



SFG2159
v1



Ministry of Agriculture, Irrigation
and Water Development

Diamphwe Multipurpose Dam & Associated Structures ESIA and RAP

Volume 2 Resettlement Action Plan

May 2016

Prepared for:
Ministry of Agriculture, Irrigation and Water Development



DOCUMENT CONTROL

Title	Environmental and Social Impact Assessment for Diamphwe Multipurpose Dam and Associated Structures.			
Prepared for	Ministry of Agriculture Irrigation and Water Development			
Project Ref				
	Name	Position	Signed/Approved	Date
Originator	Penny Geerts Deborah Sungusia Wells Kapusa Chaitali Ghosh	Sociologist RAP Expert Field surveyor GIS Expert/Project Manager		06/05/2016
Approval	Luke Palfreeman	Team Leader		06/05/2016

Details of Revisions

Rev	Date	Description	WVR No.	Approved

CONTACT DETAILS

SMEC International Pty Ltd | www.smec.com

Area 14, Plot 81, P.O. Box 30348, Lilongwe3, Malawi

Tel: +265 (0) 1 772 824

Representative:

Wongani Chisala | Country Manager – Malawi

SMEC International Pty Ltd

wongani.chisala@smec.com

TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS.....	VII
GLOSSARY OF TERMS.....	X
EXECUTIVE SUMMARY	XII
1. INTRODUCTION	1
1.1. Project Background	1
1.2. Project Overview	3
1.3. Area of Project Impact.....	7
1.4. Scope and Objectives of the RAP.....	7
1.5. Responsibilities.....	8
1.6. Limitations to the Study	8
2. METHODOLOGY.....	9
2.1. Introduction.....	9
2.2. Literature Review	9
2.3. Consultation with Stakeholders	10
2.4. Ground-Truthing.....	10
2.5. Asset, Census and Socio-Economic Surveys	11
2.5.1. Formulation of Survey Instruments	11
2.5.2. Training of Asset Surveyors and Field Enumerators	12
2.5.3. Delineation of Study Area and Identification of PAP	12
2.5.4. Data Collection, Entry and Analysis.....	13
2.6. Small Group Discussions.....	14
2.7. Health Study	17
2.8. Cultural Heritage.....	18
2.8.1. Literature Review	19
2.8.2. Field Survey	20
2.8.3. Public Consultation.....	20
2.8.4. Further Study and Consultation	20
2.9. Mapping and Database Development.....	20
2.10. Formation of LRP Committee	21
2.11. Establishing Cut-off Dates.....	21
2.12. Preparation of Entitlement Matrix	21
2.13. Investigation of Alternative Sites.....	22
2.14. Identification of Vulnerable Groups	22
2.15. Valuation of Impacted Assets	23
2.16. Exit Survey and Compensation Agreement	23
2.17. Issue of Cash Compensation.....	23
3. LEGAL AND POLICY FRAMEWORK	24
3.1. National Legislation and Practice	24
3.1.1. The Constitution	24
3.1.2. Supportive Legislation and Regulatory Requirements.....	24
3.2. International and Regional Standards and Agreements	25
3.2.1. International Conventions and Agreements	25
3.2.2. International Guidelines and Procedures.....	27
3.3. Project Policy Guidelines for Involuntary Resettlement	30
3.4. Gaps Analysis of National Laws and the World Bank Standards	32

4.	PUBLIC CONSULTATION AND DISCLOSURE OF INFORMATION	40
4.1.	Introduction	40
4.2.	Project Consultation Process	40
4.2.1.	Consultation by WAPCOS: First Round.....	40
4.2.2.	Consultation for the RAP: Second Round.....	42
4.3.	Stakeholder Consultations for RAP/LRP Disclosure.....	44
4.4.	Continuing Consultation	48
4.5.	Dissemination of Information.....	48
4.6.	Consultation Requirements.....	49
5.	THE SOCIO-ECONOMIC ENVIRONMENT	51
5.1.	Profile of the Project Districts.....	51
5.1.1.	Population	52
5.1.2.	Climate.....	52
5.1.3.	Land Tenure and Ownership	52
5.1.4.	Local Governance	53
5.1.5.	Gender Aspects	53
5.1.6.	Access to Electricity.....	53
5.1.7.	Water and Sanitation	53
5.1.8.	Education.....	53
5.1.9.	Health Situation.....	53
5.1.10.	Historical and Cultural Sites	54
5.1.11.	Agriculture.....	54
5.1.12.	Road Transport.....	54
5.1.13.	Major ongoing government/NGO programs in the project district.....	54
5.2.	Administrative Subdivisions	56
5.3.	Profile of the Affected Population.....	57
5.3.1.	Introduction.....	57
5.3.2.	Demographic Characteristics of PAP	57
5.3.3.	Land Use and Agricultural Activities.....	58
5.3.4.	Animal husbandry.....	61
5.3.5.	Economy and Poverty.....	62
5.3.6.	Infrastructure	68
6.	POSITIVE AND NEGATIVE IMPACTS OF THE PROJECT	73
6.1.	Introduction	73
6.2.	Project Positive Impacts	73
6.3.	Adverse Impacts at Pre-Construction Stage.....	74
6.4.	Adverse Impact on Land	75
6.5.	Adverse Impact on Trees / Crops	75
6.6.	Adverse Impact on Structures	76
6.7.	Adverse Impact on Livelihoods.....	77
6.8.	Potential Impacts during Construction Stage.....	77
6.9.	Anticipated Post Construction Impacts	78
7.	ENTITLEMENT FRAMEWORK	79
7.1.	Introduction	79
7.2.	Types of PAP	79
7.3.	Eligibility.....	79
7.4.	Entitlement Matrix	80
7.5.	Eligibility Cut- off Dates	87
7.6.	Exit Survey	87

8.	VALUATION AND COMPENSATION	89
8.1.	Valuation of Assets	89
8.1.1.	Basis of Valuation Methods.....	89
8.2.	Applied Valuation Methods.....	90
8.3.	Valuation Methods Applied.....	91
8.3.1.	Introduction.....	91
8.3.2.	Valuation for Loss of Land, Structures, Crops and Trees.....	91
9.	RELOCATION PLAN	95
9.1.	Introduction.....	95
9.2.	Land availability and Site Assessment	95
9.2.1.	Land availability for homestead relocation.....	95
9.2.2.	Land availability for relocation of cultural heritage sites /graveyards.....	97
9.3.	Features of Relocation Sites and Challenges.....	98
9.4.	Process of Relocation	100
10.	LIVELIHOOD & INCOME RESTORATION PLAN	103
10.1.	Introduction.....	103
10.2.	LRP Aims and Program Identification	103
10.3.	Approaches to Livelihood Restoration Programs.....	103
10.3.1.	Program Preparation and Implementation.....	103
10.3.2.	Baseline Influencing Factors.....	104
10.4.	Descriptions of the Livelihood Restoration Programs.....	104
10.4.1.	Provision of Financial Literacy Program (FLP)	104
10.4.2.	Agricultural Assistance Program (AAP)	105
10.4.3.	The Fishers Development Program (FDP)	106
10.4.4.	Skills Training and Employment Program (STEP)	107
10.4.5.	Entrepreneurship Development Program (EDP).....	109
10.4.6.	Promoting Micro, Small and Medium Enterprises / Associations.....	109
10.4.7.	Replacement of the Affected Livelihood.....	110
10.4.8.	Gender and Health Consideration.....	111
10.5.	Vulnerability Assessments and Assistance	111
10.6.	Programs Sustainability	112
10.7.	Programs Sustainability	113
10.8.	Institutional Arrangement for LRP.....	117
11.	CONFLICT MANAGEMENT PLAN	120
11.1.	Conflict Conceptualization.....	120
11.2.	Different options and approaches to conflict management.....	120
11.3.	Grievance Handling Framework	123
11.4.	Grievance Redress Mechanism	124
11.4.1.	Community level Grievance Redress Committees	124
11.4.2.	District level Resettlement and Grievance Management Committees.....	125
11.4.3.	Roles of the DGRCs.....	125
11.4.4.	Composition of DRGMCs	126
11.5.	Redressed Procedure.....	127
11.6.	Communication of Grievance Procedures to PAP	127
12.	RAP/LRP IMPLEMENTATION ARRANGEMENTS.....	131
12.1.	Institutional/organizational Arrangements.....	131

12.1.1.	Ministry of Agriculture, Irrigation & Water Development	131
12.1.2.	Inter-ministerial/departmental Technical Task Force (Core team).....	131
12.1.3.	District Task Force	131
12.1.4.	Resettlement Committees	131
12.2.	Key Implementation Activities.....	132
12.2.1.	Activities to be completed prior to commencement of Compensation Payment	133
12.2.2.	Activities to be completed prior to commencement of civil works	134
12.2.3.	Activities to be completed for completion of all activities under RAP/LRP	135
12.3.	Compensation Delivery Process	136
12.3.1.	Continued Public Consultations	136
12.3.2.	Finalization of CAF Signing	139
12.3.3.	Use and Application of Entitlements.....	139
12.3.4.	PAP Evacuation Timing	140
12.3.5.	Submission of RAP/LRP Implementation Completion Report.....	141
12.4.	Implementation Schedule	141
13.	MONITORING & EVALUATION	143
13.1.	Need for Monitoring and Completion Audit	143
13.2.	Internal Monitoring by M&E, MoAIWD.....	143
13.3.	Donor Agency (Financier of the Project)	144
13.4.	Implementation Completion Audit of RAP/LRP implementation.....	145
14.	RAP/LRP BUDGET.....	146
15.	CONCLUSION & RECOMMENDATIONS	148

LIST OF FIGURES

Figure 1 Project Location.....	2
Figure 2 Site Location and Traditional Authorities.....	5
Figure 3 Project Footprint with Project Components	6
Figure 4 Tobacco Seedlings Planted in Dambo Ready for Replanting.....	60
Figure 5 Animal husbandry Pattern	61
Figure 6 PAP with alternative homestead.....	62
Figure 7 Typical rural homestead structure	62
Figure 8 Employment of PAP.....	63
Figure 9 Occupation of household members.....	64
Figure 10 Sources OF household incomes	65
Figure 11 Service Facilities in and near Reservoir Area.....	67
Figure 12 Wood for sale, Chingwenje village	68
Figure 13 A Typical protected borehole in rural areas.....	69
Figure 14 Bicycles are the Most Popular Form of Transport	70
Figure 15 Affected structures and Relocation areas.....	99
Figure 16 RAP/LRP organizational arrangement.....	132

LIST OF TABLES

Table 1 Estimated budget for implementation of the RAP/LRP	xvii
Table 2 Key Project components.....	4
Table 3 Summary table of geographic and demographic characteristics	13
Table 4 SGD participants and villages covered	16
Table 5 Vulnerable Population.....	22
Table 6 National Regulatory & Policy Requirements	24
Table 7 Project policy guidelines.....	30
Table 8: Comparison between Malawi Government’s Legislation and World Bank’s OP4-12	34
Table 9 Summary of queries and answers	45
Table 10 Current consultation requirements.....	49
Table 11 Salient features of project districts	51
Table 12 TA wise population as per census	52
Table 13 Administrative sub divisions of project components.....	56
Table 14 Demographic Characteristics of project area.....	57
Table 15 Diamphwe River catchment landuse.....	58
Table 16 Land use pattern of Reservoir area and Buffer Zone	59
Table 17 Structures per household	62
Table 18: List of permanent and temporarily impacted graveyards.....	71
Table 19 Summary of the Affected PAP Households	73
Table 20 Project component wise summary of impact	74
Table 21 Adverse impact on land.....	75
Table 22 Land acquisition as per project component.....	75
Table 23 Adverse Impact on Trees.....	75
Table 24: Number of structures by Type and Use.....	76
Table 25 RAP/LRP Entitlement Matrix for Diamphwe Project	82
Table 26 Cost of structures	91
Table 27 Production of major crops in southern districts of Lilongwe	93
Table 28 Valuation for the lost community property	94
Table 29 Affected villages and relocation areas	95
Table 30 Affected graveyards and relocation areas.....	97
Table 31 Relocation plan.....	100
Table 32 Template for recording details of relocation	102
Table 33: Courses offered at Technical Institutions in the District.....	108
Table 34 Examples of good and services that might be procured by local MSMES	110
Table 35 GoM social development programs	115
Table 36: Proposed Composition for LRP Committee.....	117
Table 37 Difference between formal and informal CMS	121
Table 38 Nature of grievances	122
Table 39 VGS operating systems.....	125
Table 40 District Grievance redress committee.....	126
Table 41 Guiding points for DGRC operations	126
Table 42 Grievance redress process.....	128
Table 43 Communication plan	137
Table 44 RAP/LRP implementation schedule.....	142
Table 45: Performance Indicators for RAP/LRP implementation.....	143
Table 46 Estimated budget for implementation.....	146

