.

The RPF will describe the process by which individual RAPs for subprojects will be submitted to project authorities, considered and approved, and how entitlements will be delivered. It will also state who in the overall project organization will be responsible for Resettlement, and what facilities the overall resettlement officials will have available to them. *The RPF will also provide a description of* how subprojects will be reviewed for resettlement, how implementation will be carried out once a subproject is accepted, and how the delivery of compensatory activities will take place.

4.10 Grievance Redress Mechanisms.

The RPF shall describe the mechanisms available to affected people for complaints about aspects of their treatment under this policy framework. Show how the mechanism will be accessible (in terms of language, distance, and cost) to affected people, and what recourse/appeal from the local grievance mechanism may be available.

4.11 Budget, and funding arrangements.

The RPF will estimate the overall costs of resettlement, including funds for general oversight and for implementation of subprojects. The sources of funds will be elaborated at program design. For large subprojects, the sources of and arrangements by which funds for implementation will be made available, and either estimates for "off-the-shelf" (average) subprojects or average subprojects by type and presented at approval for sub project funding. For community and other small subprojects, the types and numbers of subprojects and a nominal resettlement budget based on an estimate of how many subprojects may involve resettlement will need to be done in order to demonstrate that the overall budget estimates for RAP have been included in the project budget.

4.12 Methods for consultation with, and participation of, affected people.

Consultation is to be done for both the Resettlement Policy Framework, which sets many of the parameters by which resettlement will be carried out, and the individual RAPs which will be done for each subproject. For the RPF, show that meaningful consultation is being carried out with a broad array of stakeholders including both borrower officials at every level, and the types of people who may be the beneficiaries of, and affected by, typical subprojects. Show that the draft RPF is to be, or has been, circulated to interested parties, and that further consultations will take place before finalization. Insert a record of all such consultations as an annex to the RPF. For the individual RAPs, show how the people affected by the particular subprojects will be consulted throughout the process of RAP formulation, as prescribed by OP 4.12.

4.13 Monitoring arrangements.

The RPF will provide an appropriate mechanism for monitoring the effective implementation of resettlement, either as part of the overall monitoring of project progress, or separately to affirm the achievement of resettlement goals of

2

ensuring that all affected people are addressed. A description of how subprojects and overall project achievements will be monitored, and at what frequency, by selected reviews of a sample of sub-projects, by formal supervision of larger subprojects, or by the use of independent monitoring agencies (NGOs, committees of affected people, or some combination of actors) will need to be presented. Guidelines on how the results of monitoring will be fed back into project implementation will have to be provided, including where appropriate, monitoring checklists or templates to focus the work of local monitors.

4.14 Template for the design of subproject RAPs.

Taking account of the degree of detail achieved in the RPF design, the consultant will provide a template for, or description of the contents of, individual RAPs for those subprojects which will require them. This will include in the design the minimum information required to complement what has already been decided at project level through the RPF. At a minimum, the Consultant will ensure that the individual RAP will include the nature of the subproject, the resettlement impact, the number of people affected, baseline census and socio-economic survey information (for larger subprojects) a matrix that shows – in the same terms as the RPF – the entitlements of the categories of affected people, a description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living, the subproject budget and implementation schedule, and a commitment to follow the RPF guidance and requirements in all general matters. Insofar as possible, the consultant will be expected to show any further information that may be needed when the RPF has not been fully developed before project approval, or where the general issues in the RPF are in need of supplementation on account of differing local laws, special situations or effects on people, or the additional contributions of specialists to the individual RAP preparation.

5.0 TASK EXECUTION.

5.1 Scope of stakeholder consultations and linkages with other initiatives.

The Consultant will undertake a serious of stakeholder meetings with key stakeholders in the country, to discuss and enlist views on potential environmental and social mitigation measures for project activities. Key stakeholders include: Ministry of Lands, Housing and Urban Development, Ministry of Natural Resources, Energy and Mining, Ministry of Agriculture, irrigation and Water Development, Department of Forestry, World Bank Malawi office, Environmental Affairs, Department, Department of HIV and Aids in Ministry of Health, Ministry of Finance, Economic Planning and Development, selected district councils and selected non-governmental organizations (NGOs) involved in natural resources management sectors in Malawi.

