



INTERNATIONAL
ACCOUNTABILITYPROJECT

Date: February 15 2022

To: International Finance Corporation and World Bank

From: Center for Human Rights and Rehabilitation & International Accountability Project

Subject: Mpatamanga Hydropower Project: Community Complaints and Grievances And Recommendations Supplementary to the Project Community-Led Research Report

We, [Center for Human Rights and Rehabilitation \(CHRR\)](#) and [International Accountability Project \(IAP\)](#), share this memo with you as the civil society organizations (CSOs) supporting the communities impacted by the [Mpatamanga Hydropower Project](#) (“the Project”) in Malawi. This is a follow up to our engagement with you that started early 2021. Specifically, this correspondence follows up on our online meeting discussions in May 2021 and September 2021, where we had respectively shared and discussed the first and final drafts of the Mpatamanga Hydropower Project [Community-Led Research Report](#) with your institutions and the Government of Malawi (GoM).

As part of our efforts to support the communities affected by the Project, CHRR conducted community meetings with the three villages affected by the Project - Chikira and Chaswanthaka villages in Blantyre District and Kambalame village in Neno District - in November 2021. The objectives of the meetings were to:

- 1) Provide updates to the affected communities of our advocacy efforts with the GoM, the IFC and the World Bank, and strategize for the way forward.
- 2) Provide training and capacity building of the affected communities around their rights in regards to the Mpatamanga Hydropower Project.

Outcomes of the Community Meetings

The main outcome of the community meetings was that the issues discussed in the community-led research report are still outstanding and are yet to be addressed. Building on the main areas of concern as reported in the [Community-Led Research Report](#), we would like to share with you the following information in your roles as the responsible institutions for performing due diligence and enforcing compliance with the IFC and World Bank safeguards

and other institutional policies to ensure that the issues are taken into consideration as the project development continues:

1. Lack of meaningful consultation of the affected communities on the project plans and design

During our November 2021 community meetings, the affected communities reported that they are yet to be consulted on the issues outlined in the community-led research report. Weeks later after the community meetings, the affected communities communicated with CHRR that they were engaged by the GoM in December 2021 to commence consultations on the displacement of a graveyard. However, these consultations, just like any other consultations before it have commenced, and the GoM continues to engage the project affected communities *without a stakeholder engagement plan (SEP) in place and the provision of adequate information to ensure their meaningful participation.*

As discussed in the [Community-Led Research Report](#), the Project development has halted the reconstruction of a bridge within the project area without any consultation of the project affected communities, thereby violating their right to development. The affected communities face many difficulties to cross the Shire river and access services on the other side of it. *The community-led research report disclosed that two people have drowned and died in attempting to cross the Shire river.*

During our November 2021 community meetings, the affected communities reported that the challenges include the infringement of their right to education. *The Chikira school - also marked for displacement - onced had about 800 pupils, and the number has drastically reduced to about 350 pupils. This is because pupils from Kambalame village are unable to cross the river and attend school.*

2. Failure of the project developers to provide the affected communities with adequate and timely project information

As detailed in the [Community-Led Research Report](#), one of the biggest challenges for the affected communities has been to make informed decisions about their lives and to meaningfully participate in the project processes due to their lack of information on the project, including the SEP and the timeline of project activities.

On November 3 and 4 2021, the GoM through the Department of Energy organized and conducted community meetings with the affected communities. During the meeting, the GoM informed the affected communities that they could continue to cultivate crops on their land in the meantime until they are resettled. This was after CHRR had made that recommendation to the GoM during the September 2021 meeting. However, the GoM still failed to provide the affected communities with a clear timeline of project activities and of the resettlement process. CHRR attended the meetings.

During our November 2021 community meetings, the affected communities outlined the following issues regarding these particular information sharing meetings, which they wish to be communicated with the IFC and the World Bank.

- I. The affected communities reported that since the resettlement preparation activities were concluded in February 2021, there has not been any kind of engagement from the GoM or any other institution involved in the project preparation process. It was further added that it is very concerning that it has to take the intervention of an NGO (CHRR in this case) for the GoM to treat them with the respect that they deserve, and to uphold their rights by providing them with information that will enable them to make informed decisions about their lives.
- II. Kambalame villagers reported that the communication had been made to them in an untimely manner since it was a bit late for them to start cultivation preparations. Since the information on resettlement activities and the timeline was not shared with them, the majority of them were expecting to be resettled by the end of the year, 2021. They therefore pointed out that the Mpatamanga Hydropower Project development activities continue to adversely affect their lives, mostly due to the lack of access to information and poor engagement from the GoM.