ABBREVIATIONS AND ACRONYMS

Abbreviation/ Acronym	Description
ACHPR	African Charter on Human and Peoples' Rights on the Rights of Women in Africa
ADB	Asian Development Bank
ADC	Area Development Committee
ADMARC	Agriculture Development and Marketing Corporation
AEC	Area Executive Committee
AFDB	African Development Bank
AIDS	Acquired Immune Deficiency Syndrome
ARI	Acute Respiratory Infection
BZ	Buffer Zone
CBO	Community Based Organisation
CBRLDP	Community Based Rural Land Development Project
CCAP	Church of Central African Presbyterian
CCJP	Catholic Commission for Justice and Peace
CDA	Community Development Assistant
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHIA	Cultural Heritage Impact Assessment
CO	Community Officer
COMSIP	Community Savings and Investment program
CONGOMA	Council For Non-Governmental Organisations in Malawi
CPLO	Community Participation and Liaison Officer
CRC	Convention on the Rights of the Child
CSC	Compensation Sub-Committee (of the RWC)
CSO	Civil Society Organisation
DANIDA	Danish International Development Agency
DC	District Council
DCS	District Council Secretariat
DCT	District Water Coordinating Team
DDP	District Development Plan
DEA	Director of Environmental Affairs
DEC	District Executive Committee
DESC	District Environmental Subcommittee
DFID	Department for International Development (United Kingdom)
DMECC	District Monitoring and Evaluation Coordinating Committee
DN	Diameter
DoA	Department of Antiquities
DPC	Dam Project Committee
DW=DZ01	Diamphwe Dedza site 1
DW	Diamphwe
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
FAO	Food and Agriculture Organisation (United Nations)
FHH	Female headed household
FLWSP	First Lilongwe Water Supply Project
FPIC	Free Prior and Informed Consent
FSL	Full Supply Level
GIS	Geographic Information System
GM	Grievance Mechanism
GO	Grievance Officer
GP	Good Practice Statement (World Bank)
GPS	Global Positioning System
GSC	Grievance Sub-Committee (of the RWC)
GTZ	Deutsche Gesellschaft fur Technische Zusammenarbeit
GVH	Group Village Heads

Abbreviation/ Acronym	Description
ha	Hectare
HIV	Human Immunodeficiency Virus
HSA	Health Surveillance Assistant
IAP	Interested and Affected Party
IDA	International Development Association
IFAD	International Fund for Agricultural Development (United Nations)
IFC	International Finance Corporation
km	Kilometre
km ²	Kilometres squared
KPA	Key Performance Area
LL 13	Lilongwe site 13
LWB	Lilongwe Water Board
LWP	Lilongwe Water Project
LRI	Livelihood Restoration/Improvement
LRP	Livelihoods Restoration Plan
m	Metre
m ²	Metres squared
m ³ /d	Cubic Metres Per Day
m ³ /s	Cubic Metres Per Second
Masl	Metres Above Sea Level
MHH	Male headed household
mL	Megalitres
ML/d	Megalitres per day
mm	Millimetre
Mm ³	Million Cubic Metres
MASDAP	Malawi Spatial Data Portal
MBS	Malawi Bureau of Standards
MDG	Millennium Development Goal
M+E	Monitoring and Evaluation
MEC	Monitoring and Evaluation Consultant
MGDS	Malawi Growth and Development Strategy
MHRC	Malawi Human Rights Commission
MK	Malawi Kwacha
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
MP	Member of Parliament
MV	Market Value
NAC	National AIDS Commission
NASFAM	National Smallholder Farmers Association of Malawi
NGO	Non-Governmental Organisation
NSO	National Statistical Office
NSOER	National State of Environment Report
NWDP	National Water Development Program
NWDP II	National Water Development Project Phase II
OP	Operational Policy (World Bank)
OPC	Office of the President and Cabinet
PAC	Project Affected Communities
PAP	Project Affected Persons
PDF	Portable Document Format
PIU	Project Implementation Unit
PMF	Probable Maximum Flood
PMU	Program Management Unit
PPP	Public-Private Partnership
PRA	Participatory Rural Appraisal
PS	Performance Standard (IFC)
RAMSAR	Convention on Wetlands of Significant Importance, especially as Waterfowl Habitat
RAP	Resettlement Action Plan

Abbreviation/ Acronym	Description
RCC	Roller Compacted Concrete
RP	Resettlement Plan
RWC	Resettlement Working Committee
S	South
SADC	Southern African Development Community
SLWSP	Second Lilongwe Water Supply Project
SGD	Small Group Discussion
SIDA	Swedish International Development Cooperation Agency
SMEC	Snowy Mountains Engineering Corporation
STD	Sexually Transmitted Disease
STI	Sexually Transmitted Infection
TA	Traditional Authority
The Project	The Diamphwe Multipurpose Dam Project
TLWSP	Third Lilongwe Water Supply Project
ToR	Terms of Reference
UN	United Nations
UNAIDS	Joint United Nations Program on HIV/AIDS
UNDP	United Nations Development Program
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Program
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UN-HABITAT	United Nations Human Settlements Program
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
USD	United States Dollar
UTM	Universal Transverse Mercator
VDC	Village Development Committee
VH	Village Head
VAP	Village Action Plan
VDP	Village Development Plan
WASH	Water, Sanitation and Hygiene
WB	World Bank
WFP	World Food Program
WHO	World Health Organisation
WRDP	Water Resources Development Plan
WTP	Water Treatment Plant
WQEMD	Water Quality and Environmental Management Division
WOLREC	Women's legal Resources Centre

GLOSSARY OF TERMS

Agricultural labourer: a person doing off-own-farm work on a casual basis that usually covering period of days or week, remuneration may be in cash or in kind (such as food), and is often, but not exclusively, calculated as piecework¹.

Agriculture: The practice of growing crops and raising of animals on land for human use

Agricultural land: Any land under cultivation of crops and raising/rearing of animals

Annual crops: Maize, ground nuts, soya beans, cotton, pigeon peas

Building or Structure: refers to a dwelling unit/house or anything constructed for habitation or housing of a business enterprise

Compensation means the payment in kind, cash or other assets given in exchange for the taking of land, including fixed assets thereon, in part or whole, or impact on livelihood. Compensation also includes costs such as fees for obtaining land title, moving costs, etc., associated with the resettlement process.

Corridor of impact (COI) or Way leave: Refers to the minimum land width required for main water pipeline.

Cut-off date: Date that was established and on which the PAP or his asset must have been located within a direct impact zone of the Corridor/Way leave when the census was completed

Dwelling (or Structure) owner: The owner of a dwelling unit/house or anything constructed for habitation or housing of a business enterprise

Encroacher: A person who has extended their building, agricultural lands, business premises or work places into public/government land without authority;

Displaced person: A person who has to leave his/her homestead and move to a new relocation area being adversely impacted by the project;

Entitled person (EP): A person who is adversely impacted by the project and is eligible for assistance as per the project entitlement framework;

Fruit trees: Any tree which is planted for fruit purposes are referred to as Fruit Trees

Graveyard: Any area designated and being used as a burial site in the community

Improvement: In relation to any land, means any work or product of work which materially adds value to the land and which is suitable to the land and consistent with the character thereof;

Income: Income of the PAP shall mean the amount prior to the cut-off date from all occupations/sources taken together calculated by an objective assessment;

Kraal: a pen or other enclosure for livestock, especially cattle

Kiosk: A kiosk is a booth/stall/cabin/cubicle made of wood or iron or any other building material which could be shifted to another location as a single unit without much damage and is used for carrying out petty business/ commercial activities and has been in operation/existence prior to cut-off date;

Land: means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock or other substance, and includes the surface covered with water, all things growing on that surface, buildings, other things permanently affixed to land and free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the airspace imposed, and rights in the use of airspace granted, by international law.

Customary Land: Land held in trust by the Chief for the people

Private Land: All land which is owned, held or occupied under a freehold title, or a leasehold title and is registered as such under the Registered Land Act;”

Freehold land: Land held absolutely privately in perpetuity on which no ground rent is paid.

Leasehold land: land held privately for a term of years

Public land: land held in trust for the people of Malawi and managed by government and includes any land held by the government or local authority and, land gazetted for national parks, forest reserves, and recreation areas, historic or cultural sites.

Public Land Tenure: is defined as “all land which is occupied, used or acquired by the Government and any other land not being customary or private land and includes: a) Any land which reverts to the Government on the termination, surrender or falling in of any freehold or leasehold title under

¹(Oxfam International programme July 1999).

which any parcel of land concerned is held; and b) Notwithstanding the revocation of the existing orders, any land which was immediately before the coming into operations of this Act not Public land within the meaning of the existing orders.”

Land Owner: Means holder of a parcel of land or a proprietor of land, who is responsible for the payment of land revenue;

Person: Includes an individual, a firm, a Company or an association or a body of individuals whether incorporated or not;

Project Affected Area: Refers to the area of village or locality under a project for which land will be acquired or for which land belonging to the Government/Project Proponent will be cleared of encumbrances;

Project Affected Person (PAP): Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder (unauthorized occupant) who on account of the project has been affected from such land or other property in the affected area will be considered as PAP;

Project Affected Household (PAH): A social unit consisting of a family and/or non-family members living together, and is affected by the project negatively and/or positively;

Rent: payment made in respect of use of someone's property

Renter: A person who has made payment in respect of use of someone's property

Replacement Cost: Replacement Cost as a rate of compensation for lost assets must be calculated as market value plus transaction costs. (WB); i.e. A replacement cost/value of any land or other asset is the cost/value equivalent to or sufficient to replace/purchase the same land or other asset;

Perennial crops: are plants/crops that live for more than two years;

Shop: Means and premises where any trade or business is carried on and where services are rendered to customers;

Squatter: A person who has settled on public/government land, land belonging to institutions, trust, etc. and or someone else's land illegally for residential, business and or other purposes and/or has been occupying land and building/asset without authority;

Temporary Impact: Impact expected during implementation of the project in the form of earth spoil, tremors and vibrations, etc. affecting land and structure or loss of access;

Tenant: A person who holds/occupies land-/structure of another person and (but for a special contract) would be liable to pay rent for that land/structure. This arrangement includes the predecessor and successor-in-interest of the tenant but does not include mortgage of the rights of a landowner or a person to whom holding has been transferred; or an estate/holding has been let in farm for the recovery of an arrear of land revenue; or of a sum recoverable as such an arrear or a person who takes from Government a lease of unoccupied land for the purpose of subletting it;

Unauthorized Occupant: Person occupying public land for livelihood purposes, cultivation, shop but not living there and not having any adjacent land to the affected parcel of land

Vulnerable Households: It includes: Ultra-poor households with expenditure/consumption below MK 22,956 per person/year; Poor households (with expenditure/consumption below MK 37002 per person/year) with high dependency ratio i.e. 1 fit or able bodied person with *more than three dependents* particularly those who are elderly above 65 years; other members between 0-18 years; with one or more physical challenges that impede that person from doing productive works, HIV/AIDS, chronic illness.

Wage earner: Wage earners are those whose livelihood would be affected due to the displacement of the employer. The person must be in continuous employment for at least six months prior to the cut-off date with the said employer and must have reliable documentary evidence to prove his/her employment;

EXECUTIVE SUMMARY

S.1 BACKGROUND INFORMATION

Lilongwe is the Capital of Malawi and the country's largest city, with a population of approximately one million people. This is expected to grow to approximately 1.88 Million by 2036 and 2.43 Million by 2045. Water supply capacity is inadequate in meeting current demands, which results in severe water restrictions and disruptions.

In response to the increasing shortfall of water supply, the Government of Malawi through the Ministry of Agriculture, Irrigation and Water Development (MoAIWD) and in collaboration with the Lilongwe Water Board (LWB) undertook feasibility studies to identify a suitable water source. The preferred option that best meets financial, technical and environmental and social aspects is to develop a dam on the Diamphwe River, approximately 35 kilometres south east of Lilongwe.

The Diamphwe Multipurpose Dam (The Project) is a sub-component of the second phase of the National Water Development Project (NWDP II). Project studies have been financed by the International Development Association (IDA), while Project development will be funded by multiple financiers including the European Investment Bank (EIB), African Development Bank (AFDB), IDA and Private Sector (Public-Private Partnership – PPP) arrangement.

The Project will result in significant land loss and impact on people's livelihoods. A Resettlement Action Plan (RAP) and Livelihood Resettlement Plan (LRP) have therefore been prepared to provide a framework for mitigating and restoring the livelihoods of project-affected communities as early as possible.