The Consultant shall also explore linkages with other on-going development initiatives in the country such as the recently launched The HIV/Aids and Nutrition Project, and the on – going World Bank funded Shire River Basin Management Project, Agriculture Sector Wide Approach Support Project among others.

Annex 3: Resettlement Screening Form for a sub-project



MALAWI FLOODS EMERGENCY RECOVERY PROJECT

RESETTLEMENT SCREENING FORM

GUIDELINES FOR THE EVALUATION

The evaluator to undertake the assignment during field visit of the site . The evaluator to undertake the assignment after prior briefing of the exercise. The form to be completed by consensus of at least three people.

Project Name:	Estimated Cost:
Project Location:	Project Objectives
Village: Traditional Authority: District: Land tenure status	Proposed Main Project Activities:
Name / Signature and Position of Evaluator	Date of appraisal

	SCOPE AND FOCUS OF SCREENING	METHODOLOGY OF SCREENING			
		Appraisal of In	Appraisal of Impacts		Impacts
		No	Yes	Low	High
1.0	SCREENING CRITERIA FOR PROPOSED SITE FOR THE PROJECT				
	Will construction/expansion of a school/college within proposed site generate the following socio-economic impacts?				
1.1	Loss of private land/gardens				
1.2	Loss of private residential premises				
1.3	Loss of private commercial premises				
1.4	Loss of crops for a person/persons				
1.5	Loss of forest trees for a person/persons				
1.5	Loss of fruit trees for a person/persons				
1.6	Eviction of squatters/pirates				
1.7	Eviction of vendors				
1.8	Loss of rental accommodation				
1.9	Closure/blockage of public footpath/road				
1.10	Blockage of pathways for livestock				
1.11	Loss of grazing land				
1.12	Loss of cultural sites – graveyards, ritual sites				
1.13	Loss public facilities – church, borehole, water kiosks,				
1.14	Loss of access to natural resources				

OVERALL EVALUATION OF THE RESETTLEMENT SCREENING PROCESS.

The results of the screening process would be either - that there is no need of compensation and resettlement on the site or that there would be compensation and resettlements on the site and that a resettlement action plan be prepared. The basis of these options is listed in the table below:

There would be need of compensation/resettlement on the site and that Resettlement Action Plan be prepared.	No need of compensations and resettlement on the site and the project be implemented
1. An entry/entries of "YES" against each social impact in column 4 in table	1.Entries of "NO" against each of the social impact in column 4 in table
Completion by District Commissioner/Director of Planni	ing and Development
Date Received from	
Dated Reviewed:	
Date of Submission of inspection of the site	
Date of recommendation	
Date of clearance.	
Name & Signature of Officer:	

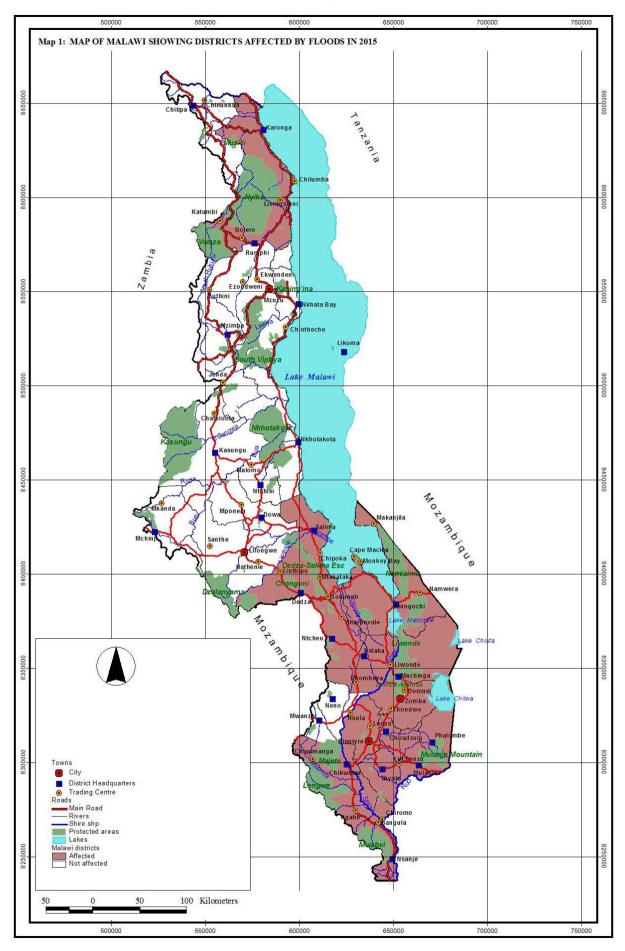
NOTES:

