

*Via Electronic Mail*

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To: The Project Task Team, Mpatamanga Hydropower Project  
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**Continued Poor Engagement And Adverse Impacts On the Lives of the Communities Affected By the Mpatamanga Hydropower Project**

We, [Center for Human Rights and Rehabilitation \(CHRR\)](#) and [International Accountability Project \(IAP\)](#), write to bring to your attention the continued impacts of the Mpatamanga Hydropower Project (the "Project") on the lives of the affected communities. In our efforts to mobilize and support the communities impacted by the Project so that they can defend their rights from the human rights violations that they are facing and any others that they may face from the Project, we organized community training meetings between 22 and 24 August 2022. We also organized separate meetings with the larger community groups to update them of our efforts in engaging with the Government of Malawi (GoM) and the financiers of the Project - the International Finance Corporation (IFC) and the World Bank - so that they can address the complaints and grievances that the affected communities have raised. The meetings also served as a platform for the larger community groups to share with us any updates in the GoM's engagement with them, and any other impacts that they are facing due to the development of the Project. We share below issues which arose from these community meetings that need your attention:

- 1. The Malawi Government has not made remarkable improvements in its engagement and information sharing efforts with the affected communities.**
  - **Frequency of information sharing meetings.** At the time of our August 2022 meetings, the GoM had held community meetings a week prior in Chaswanthaka and Chikira Villages, and was yet to do the same in Kambalame Village. Community members from Chaswanthaka and Chikira Villages reported that these GoM's information sharing meetings were the first this year, with the previous meetings conducted 9 months prior in November 2021. It should be pointed out that the GoM's November 2021 meetings were

as a result of our recommendation to the GoM to share information with the communities on project timeline so that they could make informed decisions about their lives, including on subsistence farming, a staple in their socioeconomic lives. Prior to the November 2021, the affected communities disclosed that the GoM had not held any meetings with them to share information about the Project. We recommend the GoM to be conducting more regular meetings with the affected communities and share information with them about the Project.

- **Methods and format of sharing information.** The affected communities have reported that during the GoM's August 2022 and November 2021 community meetings, information was being shared to them verbally. During our August 2022 meetings, we asked the Chaswanthaka and Chikira villagers about the information that was shared with them during the GoM's meeting. There was confusion amongst the villagers who could not coherently articulate the information that had been shared with them. Different people shared different understanding of the same information that had been shared. This proves that verbal communication alone is not the best format of sharing information with the affected communities. We recommend the GoM to employ different formats of information sharing. For example, apart from verbally sharing the information, the GoM could also print out the information and other relevant materials in the local language and share these with the affected communities.
- **Substance and packaging of information shared.** The Chaswanthaka and Chikira Villagers reported that during the GoM's August 2022 meetings, they were informed that they would receive "extra compensation". When we asked them what this "extra compensation" meant, why they would receive it, how much the compensation would be and how it would be determined, and who would be eligible to receive it, the villagers were unable to answer these questions. They however responded based on their assumptions. One assumption they seemed to share in common is that the "extra compensation" meant a welfare package to compensate them for the disturbance of their lives and the suffering that they have endured since the Project development started. We, on the other hand, understand that this "extra compensation" might be relocation allowance, as it is required by the World Bank Environmental and Social Framework. However, we are also not sure of that. This is one example of how the information shared with the affected communities has been abstract in nature, with poor packaging in regards to its basis. The affected communities reported that the GoM employs the method of sharing information in the manner of "*we will do this for you*", "*you will receive this*", without providing context. We therefore recommend that the information to be shared with the affected communities should be packaged in a manner that can be easily understood by the affected communities, as we had recommended in the [community-led research report](#), also shared below:
  - The IFC and World Bank safeguard policies that are supposed to be followed in the development of the Project.

- The process of community engagement, information sharing and consultation that will be followed.
- The rights and entitlements of the affected communities in relation to the Project;
- The legislations that govern the expropriation of the affected communities' land;
- Information on the resettlement process, from planning to compensation, what activities will be conducted and a clear timeline of the activities;
- Information on how consultation processes should be conducted, as required by the laws of Malawi and the policies of the IFC and the World Bank;
- The likely adverse impacts of the Project as identified in the preliminary environmental and social impact assessment.

## **2. The GoM's poor consultation process for the graveyard relocation.**

The affected communities from Kambalame village reported that the Government of Malawi held a consultation meeting with them on the relocation of their graveyard in December 2021. However, they described the process as rather being an information sharing meeting on how the Project would relocate the graveyard rather than a consultation meeting. They shared that the plans the GoM had shared with them on the graveyard relocation was that the graves would be excavated, relocate them to the new chosen grave site, and then hold one joint burial ceremony to wrap up the process. The villagers bemoaned the GoM's lack of sensitivity on the issue and, more especially, the lack of consultation of their ideas to be included in the relocation plan. One outspoken elderly man mentioned that this would arouse grief within them and they would wish to be compensated for that grief. While this is one of the many ideas that the community members have, we recommend the GoM to meaningfully consult them on the graveyard relocation and accordingly incorporate into their plans the community's feedback. It is important that the relocation plans employ culturally appropriate methods and the community should own the process, which would prevent more distress and grief.

## **3. The GoM's poor community engagement continues to devastate the affected communities' lives**

### **a. Hunger**

During our engagement with the GoM, the IFC and the World Bank in late 2021, we reported that the affected communities had up to that point failed to freely cultivate crops on their farmlands in fear that they would lose them to the Project, while others have abandoned their farmlands altogether in anticipation of being resettled. This was as a result of the GoM's failure

to share project information with the affected communities, including the timeline for project activities which would enable them to make informed decisions about their lives. In November 2021, the GoM informed the affected communities that they could continue to cultivate crops on their land in the meantime until they are resettled. In our memo of February 2022, we reported that 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 preparations for cultivation.