S.2 STUDY OBJECTIVES AND METHODOLOGY

The main objectives of the RAP/LRP envisage the following:

- Involuntary resettlement should be avoided where feasible, or minimized, by exploring all viable alternative project designs.
- Avoiding displacement of people without a well-designed compensation and relocation process; minimizing the number of PAPs, to the extent possible;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient mitigation measures. Including compensating for losses incurred in terms of land, structures, trees and crops and displaced incomes and livelihoods;
- Affected people should be assisted in their efforts to restore their livelihoods and improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Affected people should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on project affected people's (PAPs) livelihoods and their wellbeing;
- Gender development by creating employment through the project in order to empowering women;

The study comprised of an extensive review of relevant documents, Community sensitisation and consultation, Census and Asset Inventory Survey, Socio-Economic survey, and collection and establishment of values for compensation of various types of assets. These activities took place from August 2015 to February, 2016. Further, a stakeholder meeting on the Disclosure and Compensation Entitlements and Eligibilities was conducted on 8th March 2016.

S.3 INSTITUTIONAL FRAMEWORK

The Government of Malawi operates and functions on a decentralised structure with the ministries at central level, and the local government structure at local level, consisting of City, Town and District Councils. The District Council also has a decentralised administration of traditional authority areas,

village groups, villages and communities. This arrangement ensures smooth coordination and collaboration on various development projects in Malawi. Malawi’s institutional framework for the water sector is centred mainly on:

- The Ministry of Agriculture, Irrigation and Water Development (MoAIWD);
- Five parastatal water boards: Blantyre, Southern Region, Lilongwe, Central Region and Northern Region;
- The Ministry of Local Government and Rural Development through City, Town and District Councils, and
- The Ministry of Health.

Other involved ministries include the Ministry of Natural Resources, Energy and Mining, and the Ministry of Physical Planning. Their roles are to provide policy direction, coordination of programs, sector planning, policy formulation, policy reviews, policy enforcement, and to establish guidelines and standards (*National Water Policy, 2005*).

Donor agencies support various water development initiatives in Malawi both technically and financially through the established institutions. The Government of Malawi (GoM) has already initiated the Lilongwe Water Program (LWP), which is eligible to receive funding from donors for the improvement of water delivery in Lilongwe City. The Program’s objective is to expand access to water services in Lilongwe through improved bulk water supply, distribution and capacity of the LWB and the MoAIWD to better manage water services. Objectives will be delivered by three Program components:

1. *Lilongwe bulk water supply*: This component is to secure a new water source for Lilongwe to meet the city’s water demand until 2045. Physical investments cover the capital requirements for the bulk water supply system, comprising the Diamphwe Lower multipurpose dam, raw water transmission system, water treatment plant, and treated water transmission main to the city.
2. *Lilongwe water distribution system*: This component is to improve access to water supply for customers in Lilongwe, particularly the poor. The water supply reticulation system in Lilongwe is old and requires rehabilitation and expansion to meet the growing needs of the city.
3. *Technical assistance and program management*: This component is to enhance the capacity of LWB and MoAIWD to provide efficient and sustainable water and sanitation services and to support management of the Program.

S.3 BENEFITS AND ADVERSE IMPACTS

Benefits: The Project will provide improved water supply in urban and rural areas. This will result in an increased and constant supply of safe water thereby leading to improved health for people and ultimately enhancing people’s involvement in economic activities. Improved irrigation and fisheries opportunities will also greatly benefit food security and livelihoods. At the project level, there will be employment generation and increased diversification of income generating opportunities through various livelihood programs, which will stimulate economic activity and promote further employment opportunities.

Adverse impacts: There will be significant loss of mainly agricultural land and direct impact on a large number of people and their livelihoods. These impacts are quantified below:

Summary Magnitude of Impacts

Category/Asset	Unit	Quantity
Affected PAP	Nos	6,015
Affected population	Nos	30,535
Classified Total PAPs	Nos.	6015
▪ Losing Land and other structures Only in Dedza	Nos.	2639
▪ Requiring Relocation (Homestead) in Dedza	Nos.	285

Category/Asset	Unit	Quantity
▪ Losing Land and other structures Only in Lilongwe	Nos.	2517
▪ Requiring Relocation (Homestead) in Lilongwe	Nos.	458
▪ Requiring Relocation (Business) in Lilongwe	Nos.	116
Traditional Authorities (T/A)	Nos	7
Group of Villages (GVHs)	Nos	68
Villages (VHs)	Nos	335
Land Quantum		
▪ Quantum of Land under Dam foot print (permanent)	Ha	2,257
▪ Quantum of Land under infrastructure sites (permanent)	Ha	91
▪ Quantum of Land under the pipeline corridor(Temporary)	Ha	29
Structures		
▪ Commercial	Nos	116
▪ Main dwelling (Residential)	Nos	690
▪ Supporting structures	Nos.	2402
Trees		
▪ Exotic Trees	Nos	67,024
▪ Fruit Trees	Nos	46,580
▪ Natural /Indigenous Trees	Nos	46,585
Community Assets		
▪ Community structure (bridges)	Nos	2
▪ Protected Well	Nos	13
▪ Churches buildings	Nos	4
▪ Graveyards	Nos	16
▪ sports grounds	Nos.	3
▪ Junior Preparatory School	Nos.	1

Land acquisition requirements: The Project will result in the permanent acquisition of 2,377ha of mostly agricultural land, of which 48.2 % is located in Lilongwe District and 51.8 % in Dedza District.

Project Affected Persons (PAP): The land to be acquired falls in 335 villages and 6,015 PAP will be affected through loss of land and/or other assets. A total of 859 homesteads will require relocation.

Loss of Service Provision: Community assets that will be lost include four churches (2 each in Lilongwe and Dedza Districts) and three sports grounds (one in Lilongwe and two in Dedza Districts). A Junior Preparatory School will be affected through infrastructure development.

Crop and Tree Loss: Of particular concern is the extent of agricultural loss, given the dependence of local communities on subsistence farming and the amount of cropland that will need to be acquired for the Project. This includes Cropland (1,562.47 ha) and Cultivated dambo (496.29 ha). Dambo gardening (flood recession agriculture) is an important economic activity in the Project area, and the main preoccupation for households residing close to the Diamphwe River and its tributaries: The acquisition of land will lead to: Permanent loss of cultivated crops, primarily for subsistence; Permanent loss of individual productive trees, primarily for domestic use; and loss of produce supplying domestic markets in Lilongwe city and Dedza town.

Depletion of Natural Resource Base: A range of natural resources that are useful to local communities will be affected by the Project. These resources play an important role in the livelihoods of households and other resource user groups.

Severed and Constrained Access: The Reservoir will further impede existing access to services and facilities (such as transport, health facilities, schools, businesses, and market places for the sale/purchase of goods), and kinship, social and support networks. Two bridges and a concrete causeway will be flooded, as will two new bridges being constructed.

Downstream/Upstream Impacts: changed water flow regime in the Diamphwe River will impact on the operations of farmers downstream of the Dam through changes to seasonal flooding, particularly for those dependent on flooding for agricultural production.

S.4 STAKEHOLDER CONSULTATIONS

Stakeholders consulted during the study included the Project Affected People (PAP), local village communities, Chiefs of Traditional Authorities, VH, GVH, District Officials, Ward Councillors, and Development Committees. The objectives of these consultations were to identify PAP and to increase their general awareness about the Project and the RAP process. Consultations also explained the nature, extent, limit, and method of compensation.

There is generally strong community support for the proposed dam and high expectations that livelihoods would be improved by better access to a clean and sustainable water source, as well as opportunities afforded by irrigation, fisheries and new businesses. However, there remains significant apprehension about the impact the dam could have on people's homes and livelihoods.

The majority of those consulted would prefer to remain in the immediate area. People were unhappy about the prospect of relocating, losing their agricultural land, and leaving their cultural attachments to their villages and graveyards. Some were concerned about not being able to cross the river, however most queries related to what restrictions there might be on accessing the reservoir for fishing, washing and watering their animals. Other concerns expressed related to the compensation amount and timing of payment, institutions that would be responsible to handle grievances, provision of work opportunities during construction and influx of immigrants into the area.

S.5 ENTITLEMENT FRAMEWORK

The Project will acquire a range of privately owned assets and communal resources for which appropriate compensation and/or mitigation measures are required. The RAP proposes the types and levels of compensation and other resettlement and supplementary measures that will assist each category of eligible-affected people, and at the same time achieve the objectives of national legislation and policies, and World Bank requirements. Key components include:

- *Eligibility criteria:* Those who will be affected directly by resettlement and are eligible for compensation and other assistance require definition and identification, with criteria set for determining their eligibility.
- *Compensation Entitlement Framework:* The objective of relocation, compensation and other rehabilitation measures is to mitigate for, and manage, the negative impacts of the involuntary resettlement aspects of the Project.

S.6 VALUATION AND ENTITLEMENTS

The provision of the constitution of Malawi, Land Acquisition Act, 1971 and Town and Country Planning Act, 1988 are some of the key provisions governing this project. As the project is being implemented under the World Bank guidelines, higher provisions of OP4.12 govern the RAP preparation and will later be followed in the RAP implementation and construction stage as well.

100% Compensation would be payable for acquisition of affected land. Compensation for **loss of structures** would be: i) for those losing both the main dwelling and supporting structures such as toilets, kitchens, sheds, etc. cash compensation would be provided; and ii) Compensation for **Standing crops** (Fruit, Natural and Exotic Trees) would be compensated as per rates agreed with the government. Further, while Community Properties would be replaced or reconstructed, other assets such as land belonging to Schools, Churches or other public agencies would be compensated in cash. Cultural Heritage, shrines and graveyards will be relocated according to Malawian laws. Squatter PAP would be compensated for structures and trees if any are within the way-leave, while those cultivating would be notified to harvest standing crops. In case of commercial squatters, loss of business and livelihood would also be compensated. Mitigation of construction stage impacts would be carried out in accordance with the measures detailed in the ESIA. It will be the responsibility of

the construction contractor to compensate for impacts outside of the way-leave as per the rates defined.

S.7 LIVELIHOOD RESTORATION PROGRAMS

The LRP has been structured to enhance livelihoods of the PAP by ensuring judicious usage of compensation payouts, encouraging contractors to provide available work opportunities on a preferential basis to unskilled labour and providing support through training programs offered by institutions located in the project area and/or through a livelihood support partner to the RAP implementation agency. Specifically, the LRP includes structured programs for Agriculture Assistance, Entrepreneurship Development, Skills and Employment, and Fishers Development.

S.8 RELOCATION PLAN

The census identified 859 PAP who would lose homesteads and land as a result of the Project. The District Councils have identified alternative plots of lands in the same or neighbouring villages to the affected people. The consultative meetings held with host villages indicated that PAP would not be unduly inconvenienced in accessing their current services and amenities, and would have opportunities to purchase crop land. It is anticipated that PAP would continue to use their current schools and health facilities.

The relocation program will entail assistance with the identification of new residential/business sites in preferred villages, provision of replacement housing/businesses or cash compensation, physical preparation of sites for residential/business occupation, assistance in the act of relocation, provision of appropriate infrastructure and facilities and services on site, and payment of Shifting and Displacement Allowances.

S.9 GRIEVANCE REDRESSAL

A Grievance Redress Mechanism (GRM) will comprise of two levels or tiers to handle grievances. The first level would be VRGMC at Group Village Head level, while the next or second level would be at the District level. At the community level, fifteen (15) VRGMCs will be organised as per GVH clusters depending on numbers of PAP in a particular area. In urban areas there would be village and district level Grievance Committees. Membership of the committees will vary by project area. The Grievance redressal procedure will comprise of time bound steps, i.e. from lodging of the Grievance at VRGMC and then recorded in the Grievance Form, to its redressal either at DRGMC or the next level at the court of law.

The total time taken for redressal of grievances would be 28 days. If the affected person is not satisfied with the decision of the DRGMC, they will be informed of their rights to take the grievance to the court of law, as a last resort. However, the Complainant will also be informed that to do so will be at their own expense, unless the court awards damages to the Complainant. The decision of the court of law will be final.

S.10 ORGANISATIONAL ARRANGEMENTS

It is proposed in this document that MoAIWD will establish a Resettlement Action Plan Implementation Team (RLIA) as the main implementing agency. The RLIA would be responsible for the project and all issues associated with the Project. In respect of all activities relating to resettlement, it will be responsible for compensation payment, grievance redressal, procurement and further consultations and coordination with relevant stakeholders.

S.11 IMPLEMENTATION SCHEDULE

The time period for implementing RAP activities will be 6 months, as additional time would be required for implementation of Livelihood programs. Key implementation activities will include undertaking Financial Literacy awareness programs prior to payment of compensation; commencement of land and non-land based trainings under LRP; commencement of internal monitoring by MoAIWD; open Bank accounts for PAP; commence and continue Additional Outreach Activities; hold GVH level meetings to counsel PAP; payment of compensation and vacating of land; facilitating employment with contractor and other services.

S.12 MONITORING AND IMPLEMENTATION COMPLETION AUDIT

In order to track progress, highlight bottlenecks, and redress the issues effectively and in a timely manner and project milestones are met as per schedule, it is proposed that MoAIWD will undertake Concurrent Internal Monitoring. Further, an exercise would be carried out at the end of the RAP implementation period to ascertain if, indeed the planned activities did enable achievement of the originally set objectives, i.e. whether RAP objectives were met, including whether livelihoods and living standards of PAP were restored to pre-project status or enhanced. For this purpose, MoAIWD will contract an External agency to conduct an Implementation Completion Audit for the RAP/LRP.