3. Affected communities' lack of access to effective grievance redress mechanisms

As discussed in the [Community-Led Research Report](#), the affected communities have grievances regarding the project development and resettlement preparation activities that they wish to file. However, a project-level grievance redress mechanism is not in place, while the resettlement preparation grievance mechanism is not easily accessible. The GoM has also not provided the affected communities with information on the grievance redress mechanisms of the IFC and the World Bank. During the GoM's 3 and 4 November community meetings, the affected communities were informed that a project-level grievance mechanism would be developed. However, the GoM failed to inform them of the steps and the timeline for the process.

4. Irregularities With the resettlement planning process

As reported in the [Community-Led Research Report](#) the process of resettlement planning has not been done in a participatory manner and has many irregularities. To add on the issues reported in the community-led research report;

1. Affected persons from Chaswanthaka village report that the only fertile land for crop production that is available within and surrounding their village is the land that is being acquired for the Project. They mentioned that their ancestors moved to this area in

search for the very same land that the Project is taking away from them. The affected persons from this village, just like the other two villages, are impacted differently - some with either physical or economic displacement only, while others with both physical and economic displacements. Those that are impacted by economic displacement mentioned that, according to the way the resettlement planning has been done thus, they would have to walk impossible distances from their homes to get to places where they can find fertile soil for cultivation. They therefore recommended to the GoM to meaningfully consult with them on the resettlement process of Chaswanthaka villagers, and ensure that they can be physically displaced as well, which would enable them to live closer to where they can be cultivating crops for their livelihoods.

2. The affected persons from all the villages reported that during the resettlement planning process, they were given a directive to not cultivate long-term crops - like bananas and sugarcane - but rather cultivate seasonal crops - those they cultivate and harvest in one growing season, and then repeat in the next. Apparently this was done to ensure that they do not lose their long-term assets once the resettlement begins. However, such kind of directives have been given to them since 2015 as discussed in the community-led research report, and they have been adversely impacting their lives. The affected communities stated that this directive will impact their right to adequate food. They therefore recommend that the decisions about their lives should not be made for them, but should be made through a meaningful consultation process.
3. The affected communities reported that during the resettlement planning process, some of the affected persons were in the middle of developing their homes with infrastructure developments (e.g. outdoor bathrooms and houses). The evaluators allegedly evaluated the unfinished structures as they were and told the affected persons to not finish constructing the structures since they would be compensated for only what was evaluated. The affected persons attribute this problem to the GoM's failure to provide them with project information including the timeline for project activities. They mentioned that if they had the information, they would have made the right decisions on when to develop their homes with such infrastructure. The unfinished structures now lie idle while their lives continue to be adversely impacted since the structures won't serve their intended purposes.

Recommendations

The Mpatamanga Hydropower Project has thus far fallen short of meeting almost all of the IFC and World Bank requirements. As of February 15 2022, a Stakeholder Engagement Plan (SEP) has not been developed. The impacted communities have reported that they have not been provided with access to relevant project information; nor have they been meaningfully consulted or provided with information on the project-level or independent complaint mechanisms.

Building on the recommendations made in the [Community-Led Research Report](#), we make the following recommendations to the IFC and World Bank in your role as the responsible institutions for performing due diligence and enforcing compliance with the IFC and World Bank safeguards and other institutional policies:

- The World Bank Board of Directors should ensure that the community concerns are addressed, or at least action plans for addressing them are in place before deciding financing for the project.

It would make sense that the project has thus far fallen short of meeting almost all of the IFC and World Bank requirements - because the GoM has been engaging with the project affected communities without a SEP, which is yet to be developed. In line with the IFC Performance Standard 1 (Assessment and Management of Environmental and Social Risks and Impacts), the IFC must ensure that the GoM develops and implements a Stakeholder Engagement Plan that is scaled to the project risks and impacts and development stage and tailored to the characteristics and interests of the affected communities. **We recommend that all community engagement activities should be halted until a Stakeholder Engagement Plan has been developed.**

In light of the failure of the GoM to provide the affected communities with project information, meaningfully consult them, and of the irregularities with the resettlement planning activities, we recommend that a new ESIA and resettlement action plan (RAP) should be prepared and should address the concerns highlighted by the affected communities.

- The IFC and the World Bank should ensure that the GoM, with the utmost urgency, creates a grievance redress mechanism for the affected communities to lodge their complaints.

The GoM must establish an accessible, effective and legitimate grievance mechanism to receive and facilitate resolution of affected communities' concerns and grievances about the environmental and social performance.