- Once the Resettlement Screening Form is completed and analyzed District Executive Committee will
 consider and endorse the overall position on the site. In case the proposed site and project is cleared of
 resettlement, The District Commissioner will inform implementing agency to proceed with rehabilitation
 and reconstruction of the infrastructure.
- In case the there is need for compensation/resettlement on the site before project implementation, the District Commissioner will organize the preparation of Resettlement Action Plan.

CATEGORY OF PROJECT AFFECTED PERSONS	TYPE OF LOSS	ENTITLEMENTS FOR THE PROJECT AFFECTED PERSONS			
		Compensation for loss of structure	Compensation for loss of land and other assets	Compensation for loss of home and livelihoods	
Property owners including those on customary land regulated by traditional authorities	Loss of land	Cost at full replacement value	 Land replacement at new site plus land clearing by the project. 	 Cash compensation for crops and trees at replacement values in scarce season Allow sufficient me to harvest annual crops 	
	Loss of structures – residential premises or business	Cost at full replacement value	 Fence, brick work, wire and wood Wells Stores Wastes water facilities Connection to utilities Access roads 	 Lump sum payment for loss of income from rented property based on number of months per tenant, 	
	Socio-economic identity	• None	• None	 Disturbance allowance, transportation cost for relocation Rehabilitation assistance, skill training, cash transfer projectprogramme Link the project affected communities to micro – finance loans and assistance. 	
Residential tenant Business tenant	Loss of rental accommodation	Replacement of number of houses lost on the site	 Replacement costs for non- movables 	 Disturbance assistance Transportation assistance if relocating Provision of rental fees for few months 	
Business tenant	Loss of premises	• None	 Replacement costs for non- movables if installation was agreed with owners 	• None	
	Loss of business	•	•	 Payment of lost income at an agreed rate (say payment of six months of pas year average turnover) 	
Vendors	Loss of hawkers	Compensation at full replacement value for structure	• None	• Payment of lost income at an agreed rate (say payment of six months of pas year average turnover)	

Annex 4: Summary of entitlements for various categories of project affected people.

Encroachers using land (pirates)	Loss of land			
	Loss of structures/shelter	 Compensation at full replacement value for structure Payment of site rent 	• None	 Cash compensation for crops , trees at full replacement cost during scarce seasons Permission of sufficient time for harvesting annual crops, fruits and timber trees
Squatters – living on the site	Loss of shelter/structures	 Compensation at full replacement value for structure Payment of site rent 	None	 Payment in lieu of wages while rebuilding Provision of disturbance assistance Provision f transport assistance in relocation
Community	Public facilities	 Compensation at full replacement value for structure Payment of site rent 	 Replacement of land at new site plus clearing of the site. Waste facilities, connection to utilities and provision of access roads. 	 Payment of lost income for business. Establishment of temporary facilities during construction.



Annex 5: Map of Malawi Showing districts affected by floods

Annex 6: An outline of the contents of Resettlement Action Plan.