S.13 BUDGET FOR RAP/LRP IMPLEMENTATION

The total cost of RAP Implementation is based on the following components:

- a) Compensation for impacted assets
 - i. Private and community owned with topping up allowances;
 - ii. Disturbance allowances
 - iii. Shifting allowances for those relocating from their original location to alternate site;
 - iv. Livelihood support to economically vulnerable households.
 - v. Allowances to cover for labour in preparation of new plots
- b) Administrative costs
 - i. Cost of RAP/LRP Implementation Agent;
 - ii. Cost for M&E Agency
- c) Costs for implementing LRPs
 - i. Financial Literacy Trainings
 - ii. Agriculture Assistance programs
 - iii. Entrepreneurship Development
 - iv. Promoting MSME Registration
 - v. Skills and Employment program
 - vi. Fishers Development Programs
 - vii. Vulnerability and GBV campaigns
- d) Costs for relocating Heritage sites
 - i. Personnel (professional and unskilled labour)
 - ii. Materials (coffins, bricks, protective gears)
 - iii. Transportation (car hiring, fuel and lubricants)
 - iv. Other Costs (communication)

The total cost of implementing the RAP/LRP is presented in the following Table 1. It is estimated that the budget for payment of the compensation for the affected assets will be a total of, which is MKW 14,949,893,358.85 equivalent to USD 20,620,542.56.

The validity period of the RAP budget will be six months. The inflation rate should be considered as the implementation will be done approximately after six months from the date of submission/approval of this RAP.

Table 1 Estimated budget for implementation of the RAP/LRP

Item	Quantity	Cost (Mkw)	Costs (USD)
Compensation Base			
Total Land (ha.)	2,377.14	6,958,163,100.28	9,597,466.35
<i>Reservoir</i>	2,251.88	6,659,459,251.28	9,185,461.04
<i>Infrastructure</i>	76.65	260,285,089.00	359,013.92
<i>Pipeline</i>	48.61	38,418,760.00	52,991.39
Total Number of Trees	143,336	1,355,979,192.77	1,870,316.13

Item	Quantity	Cost (Mkw)	Costs (USD)
<i>Indigenous</i>	46581	179,273,407.09	247,273.66
<i>Exotic</i>	67024	496,272,985.68	684,514.46
<i>Fruits</i>	29731	680,432,800.00	938,528.00
Total Buildings/structures (Nos.)	2,912	566,794,778.62	781,785.90
<i>Dedza</i>	1,038	149,115,287.74	205,676.26
<i>Lilongwe</i>	1,874	417,679,490.88	576,109.64
Total Compensation Base		8,880,937,071.67	12,249,568.37
Topping Up Allowances			
<i>Disturbance Allowances (%)</i>	30	2,257,487,363.67	3,113,775.67
<i>Shifting Allowance to the PAP losing buildings (%)</i>	10	56,679,477.86	78,178.59
<i>Assistance to the vulnerable households (%)</i>	20	424,509,555.95	585,530.42
<i>Labor for PAP losing Land² (%)</i>	10	709,075,586.13	978,035.29
		3,447,751,983.61	4,755,519.98
Total Compensation Base and allowances		12,328,689,055.28	17,005,088.35
Contingencies to meet any unforeseen impacts costs% of compensation base and allowances	10	1,232,868,905.53	1,700,508.84
A. Total Compensations		13,561,557,960.81	18,705,597.19
Administration Costs			
RAP/LRP implementation Agency		345,462,500.00	476,500.00
Monitoring Agency		177,987,500.00	245,500.00
Total Administration costs		523,450,000.00	722,000.00
B. Total Compensation and Administration costs		14,085,007,960.81	19,427,597.19
Costs for Implementation of LRPs (5%) of B			
<i>Financial Literacy Trainings (%)</i>	40	281,700,159.22	388,551.94
<i>Agriculture Assistance programs (%)</i>	25	176,062,599.51	242,844.96
<i>Entrepreneurship Development (%)</i>	10	70,425,039.80	97,137.99
Promoting MSME Registration	5	35,212,519.90	48,568.99
Skills and Employment program	5	35,212,519.90	48,568.99
<i>Fishers Development Programs</i>	5	35,212,519.90	48,568.99
<i>Vulnerability and GBV campaigns</i>	10	70,425,039.80	97,137.99
C. Total LRP Costs		704,250,398.04	971,379.86
Heritage Resources			
Personnel (professional and unskilled labour)		75,090,000.00	103,572.41
Materials (coffins, bricks, protective gears)		76,345,000.00	105,303.45
Transportation (car hiring, fuel and lubricants)		8,400,000.00	11,586.21
Other Costs (communication)		800,000.00	1,103.45
D. Total costs for relocating Graveyards		160,635,000.00	221,565.52
Total RAP implementation Budget (A+B+C+D)		14,949,893,358.85	20,620,542.56

Note: Where Exchange Rate is 1 USD = 725 MKW according to the Reserve Bank of Malawi (9th March 2016). The costs within this table will remain valid for six months from the date of approval.

² To prepare new land in relocation areas

1. INTRODUCTION

1.1. Project Background

Lilongwe is the Capital of Malawi and the country's largest city, with a population of approximately one million people. This is expected to grow to approximately 1.82 Million by 2035 and 2.43 Million by 2045. Water supply capacity is inadequate in meeting current demands, which results in severe water restrictions and disruptions.

The city's current water supply is sourced from two dams on the Lilongwe River with a combined storage capacity of 84.3 Million cubic metres (Mm³) developed in three phases:

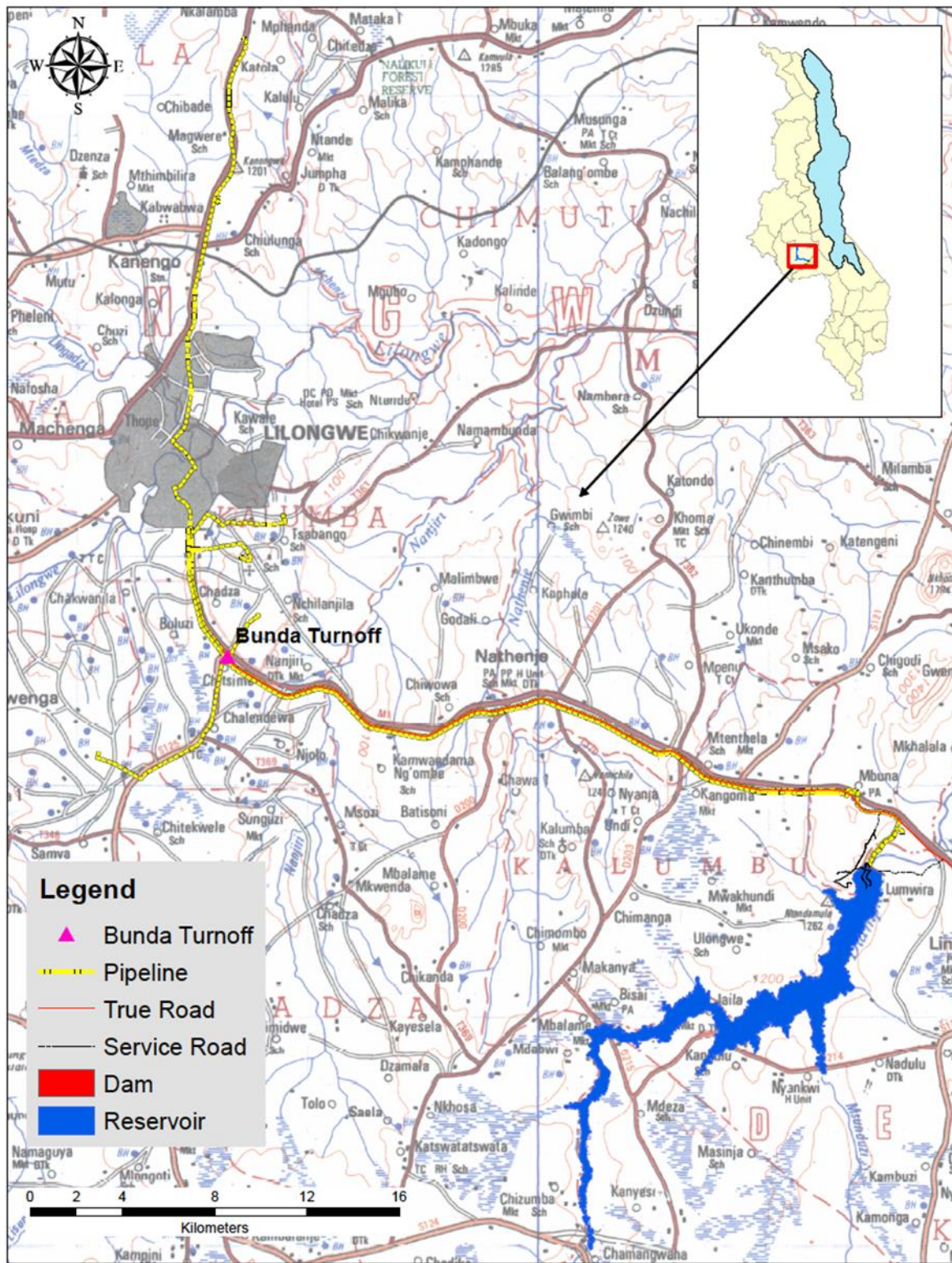
Phase 1: The First Lilongwe Water Supply Project (FLWSP), completed in 1966, included construction of Kamuzu Dam-I at Malingunde, with a water storage capacity of 4.5 Mm³.

Phase 2: The Second Lilongwe Water Supply Project (SLWSP), completed in 1992, included construction of Kamuzu Dam-II at Msinja / Masula, with a water storage capacity of 9.2 Mm³.

Phase 3: A Water Master Plan, prepared in 1994, assessed water services to 2005. The Third Lilongwe Water Supply Project (TLWSP) was then completed in 1999, and included increasing the capacity of Kamuzu Dam-II by 10.6 Mm³.

Water delivery infrastructure comprises of two Water Treatment Plants (WTP) and a pipe network of approximately 1,800 kilometres (km). The current water production of 95,000 cubic metres per day (m³/d) does not meet the city's water needs, with a shortfall of approximately 47,000 m³/d. Given the projected rapid growth in water demand over the medium to long term a new bulk water source will be needed by 2020. The Lilongwe Water Board (LWB) has thus embarked on a number of measures to increase current production.

In response to the increasing shortfall of water supply, the Government of Malawi through the Ministry of Agriculture, Irrigation and Water Development (MoAIWD), in collaboration with the LWB, undertook feasibility studies to identify a suitable water source. In 2011 the World Bank funded an assessment of several sources, including Upper Diamphwe, Lower Diamphwe, and a third dam on the Lilongwe, Ntofu, Lumbadzi and Likuni rivers. The preferred option that was found to best meet financial, technical, environmental and social aspects was the development of a dam on the Diamphwe River, approximately 35 kilometres south east of Lilongwe (Figure 1). The Government has accepted this recommendation, and has included the development of a bulk water scheme from the Diamphwe River as a key investment priority.




Coordinate System UTM 36 South (Arc 1960)	Source: Final DDR Drawings, Secondary Data Sources & SMEC	Client: MAI&WD, GoM 
Project Name: Diamphwe Multipurpose Dam & Associated Structures ESIA and RAP		 SMEC Consultant SMEC International

Figure 1 Project Location

The Dam will supply water to Lilongwe City and the surrounding areas until the year 2045, and proposes to support large-scale irrigation and fish farming, therefore contributing significantly to the socio-economic development of the country and assisting in achieving the Sustainable Development Goals (SDGs). It is also in line with the National Water Policy of 2005, that seeks to achieve sustainable and Integrated Water Resources Management and developments that make water readily available and equitably accessible to all Malawians, while protecting the country's natural ecosystems.

The Diamphwe Multipurpose Dam Project (the Project) was formerly a sub-component of the second phase of the National Water Development Project (NWDP II), funded by the World Bank. A development objective of NWDP II was to increase access to sustainable water supply and sanitation services for people living in cities, towns, market centers, and villages, and improve water resources management at the national level. This included for the city of Lilongwe, and involved development of the Project to its current status.

The Project has moved into the Preparatory Phase as the Lilongwe Water Project (LWP), funded by the World Bank. It is anticipated that further Project developments will be funded by multiple financiers including the World Bank (WB), European Investment Bank (EIB), the African Development Bank (AFDB), and Public-Private Partnership (PPP) arrangements.