During our August 2022 meetings, affected persons from Chaswanthaka Village mentioned that the GoM had not held any meetings or shared information with them on the Project since the November 2021 meetings. This was until the GoM's August 2022 meeting. During this meeting, the affected communities were also given the same message that was given to them in November 2021 - that they could continue to cultivate crops on their land in the meantime until they are resettled. During our August 2022 meetings, they reported the same problem that the communication had been made to them in an untimely manner since it was a bit late for them to start cultivation preparations. With the growing season in Malawi running from around November to May of the following year, they mentioned that they usually start cultivation preparations soon harvesting, often in June-July time. They mentioned that this year, they had not started the cultivation preparations because they continued to live in fear of being resettled and losing their crops to the Project, while at the same time a few mentioned that they continued to cultivate on their lands. For this reason, they reported that they will be devastated by hunger in their communities. They asked what reparations the GoM would put in place for this disturbance to their right to food. One community chief reported that during a sensitization meeting for the traditional leaders held by the GoM in July 2022, the chiefs brought up the issue of how their right to food had been impacted and asked the government authorities what measures they would put in place to make sure that they do not starve. The GoM reportedly responded that they would look into the matter and get back to them.

According to Chaswanthaka villagers, there is one positive message that was shared with them during the GoM's August 2022 community meetings. The GoM reportedly told them that they would get compensated for what was assessed during the asset valuation process as well as any other food crops that would be on their land at the time of relocation. The affected communities reported that this was a welcome development for them since it means they can continue to cultivate on their land. However, they mentioned that since they are still living in fear of not knowing what is to come and when that resettlement might happen, it is important that the GoM shares with them the timeline for project activities, including the timeline of resettlement activities and when the resettlement might happen. We reinforce this recommendation for the GoM to provide the affected communities with all information related to the Project, including the timeline of activities, and continue to update the affected communities whenever the activities and/or the timeline have been adjusted.

#### **b. Mental distress**

The affected communities have reported that they continue to suffer from mental distress due to the lack of clarity on the Project, its activities and on their resettlement from their lands. They

live in fear of abruptly receiving “bad news” that they should move from their land. They reported that the thought of them moving from their ancestral lands is mentally devastating enough to them, while the lack of clarity on when and how they will be resettled is adding on to that stress. Group Village Head Chaswanthaka reported that just before the GoM outreached them in August 2022, they were in the middle of preparing to write a letter in collaboration with other chiefs to the GoM. The chief mentioned that in the letter they were planning to outline their complaints, grievances and questions that they have for the GoM and detail how the Project is devastating their lives so that the GoM can address them. This is an indication of GoM’s poor information sharing and engagement with the affected communities, and of the distress that the affected communities are going through because of the Project development. We recommend the GoM to ensure that the affected communities understand and get involved in all project processes by providing them with project information and ensuring that they participate in the project processes.

### **c. Impact On the Right To Adequate Housing**

In the community-led research report, the affected communities reported that between 2015 and 2016, their farmlands and houses were measured and documented in preparation for displacement. They were then given a directive to not build any new infrastructure on their lands and homes because they would be compensated only for what had already been assessed. As a result, communities have not made any infrastructure construction or development on their lands, fearing they would lose the structures to the Project and not be compensated for them. They reported that this GoM’s directive has been negatively impacting their lives. During our August 2022 meetings, the affected communities reported that the impact on their lives is worse now than it has ever been. The affected communities reported that their villages were one of the areas that had fallen victim to [Tropical Ana](#) in January 2022, destroying their homes and crops. They reported that they have not been able to repair their damaged houses and other infrastructures on their homes because of the same directive from the GoM. We therefore reinforce the recommendation we had made in our [memo to IFC and the World Bank of February 2022](#) that the decisions about the affected communities’ lives should not be made for them, but rather should be made through a meaningful consultation process.

## **4. Lack of clarity on the Project impact area**

Through the community-led research report, the affected communities disclosed that one of the pieces of information that was missing to them was the project impact area. During our August 2022 meetings, the villagers gathered at Chaswanthaka meeting included residents from Mpindo village and other villages adjacent to Chaswantha village. These villagers were reportedly informed that their villages would be impacted by the Project as well. They however do not understand how they would be impacted, the extent of the impact area and of plans for their engagement and consultation in the Project. We recommend the GoM to ensure that there is no confusion as to which villages are impacted by the Project by clearly sharing project

information with all the affected and surrounding villages, and share with them the information regarding their engagement and consultation in the project process.

## **5. Impact on the right to health**

During our August 2022 meetings, the affected communities shared that the GoM has started constructing a temporary bridge that the communities can use to cross the Shire River in the interim while waiting for plans of constructing the dam, which they are assuming will have a bridge for them to cross the river. This has been as a result of the affected communities making the recommendation to the GoM to stop the violation of their right to development - access to the bridge - made through the community-led research report. The affected communities welcomed this development. They also disclosed that the Project's plans of denying them access to a bridge had been violating their right to health; Kambalame villagers mentioned that the only good healthcare center that they had been using is in Blantyre district, across the Shire River. The affected communities would like to bring to the attention of the GoM that while the bridge is still being constructed, this right is still being infringed on. They therefore asked the GoM to finish constructing the bridge without any delays to ensure that all the rights violations that they have been facing due to the lack of access to the bridge can be addressed.

Sincerely,

Center for Human Rights and Rehabilitation (CHRR)

International Accountability Project (IAP)