- 1. Description of the sub project
- 2. Objectives of the sub -project.
- 3. Socio-economic characteristic of the people on the selected site
- 4. Legal framework for resettlement and compensations
- 5. Inventory of the project affected people and assets to be lost
- 6. Approach to valuation of the assets.
- 7. Eligibility criteria
- 8 Payment of compensation and records
- 9 Site selection for relocation
- 10 Housing infrastructure and social services
- 11 Environmental protection and management
- 12 Community participation
- 12 Integration with host population
- 13 Grievance redress procedures
- 13 Work plan for implementation of the resettlement
- 14 Cost and budget
- 15 Monitoring and evaluation plan

Annex 7 Selected list of people consulted in preparation of the framework

Name	Position	Organization	Date
Mr P. Chiunguzeni	Principal Secretary & Commissioner for Disaster Management	Dept of Disaster Management Affairs	March 2015
Mr S. Maweru	Secretary for Irrigation and Water Development	Ministry of Agric, Irrigation and Water Development	March 2015
Mrs E. Maganga	Secretary for Agric, Irrigation and Water Development	Ministry of Agric, Irrigation and Water Development	March 2015
Mr A. Namaona	Director of Planning	Ministry of Agric, Irrigation and Water Development	March 2015
Mr J. Banda	Deputy Director	Dept of Economic Planning and Development	March 2015
Mr R Fatch	Principal Economist	Dept of Economic Planning and Development	March 2015
Mr J. Kalowekamo	Deputy Director	Department of Energy	March 2015
Mr P. Mamba	Director of Irrigation	Dept of Irrigation	March 2015
Mr A Mbozi	Chief Irrigation Engineer	Department of Irrigation	March 2015
Dr P. Mtende		Ministry of Health	March 2015
Mrs M Kabambe.	Chief Nutrition Officer	Ministry of Education	March 2015
Mr P.Simbani	Director of Aids and Debt Management	Ministry of Finance, Economic Planning	March 2015
Mr S. Ligomeka	Secretary for Housing	Ministry of Lands, Housing and Urban Development	March 2015
Ms E. Bota	Regional Commissioner for Lands and Valuation	Ministry of Lands, Housing and Urban Development	March 2015
W. Chipeta	Project Manager	Shire River Basin Programme	March 2015
O. Durand	Senior Agriculturalist	World Bank	March 2015
P. Waalewign	Senior Water Resources Specialist	World Bank	March 2015
Ms Chikondi-Nsusa	Transport Specialist	World Bank	March 2015
Mr D. Kampani	National Project Coordinator	IRLAD Headquarters	March 2015
Mr C. Mphande	Project Engineer	IRLAD headquarters	March 2015
Mr F. Mphasa	Financial Management Specialist	IRLAD headquarters	March 2015
Mr T.Hiwa	Chief Executive	Roads Authority	March 2015
Mr S Sibande	Transport Economist	Roads Authority	March 2015
Mr C. Mtawali	Senior Engineer	Roads Authority	March 2015
Mr P. Chipeta	Director of Operations	LDF	March 2015
Mr F. Magwede	Controller for Railways	Ministry of Transport	March 2015
Mr K, Munthali	Chief Architect	Directorate of Buildings	March 2015
Mr H. Chiudzu	Director of Buildings	Directorate of Buildings	March 2015
Mr F. Zhuwawo	Director of Planning	Ministry of Local Government and Rural Development	March 2015
Mr F.Sakala	Chief Rural Development Officer	Ministry of Local Government and Rural Development	March 2015
Mr J. B. Phiri	Director of Planning	Ministry of Transport and Public Infrastructure	March 2015

List of people who attended consultative meeting held at Salima District Council on 31 st March 2015