The LWB contracted Snowy Mountains Engineering Corporation (SMEC International) to prepare an Environmental and Social Impact Assessment Report (ESIA), an Environmental and Social Management Plan (ESMP), and a Resettlement Action Plan (RAP) for the proposed Project. All assignments were carried out in accordance with the requirements of Government of Malawi (GoM) legislation, particularly Malawi's Environmental Impact Assessment (EIA) process, and to international standards, including the World Bank Performance Standards on Environmental and Social Sustainability.

The main objective of the ESIA was to identify and assess potential effects on the full range of environmental, social, cultural and health receptors potentially impacted during all phases of the Project. The ESMP defines and describes the mitigation measures to be carried out, either to prevent or reduce these impacts. As part of this Project, the RAP gives emphasis to the impacts of involuntary resettlement.

1.2. Project Overview

The Dam will be located approximately 35 kilometres southeast of Lilongwe on the Diamphwe River, a tributary of the Linthipe River that flows northeast to Lake Malawi.

The Project is situated within the Central region of Malawi, in the Lilongwe and Dedza Districts, comprising of Mazengera, Kalumbu and Chadza Traditional Authorities (TAs) in Lilongwe District (west), and Kaphuka and Chilikumwendo TAs in Dedza District (east) (Figure 2). The Lilongwe and Dedza District Councils (DCs) are two of the 35 local authorities in Malawi established under the Local Government Act (1998). Importantly, at TA and community level there are Chiefs, GVHs and VHs responsible for the development of the villages, and for administering justice for cases other than those referred to the national judicial system through the police.

The Project will comprise of a new multi-purpose dam and associated infrastructure to supply Lilongwe's water demands to 2045, as well as providing water for local irrigation and fish farms.

The Dam wall will be located approximately two kilometres upstream of the Diamphwe River Bridge on the Blantyre – Lilongwe M1 road. Key Project components comprise of a dam wall and reservoir, raw water transmission pipeline, Water Treatment Plant (WTP), balancing tank, dual gravity pipelines from Mbuna to Bunda Turnoff, and construction facilities.

The proposed Dam will have an operational capacity of 134 Million Cubic Metres (Mm³) with separate outlets provided for downstream irrigation and the WTP.

Construction is planned to commence in 2017 and take approximately 3.5 years, with commissioning expected in early 2022.

Project components are shown in Table 2, and the project footprint in Figure 3.

Table 2 Key Project components

Project component	Parameter
Construction	
▪ Construction Period	3.5 years
▪ Upgrade existing access road from Lilongwe M1 road	3.5 km
▪ New service roads to dam and quarry	4.7 km
▪ Workers and Management camps and offices	8 ha
▪ Quarry	4,8 ha
▪ Soil disposal area	Within inundation area
▪ Cofferdams and river diversion	300 m
▪ Construction employees	250 - 300
▪ Disturbed area to be rehabilitated	22 ha
Multipurpose Dam and ancillary structures	
▪ Dam statistics:	
▪ - Area	2,328 ha
▪ - Length X width	30 km X 1,6 km
▪ - Total dam volume	215 Mm ³
▪ Roller Compacted Concrete (RCC) dam:	
▪ - Crest length	980 m
▪ - Width	19 m
▪ - Maximum height	25 m
▪ - Elevation (Full Supply Level)	1180.3 masl
▪ - Spillway	3800 m ³ /s for Probable Maximum Flood (PMF)
▪ Buffer zone around inundation area	15 m wide (156 ha)
▪ Raw water Pumping station (pumps x4) and pipelines (x2) to WTP	2.86 m ³ /s DN1200 mm for 2.5 km
▪ Water Treatment Plant (WTP), pumps (x5)	2.86 m ³ /s or 147.65 ML/day
▪ Treated water pipeline (x2) to Balance Tank	DN1100 mm for 3.4 km
▪ Balancing Tanks (x2)	8.19 ML
▪ Employees	50-60
▪ Permanently affected infrastructure area (+ buffer)	38 (124)
Main Pipelines	
▪ Dual gravity pipelines extending from WTP and Balancing Tanks (x2) to Bunda turnoff, aligned along the southern side of the M1 road reserve	DN900 and DN1100 mm for 30 km 2.71 m ³ /s or 210.5 ML/d
▪ Disturbed area to be rehabilitated	60 ha

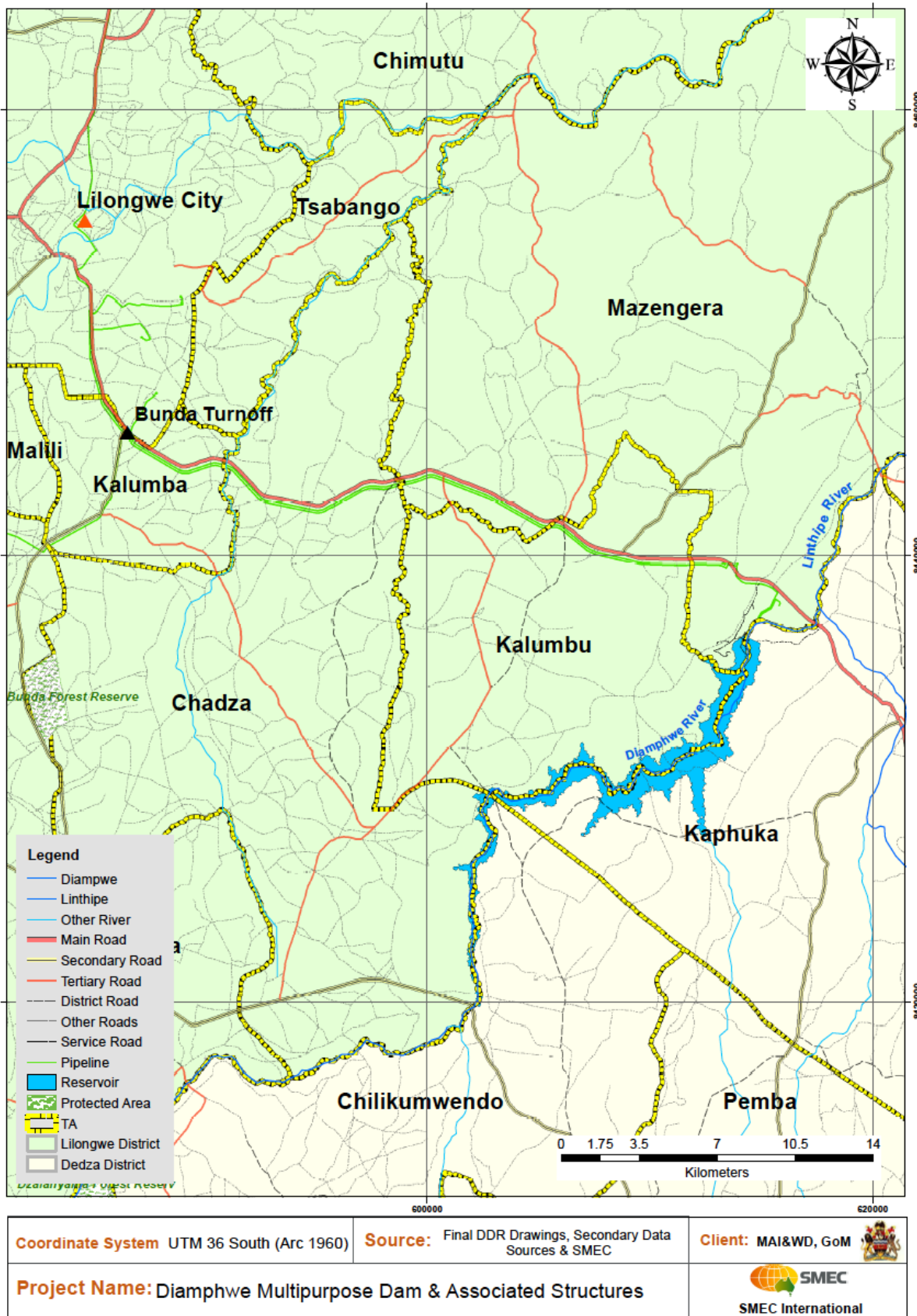


Figure 2 Site Location and Traditional Authorities

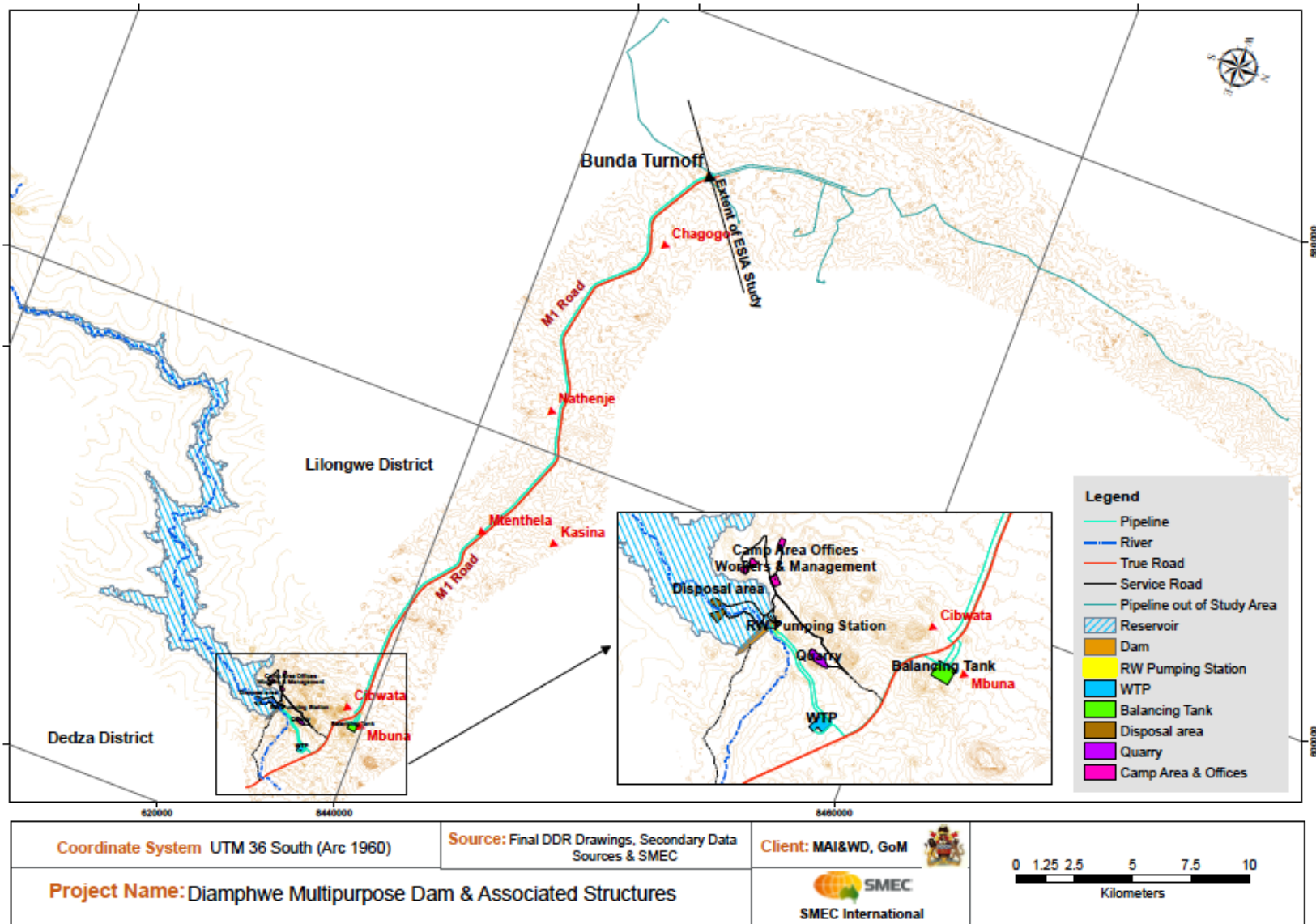


Figure 3 Project Footprint with Project Components

1.3. Area of Project Impact

The Area of Project Impact is defined by the following Project components:

- The dam impoundment area: resulting in the permanent loss of 2,257 ha;
- Dam related infrastructure: resulting in the permanent loss of 91 ha;
- Buffer Zones: A 15 m wide Buffer Zone around the impoundment perimeter, which equates to approximately 156 ha of land, and buffer areas around Dam infrastructure, which will account for an additional 124 ha permanently lost.
- Pipeline construction activities: Approximately 29 ha of land will be affected temporarily, to be rehabilitated to pre-construction landuse.

1.4. Scope and Objectives of the RAP

The purpose of developing a RAP/LRP at this initial stage of the Project cycle is to outline the framework for mitigating and restoring the project's impacts on the livelihoods of project-affected communities as early as possible in project development. This will allow for effective disclosure to key stakeholders, and subsequent feedback and inputs, prior to the project approval and commencement. It is also to meet part of the permit requirement of the Malawi's Environmental Protection Agency.