The GOM should provide meaningful opportunities for affected communities and beneficiaries to inform the design of the project-level grievance mechanism as part of a robust participatory consultation process so as to ensure that the mechanism is culturally appropriate, sensitive and accessible to diverse members of the community, including to those who may face additional barriers to access. Barriers to access may include a lack of awareness of the mechanism, literacy, language, costs, physical location and fear of reprisals. The Office of the Compliance Advisor/Ombudsman advisory note, *A Guide to Designing and Implementing Grievance Mechanisms for Development Projects*, found that involving the community in the design of the grievance mechanism to identify key factors was one core marker of an effective, credible grievance mechanism. The community should be involved to identify key factors, such as the kind of disputes that

could arise during the project cycle, the availability of local resources to resolve conflicts, and the methods in which people in the community actually want to raise concerns. According to that advisory note, an effective grievance mechanism should use and publicize multiple points of entry, including face-to-face meetings, written complaints, telephone and e-mail, in order to decrease barriers to access. Further, to address the literacy or language barriers to access, the threshold for submitting a complaint to the mechanism should be low.

The GoM should also provide periodic reports to the affected communities that describe progress with implementation of the project action plans on issues that involve ongoing risk to or impacts on affected communities and on issues that the consultation process or grievance mechanism have identified as a concern to those communities. The GoM must ensure that a grievance mechanism for the project is in place, in accordance with ESS10 (Environmental and Social Standard 10 regarding Information Disclosure and Stakeholder Engagement), as early as possible in project development to address specific concerns about compensation, relocation, or livelihood restoration measures raised by displaced persons (or others) in a timely fashion.

The GoM should also provide information to project affected communities about the existence of the independent accountability mechanism.

- The IFC and the World Bank should ensure that the GoM facilitates a resettlement process that is transparent, ensures the participation of the affected persons, and provides adequate compensation for any economic and physical displacement.

We recommend that a census be carried as required under IFC and World Bank standards and that local communities be able to participate in the development of the RAP. In line with the IFC Performance Standard 5 (Land Acquisition and Involuntary Resettlement), a census must be carried out to collect appropriate socio-economic baseline data to identify the persons who must be displaced by the project, determine who will be eligible for compensation and assistance.

Addendum to the Memo

This addendum is made on March 11 2022.

This memo was sent to the IFC and the World Bank project teams on February 14 2022, with a copy shared with the Government of Malawi (GoM). The memo was also shared with some selected World Bank Board of Directors on February 16 2022. On March 10 2022, CHRR and IAP had a meeting with the GoM. The objectives of the meeting were; i) for the GoM to provide updates on the progress made in the development of the project, and; ii) to discuss some issues discussed in the memo. During the meeting, after the GoM requested for information that formed the basis for the following recommendation, a clarification was made by CHRR and IAP on the recommendation. The recommendation as stated in the memo reads:

In light of the failure of the GoM to provide the affected communities with project information, meaningfully consult them, and of the irregularities with the resettlement planning activities, we recommend that a new ESIA and resettlement action plan (RAP) should be prepared and should address the concerns highlighted by the affected communities.

This addendum therefore serves to put on record the clarification of the recommendation that was made during the meeting. The text of the recommendation is therefore revised and should read as follows;

Considering that there has not been a deliberate effort from the GoM to provide the affected communities with project information, to meaningfully consult them - through the prior provision of project information to ensure informed community consultations -, and of the irregularities with the resettlement planning activities, we recommend for these issues to be addressed. As the developments of the ESIA and resettlement action plan (RAP) continue, and before they are opened for public consultation, the GoM should revisit the affected communities' social and environmental aspects of the studies and address the concerns highlighted by the affected communities through the community-led research report and this memo. These measures should include, but not be limited to;

- I. provide the project affected communities with the relevant project information including but not limited to what they shared through the community-led research report. The stakeholder engagement plan (SEP) should be one of the key pieces of information that should be shared with the project affected communities before further community engagement is done;
- II. review any and all community consultations related to social and environmental aspects that were done without the prior provision of project information to the affected communities and reconduct these community consultations to ensure the informed decision making and participation of the project affected communities;
- III. review any and all resettlement preparation activities that were done without the prior provision of project information to the affected communities and reconduct these activities to ensure the informed decision making, participation and

involvement of the project affected communities in these activities. The resettlement planning processes should also ensure that the project affected communities have access to effective and accessible resettlement grievance redress mechanisms for filing and addressing of grievances.

During the March 10 2022 meeting itself, the GoM also mentioned that a relationship agreement would be negotiated tentatively during the week of March 14 2022, after which a Project Company would be formed. The GoM mentioned that further project development activities would be undertaken by the Project Company. Therefore, the GoM should ensure the necessary transferring to the Project Company of the responsibilities related to the recommendations that have been made and directed at the GoM in this memo and in the community-led research report.