Name	Designation	Organization	Phone	
Mr M. Chimphepo	District Commissioner	Salima District Council		
Mr B. Kantema	Assistant Disaster Risks Management Officer	Salima District Council	0994200509	
Mr B. Kamanga	Trade Officer	Salima District Council	0888377323	
Mr C. Nyasa	District Fisheries	Salima District Council	0999941740	
Mr A. Nkhata		Salima District Council	0888160863	
Mr G. German	COOPI	Salima District Council	0999391013	
Mr L. Chinoko	Environmental Health Officer	Salima District Council	0999365075	
Mr B. Nangwale	District Social Welfare Officer	Salima District Council	0999042326	
Mr L. Katunga	Inga Assi DADO Salima District Council		0882542320	
Mr H. Makombola	Ass. DCDO	Salima District Council	0999247812	
Mr M. Kaufulu	Assist Registrar	National Registration Bureau	0999304455	
M M Mailosi		Salima District Council	0993453785	
Mr N. Charambo	Environmental Inspectors	Salima District Council	0993608700	
Mr S. Phiri	District Forestry Officer		099568 2222	
Mr S. Chiphake	Director of Public Works	Salima District Council	0999350819	
Ms C. Banda	Field Officer	Red cross Society	0881673098	
Mr C. Kumikundi	District Education Manager	Salima District Manager	0999266431	
Mr B. Mahara	District Lands Officer	Salima District Council	0995644267	
Mr J. Varela	Director of Agric	Malawi Mangoes Ltd		
Mr I. Majamanda	Director of irrigation	Malawi Mangoes Ltd	0999962 274	

List of people who attended consultative meeting held at Mangochi District Council on 1 April 2015

Mr BJ Mtayamanja	Director of Administration	Mangochi District Council	
Mr E. Kadzokoyo	Director of Planning	Mangochi District Council	0999313318
Mr C. Millimu	Coordinator	Disaster Relief and 0999459479 Reparation	
Mr Y. Chiwndo	District Tourism Officer	Mangochi District Council	0999223298
Mr M. Mphande	District Community Dev. Officer	Mangochi District Council	0999342930
Mr J. Chamveka	District Fisheries Officer	Mangochi District Council	0999231873
Ms C. Chabwera	Assist District Disaster Relief Management Officer	Mangochi District Council	0999797617
Ms J. Lipinga	Monitoring and Evaluation Officer	Mangochi District Council	0884128280
Ms M. Kanyama	OPC	Mangochi District Council	099917862
E. Makwinja	Acting Diocesan Coordinator	CADECOM	0999644125
Mr D. Mfunya	Assistant District Forestry Officer	Mangochi District Council	0881638546
Mr W. Kamwendo	Ass. Business Officer	Mangochi District Council	0888375968
Mr B. Chunga	Ass.Commun Dev Officer	Mangochi District Council	0888301940
Mrs T. Mankwadzi	Enviro .District Officer	Mangochi District Council	0999613417
Ms A. Hauya	Environmental Health Officer	Mangochi District Council	0999232304

Name	Position	Sector	Phone
Mrs R.K Chavula	District Commissioner	Machinga District Council	0884002578
Mr M. Chimbalanga	Director of Planning and Dev	Machinga District Council	0888765454
Mr Dominic Mwandira	Director of Administration	Machinga District Council	0888353788
Mr Yohane Maseko	Land Resources Officer	District Agric Office	0881302956
Joseph Chipekiwe	District Comm Dev Officer	Min of Comm Dev	0999030244
Micheal Kachika	District Labour Officer	Ministry of Labour	0999652888
Matthews Kalaya	District Environmental H .Officer	District Health Office	0888346122
Ezekiel Luhanga	Monitoring and Evaluation Offi	Machinga District Council	0888352129
Shepherd Jere	Assist District Disaster Officer	Machinga District Council	0881142387
Eliza Kasinga	Wash facilitator	District Water office	0888187647
Marvia Mkondiwa	Assistant Cooperative Officer	District Trade Office	0882989552
Paul Mahosha	District Forestry officer	District Forestry office	0999381294
John Gangata	Officer Incharge ESCOM	ESCOM	0888844392
Evansi Chisiano	District Information Officer	Dept of Information	0881799978
Macleaod Piringu	HIV/Aids Coordinator	District Health Office	0888717650
Sandilonda Nkhunga	Assistant Planning Officer	Liwonde Town Council	0881799137
Bob K. Joshua	District Fisheries Officer	Dept of Fisheries	0888876892
Bertha Mijoya	District Social Welfare officer	District Social Welfare Off	0888142912
Mr M.Makanjira	Ward Councilor	Liwonde Town Council	0888908355
Steve Meja	DWDO	Machinga District Council	099304222