In addition to the Malawian Government's requirements, MoAIWD is committed to meeting international standards such as the World Bank Performance Standards on Social and Environmental Sustainability and the African Development Bank's Safeguard Policies. The scope of work for the development of this LRP therefore reflects requirements of the 1992 Constitution of Malawi, world bank safeguards policy OP 4:12 on Land Acquisition and Involuntary Resettlement, dated January 2012 and the African Development Bank's Involuntary Resettlement Policy, dated November 2003.

The implementation of the proposed project will require land as major infrastructure development projects generally do. An assessment study of the adverse social impacts due to the proposed project has been carried out which provides a scope for developing a dedicated mitigation plan for minimizing the adverse social impacts. Thus, the main guidelines of resettlement plan and livelihoods restoration programs (RAP/LRP) have been planned and prepared based on the findings of the social impact assessment (SIA). The action plan will cover all components of adverse impacts incurred upon the affected population due to the implementation of the project.

Adverse impacts in the form of fresh land uptake, impact on structures on the proposed dam site, infrastructure and the pipeline other project components like the construction of the contractors management camp site etc. will be mitigated through constructive guidelines contained in the RAP/LRP. It will be based on Malawi Government laws and in line with the World Bank policies on involuntary resettlement.

In addition to compensation to unavoidable adverse impacts on properties, the RAP/LRP will also provide guidelines to restore livelihoods lost due to project implementation. The RAP/LRP will also have provisions of special assistances for vulnerable households for minimizing adverse impact on them. Moreover, guidelines for gender development for women's empowerment and prevention and control of HIV/AIDS will also be a part of this RAP/LRP.

The main objectives of RAP/LRP have been envisaged as follows:

- Involuntary resettlement should be avoided where feasible, or minimized, by exploring all viable alternative project designs.
- Avoiding displacement of people without a well-designed compensation and relocation process; minimizing the number of PAP, to the extent possible.

- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient mitigation measures. Including compensating for losses incurred in terms of land, structures, trees and crops and displaced incomes and livelihoods.
- Affected people should be assisted in their efforts to restore their livelihoods and improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Affected people should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on project affected people's (PAP) livelihoods and their wellbeing.
- Gender development by creating employment through the project in order to empowering women.

1.5. Responsibilities

As the Project proponent, the MoAIWD holds responsibility for ensuring that all aspects of this RAP, and any subsequent amendments, are implemented and monitored. The Ministry works together with the Program Management Unit (PMU) of the NWDP, and the Project Implementation Unit (PIU) of the LWB, to co-ordinate Project activities.

Given that the Project will involve a large resettlement component, recommendations are made in this RAP around strengthening the institutional base of the NWDP's PMU and the LWB's PIU, and the development of Project-specific support structures to assist in project implementation, with the recognition that the ultimate responsibility rests with the MoAIWD.

In addition, the World Bank recommends, *"for projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel or independent, internationally recognised resettlement specialists to advise on all aspects of the project relevant to the resettlement activities"*³. If an independent technical panel of experts is established for the EA, the advisory panel for resettlement may form part of this.

1.6. Limitations to the Study

There were a number of limitations to the preparation of this RAP:

- (i) The undertaking of the surveys was hampered by wet weather conditions.
- (ii) Extensive deviation of activities from the provided SOW in the TOR. Previous Project studies reported approximately 400 PAP, while this survey identified 6,010 PAP. This required extensive PAP census and property surveys in a relatively short time (August 2015 to February 2016). This has created a large data base of information, which will need to be verified during subsequent implementation of this RAP.

³ World Bank. April 2013a. *OP 4.12. Involuntary Resettlement*.

2. METHODOLOGY

2.1. Introduction

Information collected for the RAP was acquired through qualitative and quantitative methods, through the sources described below.

2.2. Literature Review

An initial task of the Project was to assess, and report on, the adequacy and completeness of preliminary studies undertaken for the Project, and to identify any shortfalls or gaps to determine what additional work would be required to prepare the detailed environmental and social reports (ESIA and ESMP), including the RAP, in accordance with applicable regulations and standards.⁴

Based on the information acquired, an anticipated study program and resourcing for completion of the reports was provided in the Review.

The environmental and social reports identified by LWB for review included:

- WAPCOS (2014): Environmental and social reports:
 - Inception Report
 - Baseline Assessment Report
 - Stakeholder Consultation Report
 - MoAIWD and World Bank comments reviewing the documents.
- SOGREAH (2011): Preliminary ESIA of the Feasibility Study and Preliminary Designs for Lilongwe's New Water Source report.
- SAFEGE (2002): Preliminary ESIA under Engineering Studies.
- NIRAS-NORCONSULT (2001): Preliminary ESIA covered under the Water Resources Development Plan (WRDP) study for LWB.
- STUDIO PIETRANGELI (2014): Design reports and supporting information including:
 - Inception Report for detailed design of Diamphwe Multipurpose Dam and associated structures.
 - Topographical Report
 - Hydrological Report
 - Geological Report
 - Spillway Physical Model
 - Water Supply Technical Report
 - Detailed design drawings
 - Optimised Dam Design Report
 - Dam Design Technical Report
 - Consolidated Comments from World Bank
 - Review report by Aslam Rasheed.

In addition to this, secondary information was sourced from printed and electronic reports and documents, including relevant websites. The literature provided background information to the RAP, and gave some contextual interpretation of the primary data collected through the surveys, referenced where appropriate in this Report.

⁴ See: SMEC. September 2014. Diamphwe Multipurpose Dam and Associated Structures ESIA and RAP: Review Report. Prepared for the MoAIWD.

2.3. Consultation with Stakeholders

Historically there has been an extensive consultation process for the Project, including through the former Consultants, WAPCOS, and other Consultancies that have been employed to undertake various studies.

The consultation process has continued with this study, over the period from 21 August 2015 to date, as detailed in Chapter 10 and Annex 5.

This consultation has included:

- Formal meetings, report backs and presentations to the Client, represented by the LWB, the NWDP, the MoAIWD and the World Bank;
- Direct interviews with stakeholders, and particularly representatives of national and district level governmental institutions, service providers and NGOs;
- Formal meetings with representatives of TAs and DCs, organised by the Client;
- Community meetings on site, with village members, TA representatives, and DPC members, organised by the Client;
- Small focus, group discussions with special interest groups; and
- Organising and undertaking the ground-truthing exercise, the Asset, Census and Socio-Economic surveys, the Health and Cultural Heritage studies, and other RAP-related activities.

2.4. Ground-Truthing

The Resettlement Specialist and an Asset Surveyor met with the TAs of the Project Area to discuss the intention of scoping the delineated Area of Project Impact to obtain the following information:

- Identification of potentially directly affected villages, their local names, and GPS location;
- Details of the Group Village Heads (GVHs) and Village Heads (VHs) of those villages;
- Village Development Plans (VDPs) of affected villages;
- Information on service provision to the area, including: service infrastructure, such as health centres, educational facilities, boreholes and pumps, religious structures, police and postal posts, and government administrative buildings; and field offices of NGOs and Community Service and Community Based Organisations (CSOs and CBOs);
- Location of access points used by local people to cross the Diamphwe River and its tributaries; and
- Location of burial grounds/graves, and sites of historic or cultural interest.

This initial ground-truthing exercise was carried out over the period 16 September to 02 October 2015. Additional information on the location of service infrastructure, access points and burial grounds has continued over the period of the social studies, as part of work undertaken by the social team.

2.5. Asset, Census and Socio-Economic Surveys

In order to fill the gaps of WAPCOS baseline report and to complete the RAP in fulfilment of international standards around involuntary resettlement⁵, the following surveys have been undertaken by SMEC⁶:

- An Asset Survey for Buildings and Support Structures, and a separate Survey for Land, Crops and Trees, to identify all individuals that would potentially be affected by the Project through the loss of land, and the loss of structures and other permanent improvements on that land;
- A Census of all PAP identified through the Census and Asset Surveys; and
- A Socio-Economic Survey of approximately ten percent of the Census survey, to obtain a socio-economic profile of the area and to further evaluate Project impacts.

The procedure for preparing the surveys and identifying the PAP followed a number of steps:

2.5.1. Formulation of Survey Instruments

Two different Asset Survey forms, one for Building and Support Structures, and one for Land, Crops and Trees, were designed to obtain a detailed analysis of the loss of assets for individual PAP:

- The survey for Buildings and Support Structures detailed the building being affected; its GPS position and size; its type, use, features and condition; and ownership;
- The survey for Land, Crops and Trees detailed the GPS position and size of the land; the cropped area in hectares, the farming stage, and the type of crops; and the quantity and type of fruit and indigenous trees on the land.

Information was collected for each building or support structure affected, and a separate form completed for each affected piece of land.

Given the level of detail acquired, the Asset Survey forms are designed to form the basis for the payment of compensation for assets lost. Compensation schedule sheet was compiled and submitted as Annex 7 to facilitate the signing off during exit survey.

The Census survey covered the following topics:

- Household composition (gender, age, education, residential status and employment status for each household member), with added characteristics of the PAP including tribal affiliation and religion;
- Economic activities and household income;
- Homestead details (description of structures, length of stay at residential site, water and energy sources, and sanitation facilities);
- Ownership, usage and cultivation of agricultural fields;
- Ownership of trees;
- Ownership of livestock and grazing areas; and
- Perceptions of the Project.

The Socio-Economic survey was a more detailed version of the Census, comprising additional information on:

⁵ OP 4.12 of the World Bank (April 2013a) states: "Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project, to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance". The checklist of census requirements are detailed in Appendix 2 of the Bank's Involuntary Resettlement Resource book (The World Bank. 2004. *Involuntary Resettlement Sourcebook: Planning and Implementation in Development Projects*).

⁶ See Appendix A for a copy of the surveys.

- Household assets;
- Household expenditure patterns;
- The use of water resources;
- Access to and use of community services and facilities;
- Access to health facilities and health status;
- Sacred, religious and grave sites; and
- Conflict management and information sources.

Before finalisation the Socio-Economic survey it was pre-tested as part of the training of the asset surveyors and enumerators, as detailed below.

All survey tools were presented to the LWB through the NWDP, and to the MoAIWD, for comment prior to commencement of the fieldwork.

2.5.2. Training of Asset Surveyors and Field Enumerators

Six enumerators, and two surveyors, were employed to complete the surveys; an additional three enumerators were brought in to assist once the magnitude of the work required became known. All are well qualified for their tasks, having done similar survey work in the past.

The initial team of enumerators and surveyors participated in an intensive training program from 14 - 16 October 2015, prior to commencing the fieldwork.⁷ The training was conducted by the Sociologist and Resettlement Specialist, and covered the following topics:

- Background to the Project;
- Principles of quantitative and qualitative research;
- Interviewing ethics and techniques, including exercises and role-playing;
- Questionnaire content;
- Practical use of equipment – GPS and camera; and
- Fieldwork logistics.

The training concluded with a practical application of the Socio-Economic survey, which also functioned as the pilot study. The group was responsible for interviewing one selected PAP – with enumerators taking turns to ask questions. Thereafter all met in plenary with the trainers, to raise points for discussion and clarification before starting the full survey, and to edit the questionnaire based on appropriateness to the social environment. Interviewers then worked in pairs for a full day before working individually with the PAP.

The additional enumerators were given personalised intensive training in preparation for the work at the time of employment.

2.5.3. Delineation of Study Area and Identification of PAP

As stated, the area covered by the surveys is based on the Area of Project Impact inclusive of the Buffer Zones, the mapping of which is described in Section 3.9. The Surveyors use the co-ordinates to delineate the boundaries within which to identify the impacted areas, and thus the affected assets and PAP.

The process followed in identifying the affected land, and associated PAP, was as follows:

- The Resettlement Specialist informed all TAs in the areas well in advance of the study;

⁷ See Appendix B for an outline of the enumerator Training Programme.

- Working with DPC members appointed by their respective committees, the Resettlement Specialist went ahead of the survey team to inform a village that they would be coming to their area within the next few days, and requested that a GVH or VH be nominated to help in the identification of land, and the landholders of that land;
- Using coordinates given by the GIS Specialist, the asset surveyors prescribed the Project Area of Impact using GPS instruments, and identified land that would be affected within those boundaries;
- The landholders for each affected land piece (the PAP), identified by the GVH/VH and DPC representatives, are then interviewed, firstly for the asset surveys by the asset surveyors, followed by the enumerators with either a Census form or a Socio-Economic questionnaire; and
- If a landholder had more than one piece of affected land, each is surveyed by the asset surveyors; however, only one Census or Socio-Economic survey is completed for each PAP.

2.5.4. Data Collection, Entry and Analysis

To date surveys have been undertaken over a four-month period, from 21 October 2015 to the end of February 2016.

The communities affected have been welcoming of the SMEC team of surveyors and enumerators. Apart from setbacks due to rainy weather, and people being away attending funerals, wedding ceremonies, and market days, the PAP have made themselves available to be interviewed at the time the team is in their area. This is partly due to the fact that the Resettlement Specialist gives ample warning to the TAs of the progress of the survey and, a day in advance of the survey, asks the relevant GVH or VH to organise PAP to be present at their land-piece. Mostly, however, it is because the PAP have an interest in the Project, to give the required information.