List of people who attended consultative meeting held at Chikwawa District Council on 7 April 2015

Mr A. Mdooko	District Commissioner	Chikwawa District Council	0999917342
K. Harawa	Director of Planning	Chikwawa District Council	0888697451
D. Magwira	District Agric Dev Officer	Chikwawa District Council	0999927480
K. Kamphambale	Chief Accountant	Chikwawa District Council	0888891040
E.E. Hane	Building Supervisor	Chikwawa District Council	0888550843
P.G.Dulani	Director of Public Works	Chikwawa District Council	0994091558
Mrs Mwenje	AEDC	Chikwawa District Council	0999640206

List of people who attended consultative meeting held at Phalombe District Council on 8 April 2015

Name	Designation	Organization	Phone
Mr. P. Kalilombe	District Commissioner	Phalombe District	0888312157
		Council	
Mr I. Mkandawire	Director of Planning	Phalombe District	0888342155
	and Development	Council	
Mr F. Mphalo	Acting Enevironmental	Phalombe District	0888899628
	District Officer	Council	
Mr D. Mataka	District Education	Phalombe District	0881663592
	Manager	Council	
Mr Z. J. Phiri	Environmental Health	Phalombe District	0888736851
	Officer	Council	
Mr D.Chbani	Assistant Disaster Risk	Phalombe District	0999104056
	Management Officer	Council	
Mr H. Mwavani	Chief Public Works	Phalombe District	0888313840
	Officer	Council	
Mr S. Mkata	Assistant District	Phalombe District	0884227228
	Community	Council	
	Development Officer		
H. M Kafanikhale	District Env Health	Phalombe District	
	Officer	Council	
H.D Phiri	District Community	Phalombe District	
	Development Officer	Council	

Annex 8: List of Non –governmental organizations consulted

Name	Position	Name of NGO	Phone
Kelton Tembo	Field officer	Goal Malawi	0881919721
Benson Chidaomba	Coordinator	CADECOM	0999375166
Lewis Msiyadungu	Coordinator	CCJP	01420577
Richard Dikamdima	Enginneer	Presscane	0881701454
Laston Zungu	Project Officer	Total Land Care	0995468023
Joseph Chimabalu	DCEO		
Prestone Yohane	Project Leader	DAPP	0991554660
Tawachi Kaseghe	Project Officer	Eagles Relief	0888358263
Clara Banda	Project Officer	Malawi Red Cross	0881673098
Gift German	Project Officer	Соорі	0999391013
Bucker Bijl	Director	Agricane	0999960 481

		GROUP/ COMMITTEE	POSITION	CELL #	SIGNATURE
	NAME VGJERA JOSEPHY		mLim		
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6	KINDTORD JAMES		11		
7	CHENSINA IENTERLA		11		
8	Foleri KAPHIRI		n		+ · W
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13	GROUP KALIMA		11		Kahine.
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Annex 9 : List of flood affected local people consulted in in Chikwawa District

Annex 10: List of farmers consulted at Mitawa Irrigation Scheme

- 1. Harold Mtalika
- 2. Mavuto Kamala
- 3. Gofrey Rodgers
- 4. Charles Soliyai
- 5. Jenet Gablon
- 6. Tamani Malunga
- 7. Jack Chpojola
- 8. Abitiress Mkonda
- 9. Ester Makonde
- 10. James Kamwanza
- 11. Christina Khosi
- 12. Dinesi Kosimasi
- 13. George Matwere
- 14. Weston Chewayini