The information obtained from the surveys has been entered into an Ms Access database by a team of ten database entry clerks, one acting as the supervisor. The final master database will be kept by the Client, as a useful tool for resettlement planning in subsequent Project phases, and for monitoring the standards of living of PAP over the long term.

Table 3 provides a summary of the survey geographical and demographical coverage.

Table 3 Summary table of geographic and demographic characteristics

Summary of Geographical and Demographical coverage during the Data collection	
CENSUS	
Main Focus	Enumeration of the identified affected population
Regions covered	Central
Districts covered	Dedza and Lilongwe
Number Traditional Authorities covered	7 TAs (Dedza: 2 and Lilongwe :5)
Number of Group Village Head covered	GVHs: 67
Number of Villages Covered	Village: 335
Number of Areas covered	1 (Area 38 in Lilongwe city)
ASSET INVENTORY	
Main Focus	In inventory of the affected assets (land and structures)
District covered	Dedza and Lilongwe
No. PAP losing structures	859

Summary of Geographical and Demographical coverage during the Data collection	
No. of PAP losing Land due to dam inundation	5,211 (Dedza: 2892; Lilongwe:2319)
No. of PAP Losing land due to infrastructure	315 (Dedza: 27; Lilongwe:288)
No. of PAP Losing land due to pipeline	469
No. of PAP induced by the project ⁸	20 (Dedza: 5; Lilongwe:15)
SMALL GROUP DISCUSSION	
Districts covered	Dedza and Lilongwe
Number Traditional Authorities covered	5 TAs (Dedza: 2 and Lilongwe :3)
Number of Group Village Head covered	GVHs: 24
Number of Villages Covered	Village:171
FOCUS GROUPS DISCUSSIONS WITH THE HOST PAP	
Main Focus	To solicit in-depth information from the PAP on their perceptions on the project
Districts Covered	Dedza and Lilongwe
No. Traditional Authorities:	3
No. of meetings (discussions):	6
No. of PAP involved	Males: 192 Females: 203 Total: 395

2.6. Small Group Discussions

Small Group Discussions (SGDs) were used at the community level as a forum to achieve three main objectives:

- To facilitate the dissemination of information about Project activities;
- To provide an opportunity for stakeholders to ask questions or voice concerns; and
- To gather information/input from stakeholders on their use of resources based on their local experience and knowledge.

Information was obtained through a number of Participatory Rural Appraisal (PRA) exercises. The topics covered including:

- Social and resource mapping: to learn about the characteristics of people living in the village; social structures; and perceptions of what natural resources are found in the community, and how they are used;
- A timeline: to learn the major past events that occurred in the community, how they affected the residents, and how the people have successfully solved the challenges;
- A seasonal calendar: to learn about changes in livelihoods over the past year, and to show the seasonality of agricultural and nonagricultural activities, food and resource availability, and human disease;
- Ranking of anticipated Project impacts on the community: to learn participants' views on how to enhance the positive, and on possible mitigation measures for the negative.

⁸ Affected by the dam inundation and infrastructure construction both

Annex 5 contains a copy of the questions asked, a record of attendees, and notes taken of the responses. SGDs hosted in the villages are presented in Table 4:

- The SGDs were held in 24 villages; ten in Dedza District, and fourteen in Lilongwe District;
- Villages were selected with assistance from the DPCs. Sixteen of the SGDs were with villages potentially affected by the Dam, one SGD with villages potentially affected by the Balancing Tank, and two SGDs villages potentially affected by the Treatment Works; the remaining three SGDs covered villages potentially impacted by the Pipeline;
- Apart from the host villages, participants represented 88 neighbouring villages from the five affected TAs, Kaphuka and Chilikumwendo TAs in Dedza District, and Mazengera, Kalumbu and Chaza TAs in Lilongwe District;
- A total of 395 village members participated, 203 women and 192 men; and
- The interest groups comprised: Chiefs (GVHs and VHs), elders and the elderly; women; farmers; fishermen; traditional healers; *Gule wamkulu* dancers; development agents; representatives of religious groups; and the youth.

Table 4 SGD participants and villages covered

District	Traditional Authority	Host village	GVH	Additional villages	Interest group	Number of participants		
						Women	Men	Total
Dedza	Kaphuka	Kuntamba	Makoko	Makoko; Sitalichi; Chayimedi; Potolani	Farmers, fishermen	18	6	24
		Ntotho	Mbwadzulu	Malika; Kambwata; Chidothi; Njiwa; Chipanangwe; Sunga; Njiwa Yoyera; Mbwadzulu; Kaziputa; Kasauka	Youth	9	6	15
					Women	17	0	17
	Chilikumwendo	Kamwala	Mbalira	Chimtenga; Chimangiro; Kangulu; Kathumba; M'maso; Chakukhonde	Leaders, elders	0	20	20
		Kawelama	Kawelama	Chinkhalamba; Psyata; M'machimadza; Kabwazi	Chiefs, elders	10	8	18
					Women	21	0	21
Chinthakhwa	Tembwe	Katande; Gidion; Robert; Bonga; Dazi; Chika	Chiefs, elders, farmers, development agents	1	17	18		
Lilongwe	Mazengerera	Msodoka	Chinzili	Mtsilizika; Kalumbi; Kumkama; Mtethamawa; Chimbowa/Kamakhalala; Msonga	Women	15	0	15
		Che Mboga	Che Mboga	-	Chiefs, elders	1	12	13
					Villagers	8	6	14
		Kanthukena	Mthiko	Nasoni; Mphete; Mzinga	Farmers	14	10	24
					Youth	8	11	19
	Mkanda	Mkanda	Mkuwadzi; Mtsinje; Malenga; Mpaka; Mnolo; Allan	Villagers	13	10	23	
	Chaponda	Chaponda	-	Villagers	16	6	22	
				Youth	9	13	22	
	Kalumbu	Malenya	Malenya	Mtende; Chikwenje; Mwambo; Kauchi; Mphaleidyani; Bwemba; Mlombwa; Mphazomba; Mzingwa; Nkhodzomba; Chilunje; Chaluma; Salima; Salima Ndinda; Mphale; Chikhuti; Kapmphwete	Farmers	7	10	17
					Local leaders, chiefs, traditional healers, Gule wamkulu dancers	7	8	15
		Chingwenje	Chingwenje	Chiononga; Kaluchi; Maloko; Maliyoti; Savala; Chimbano; Chinkhuti; Chinganji; Chiwedewede; Chintali	Youth	6	9	15
	Chaza	Chinthakhwa	Chinthakhwa	Phula; Chilamba; Chidede; Mkute; Pemba; Khomani; Tsoka; Kapezawathu; Jabesi; Gwirize; Kamkota; Veremu; Jamu; Kamsampha; Jekesenj; Chifaliti	Elders, farmers	6	8	14
					Farmers	4	15	19
	TOTAL					Religious groups, development agents, local Area Development Committee members	1	8
						203	192	395

2.7. Health Study

A Health Specialist was contracted to conduct a health study, to assess current health resources available to communities in and around the Project Area of Impact, and to gauge views on potential health impacts of the proposed Project and possible mitigation measures. She was assisted by a Public Health Assistant.

More specifically the health study aimed to:

- Review relevant health-related information within the study area;
- Gauge community members' views on public health issues, including local community health services;
- Gather information on local health resources and access to health care facilities, from local and district health care workers in the health care sector; and
- Consult with Project stakeholders, including health facility staff, NGOs working in the area, and District Health Offices, on health issues facing potentially affected communities.

The methods used in the health study included:

- **Literature review** of background documentation of the Project, and relevant legislation and policies.
- Field visits to the Project site, to scope positive and negative health impacts on surrounding villages through **direct observation**.
- **Community meetings**, to understand community views on their current health situation, and the impact of the proposed Project on their health. Meetings at villages, directly affected or not by relocation, were organised by local DPC members, who accompanied the team on site. Villages selected: Chinkhuti, Kaphwereza and Kumkama in Lilongwe District, and Chidothi, Njiwa and Kamgong'o in Dedza District. The groups comprised of chiefs, men and women villagers, and the youth, across different age groups.
- **Consultation** through interviews, with health officials at local health facilities, District Government Health offices, and NGOs operating in the Project area, both in Dedza and Lilongwe Districts, and members of the DPCs.

Consultation involved discussions with the following groups:

1. Health Officials

Four health centres operating in the Project study area were visited: Mdeza and Chitowo Health Centres in Dedza District, and Diamphwe and Kamphata Health Centres in Lilongwe District.

The heads of the health facility or their representatives were interviewed; at Diamphwe Health Centre the interview took place with a team of health workers.

The aim of the discussions was to understand the current disease patterns, services being offered, challenges the health centres are facing, how the Project may impact on service delivery, and how services could respond to the perceived additional needs required as a result of the Project.

In addition to the interviews, the team reviewed the available service data to verify the main diseases affecting the Project area.

2. Government Officials

The District Environmental Health Officers for both Lilongwe and Dedza Districts were interviewed. The aim was to get an understanding of the current diseases and health problems affecting their areas, how the Project might affect health service delivery, anticipated positive and negative health impacts as a result of the Project, and recommendations on how best the Project can be implemented with minimal negative health impacts.

3. Non-Governmental Organisations

NGO leaders were consulted from the National Association of Smallholder Farmers of Malawi (NASFAM), Feed the Children, CARE, Nkhoma Mission, Concern Universal, and the Community Development Department of Kasina Health Centre.

The consultation was undertaken to understand the activities their organisations are implementing in the Project area, and how this relates to the health of the communities. They were also asked what they think might be the positive and negative impacts of the Project.

4. Project Dam Committee members

Members of the DPCs in both Lilongwe and Dedza Districts were interviewed to understand their views on how the Project is going to affect local communities. Both committees were well represented, with eight out of ten members in attendance.

A detailed health report is attached as annex 9 for further information.

2.8. Cultural Heritage

The World Bank's OP 4.11 defines physical cultural resources as "*movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be above or below ground, or under water. Their cultural interest may be at the local, provincial or national level, or within the international community*".⁹ The Bank further states that physical cultural resources may not be known or visible, thus it is important that a project's potential impacts on such resources be considered at "*the earliest possible stage of the project planning cycle*".¹⁰

Likewise, the Monuments and Relics Act and the Antiquities Policy of Malawi define cultural heritage in its tangible and intangible forms.

Tangible cultural heritage comprises the physical cultural heritage resources both movable and immovable, including the following:

- Places, buildings, structures of cultural significance;
- Places to which oral traditions are attached or which are associated with living heritage;
- Historical settlements and townscapes;
- Landscapes and natural features of cultural significance;
- Geological sites of scientific or cultural importance;
- Archaeological and palaeontological sites;
- Graves and burial grounds, including ancestral graves, royal graves and graves of traditional leaders, graves of individuals designated by the Minister by notice in the Gazette, historical graves and cemeteries; and other human remains;
- Sites of significance relating to the history of slavery;
- Movable objects such as archaeological and palaeontological objects and material, meteorites and rare geological specimens;
- Objects to which oral traditions are attached or which are associated with living heritage such as ethnographic art and objects;
- Iron smelting sites;

⁹ World Bank. April 2013d. OP4.11: *Physical Cultural Resources*.

¹⁰ World Bank. April 2013e. BP4.11: *Physical Cultural Resources*.

- Objects of decorative or fine art; and
- Ethnographic art and objects.

Intangible cultural heritage is the type of heritage that is manifested in the following:

- Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- Performing arts;
- Social practices, rituals and festive events;
- Knowledge and practices concerning nature and the universe; and
- Traditional craftsmanship and skills transmitted from generation to generation.

Consistent with national and international heritage laws it is the mandate of the Government, through the Department of Antiquities, to protect its irreplaceable cultural heritage and guide developers to avoid or mitigate adverse impacts on cultural heritage in the course of their project activities. A Cultural Heritage Impact Assessment (CHIA) is required by law, as provided for in the Monuments and Relics Act of 1990. The Malawi Cultural Policy (2014) and the Antiquities Policy (2012) also provide a statutory and legal mandate of ensuring that a CHIA is conducted prior to the start of large-scale land altering development projects.

Given these national and international requirements, and that the Linthipe – Chongoni area in Central Region has yielded rare and important pre-historic, historic and cultural heritage resources, documenting human evolution in terms of Middle, Later Stone Age and Early, Middle and Later Iron Age sites, an assessment of the cultural heritage in the Project Area of Impact was undertaken by members of the Department of Antiquities (DoA).

The objectives of the assessment were:

- To identify and evaluate the cultural heritage within the Project area;
- Identify and evaluate impacts on cultural heritage resources that might result from the Project, and
- Recommend mitigation measures for managing unavoidable adverse impacts.

More specifically the scope of work defined a set of required tasks, including:

- Collating, reviewing and documenting baseline cultural heritage information relating to the study area, including the identification of potential sites of cultural significance using satellite imagery and site verification;
- Consulting with LWB and MoAIWD, and with the local community and relevant government agencies with regard to cultural sites and their management, and in particular the management of affected graveyard sites;
- Where significant Project impacts on critical cultural heritage are unavoidable, assisting the LWB to obtain the Free, Prior and Informed Consent (FPIC) of Affected Communities; and
- Preparing a Report that includes baseline cultural conditions within the study area, an impact assessment of the Project on cultural sites, and suitable mitigation and management strategies.

The methodology employed to undertake the tasks involved the following:

2.8.1. Literature Review

For the initial identification of archaeological sites, the research team consulted the Antiquities National Site Register and some published works. Documentary records comprising reports, articles, maps, photos and the national inventory of archaeological, historical and cultural sites were examined.

2.8.2. Field Survey

A field site survey was carried out from 13 to 19 October 2015. It comprised a transect walk of six archaeological surveyors and three local community members, spaced between 10-15m apart.

The area covered was “limited to the area around the dam reservoir, an area that will be directly inundated by the dam, and a 250m wide area around the dam perimeter”.¹¹

The survey involved systematic screening of the surface area, natural gullies cut by rivers and rivulets, eroded pedestrian pathways, cultivated fields, bare premises around residential homes, and road edges. Where cultural artifacts such as pottery and iron slugs were observed, samples were collected for analysis at the Nguludi Slave House National Laboratory, and a select few finds were photographed in the field.

Given poor ground visibility at times as a result of dense vegetation and cultivation, and inaccessibility of certain sections, some sites are likely to have remained undiscovered. Moreover, no subsurface testing was done at this baseline stage. More sites may thus lie below the 30 cm plough zone and remain unexposed.

Although the Pipeline was not covered, random inspections were made of exposed sections of the surface, such as erosion gullies and excavated areas.

2.8.3. Public Consultation

Public consultation used methods and tools appropriate to the respondents to source their views. Community consultation involved traditional leaders, *Gule wamkulu* elders, landholders and other randomly selected individuals. The main focus was on determining the significance that the people themselves attach to the cultural heritage sites in the proposed Project area.

2.8.4. Further Study and Consultation

Further to this CHIA study, the DoA was commissioned by the LWB to do a more detailed analysis of the cultural heritage impact of the Project. This covers the identification of graveyards and gravesites, mapping the position and size of graveyards, and assessing the number of graves, and procedures to follow around the removal of those graves. Meetings have been held with stakeholders, including the DCs and TAs, around this issue. Linked to this is a public consultation program, facilitated by the NWDP and the LWB, as described in Chapter 10.

The SMEC Social Study team has also, independently, collected information from TAs about graveyards impacted directly in the Reservoir and BZ, mapping their position with GPS coordinates. The listing may vary once the full study of the Project has been completed by the DoA, and all affected communities consulted.

2.9. Mapping and Database Development

A review of the maps available for the Project identified that maps from the WAPCOS reports had low resolution (being in PDF format) and detail was poor, and the original GIS format files were not made available, nor was source information (GPS coordinates).

Given the lack of information for locating and compiling a comprehensive database of villages and assets within the study area:

- Digital 1:50,000 topographical maps were procured from the Department of Surveys;
- Detailed one-meter resolution satellite images were procured and downloaded;
- Relevant Soil and Land Capability digital maps were sourced from the National Irrigation Master Plan and Feasibility of Diamphwe Irrigation project (SMEC, 2015);

¹¹ Malawi Department of Antiquities. October 2015. *A Cultural Heritage Impact Assessment Report for Diamphwe Multipurpose Dam Project*.

- The Land Cover Atlas (2012) provided information on land use practices in the area; and
- Utilities information was sourced from the Schools and Health Centres. Digitally available Malawi Spatial Data Portal (MASDAP) data was last updated in 2012.

The final Studio Pietrangeli (2014) design maps are of high resolution and show a good level of detail. Digital data was provided, and the drawings were used to identify and delineate various Project affected components and areas. The drawings were superimposed on high-resolution satellite images, and buffer areas were demarcated. These maps have been used to prepare baseline and study area GIS maps, used by the asset surveyors in delineating the Project Area of Impact.

The shape files generated through the Asset surveys are cleaned to remove silver polygons and fill data gaps. The final GIS layer has all the necessary information in its attribute table along with the shape.

Information obtained from RAP-related activities has enabled the creation of a comprehensive GIS database, with the different components interlinked. Details include:

- GPS points and names of villages in and around the Project Area of Impact (Source: Ground-truthing exercise; SGDs; Census and Socio-Economic surveys);
- Identification of all pieces of affected land, and asset loss on that land (Source: Asset surveys; Census and Socio-Economic surveys);
- Identification of all PAP, including their household characteristics, socio-economic status, and land and asset loss (Source: Asset surveys; Census and Socio-Economic surveys);
- Service provision in the area (Source: Consultation with relevant service providers; Ground-truthing exercise; SGDs; health study); and
- Consultation undertaken by the Consultant at Project level (Source: Consultation database; SGDs).

2.10. Formation of LRP Committee

An LRP Committee has been formed by the districts (see chapter 10) to deal with compensation levels for the agricultural assets on the land affected by the Project and other relevant issues arising out of the RAP/ LRP process.

2.11. Establishing Cut-off Dates

Completion of Asset Inventory Survey marks the cut-off date for the project which in this case is the **October, 2015**. Any assets created or improvements done to existing assets, change in use or ownership, potential newcomers within the Project area after the assets inventory dates would not be acceptable for compensation. However, the Resettlement NGO and the Lilongwe Water Board will communicate on the cut off dates for other activities such as crop cultivation after confirmation on the compensation payment dates. The PAP should be informed on the period allowable for them to harvest the crops or to be compensated for as it may seem to work well with the construction works schedules.

2.12. Preparation of Entitlement Matrix

An entitlement matrix was prepared to outline all project-affected persons (PAP), the characteristics of the impact, and the types of compensation/reinstatement due them. By this matrix, all project-affected persons will be entitled to a combination of compensation measures and livelihood assistance, depending on the nature of ownership rights of lost assets and scope of the impact, including the social and economic vulnerability of the affected persons. The Matrix was reviewed and approved by the Client prior to valuation.

2.13. Investigation of Alternative Sites

To determine whether there is a suitable alternative site for PAP to continue their farming, fishing, grazing and other economic activities, community leaders, district council officials and PAP themselves were consulted and engaged in the search for sites in the immediate vicinity and other parts of the Project area (see Relocation Plan in Chapter 9)

2.14. Identification of Vulnerable Groups

Members of vulnerable groups may require special or supplementary resettlement assistance because they are less able to cope with the physical and/or economic displacement than the affected population in general. Identification of persons and reasons for vulnerability was undertaken directly or through the community. The survey recorded 2778 PAH (project affected Households) falling in various vulnerability group as they are challenged by one or more conditions (widow/widower; elderly, orphans/abandoned children). With a poverty line criterion based on Government of Malawi's cash transfer program definition of poor and ultra-poor, which classifies the households with consumption less than MK 37,002/year (poor) and MK 22,956/year (ultra – poor). Only 641 PAH among the identified vulnerable households are poor and ultra -poor households within the Diamphwe Dam Project area. While 411 PAH were identified as poor households, 230 PAH were identified as ultra-poor. The poor and ultra-poor households constitute 10.6% of the total PAP. According to the OP4.12 these households would require special attention and assistance. This RAP has entitled the poor and ultra – poor households vulnerability allowance of 20% of their compensation sum and will be enrolled into livelihood programs for the vulnerable households. The vulnerable Households found in both districts are presented in Table 5.

Table 5 Vulnerable Population

Age Group	Male	Poor	Ultra Poor	Not poor	Don't know
≤18	15	2	1	5	7
≥ 19≤59	0	0	0		
≤60	313	54	11	240	8
<i>Sub-Total (MHH)</i>	<i>328</i>	<i>56</i>	<i>12</i>	<i>245</i>	<i>15</i>
Age Group	Female	Poor	Ultra poor	Not poor	Don't know
≤18	11	3		4	4
≥ 19≤59	2012	265	124	1581	42
≤60	415	87	82	228	18
<i>Total (FHH)</i>	<i>2450</i>	<i>360</i>	<i>186</i>	<i>1813</i>	<i>64</i>
Total (FHH+MHH)	2778	411	230	2086	79
Total Poor +Ultra-Poor		641			

From table 5 above Female headed households constitutes 89.1% of the total vulnerable households; while male headed Households constitute 10.9%. In terms of the age groups most of the vulnerable households are headed by females within the age range between 19yrs and 59yrs this group constitutes 65.7% of the poor and ultra-poor. Followed by FHH within age group of 60 and above that forms 22.8%; meanwhile, the MHH within the age of 60yrs and above makes 10.4% and the children headed households (below 18yrs) FHH and MHH constitute 0.5% each.

The census recorded 2.8% of the potential vulnerable PAP who could not indicate their monthly expenditures. As such further survey will be required during exit survey or financial Literacy to get the details that will help to determine their social – economic status of vulnerability.

It is recommended that the PAP with potential vulnerability in terms of old age, Female heads of their households who are above the cash transfer poverty line should be excluded from 20% allowances. However, they should be enrolled into vulnerability assistance programs detailed in Chapter 10.

2.15. Valuation of Impacted Assets

Social impacts have been observed mainly in terms of areas for land and units for residential structures, trees, shops etc. However, for assessing cost of compensation valuation of properties has been essential. A team was developed involving surveyors and valuers from District Council Lilongwe's office and Lands Department. The survey team prepared and submitted a report (see Chapter 8 for the details on valuation methods) on the assessment of impacted properties including land, residential and commercial structures, community properties and cultural/religious assets, trees and standing crops (See *Annex 3*).

2.16. Exit Survey and Compensation Agreement

Prior to the start of the compensation payment process, compensation agreements with affected people will be set up and signed. This will be done through an exit survey, to be carried out by the official valuers of the Central Regional Land Office. The exit survey is to confirm the results of the surveys for validation of losses carried out October 2015 – February 2016 through the performance of the respective legal procedure.

The resettlement committees and PMU officers will participate in the exit survey. Agreement of the respective affected household to the exit survey documentation and the resulting determination of compensation will be officially documented in the compensation agreement. The PAP will be well communicated to opt between co – signing or individual signing. In case of co – signing both spouses of affected households shall sign off compensation agreements.

For households where partners are not officially married or for polygamous partnerships, the project will request the head of household to sign the agreement together with all partners, so that all partners can document their entitlement to compensation.

The Survey will conduct key informant interviews with the community leaders of the affected villages and the host village the gist is to find out possibilities of maintaining social networks especially the powers of the chiefs in the affected villages which is at a high risk of getting dismantled due to the relocation. Another economic aspect which is at a high risk is the Bisayi trade centres. The two social economic networks are triggered to be lost due to relocation. Exit survey will explore the workable relocation framework geared to maintain the chieftainships and to establish a new trading center in the relocated villages. Exit survey results will be entered into the PMU compensation database and the Relocation plan.

2.17. Issue of Cash Compensation

As stated above, compensation has to be paid timely in advance to the impact. District Commissioner will manage the disbursement of cash compensation.

Payments will be to bank accounts of affected households. PIU and the respective bank will assist people who do not have an account with the establishment of a bank account, any costs for opening an account will be paid by the project. Where co- ownership of the compensation money Accounts should be in the names of both spouses. Consultation results show that there is awareness of potential misuse of compensation money.

Basic information will be provided to and feedback received from potentially affected people on the project regarding compensation and livelihood restoration issues public meetings, one-on-one interviews and focus group discussions. This will be in addition to the process of engaging with the LRP Committee.

3. LEGAL AND POLICY FRAMEWORK

The MoAIWD is committed to conducting its activities with full compliance to the requirements of national regulations and its obligations under international conventions and treaties, giving due consideration to international best practice and policies. This includes issues relating to resettlement.

3.1. National Legislation and Practice

A detailed analysis of Malawi’s legislation and practice is given in Appendix D. Of particular importance to the RAP are the following:

3.1.1. The Constitution

Principles enshrined in the Constitution of the Republic of Malawi (1994 with amendments to 1999) form the basis to any proposed practice or legislation relating to resettlement aspects of the Project.

3.1.2. Supportive Legislation and Regulatory Requirements

The application of ESIA in Malawi is based upon the legislative requirements of the *Environmental Management Act* (EMA) (1996). The EMA outlines an EIA process for Malawi, and requires project developers to comply with that process. The process is managed by the Director of Environmental Affairs (DEA) in the Environmental Affairs Department (EAD). Accordingly, the ESIA and Project activities will be undertaken in strict accordance with the EMA, as well as the EAD’s EIA Guidelines.

A number of Malawi regulatory and policy requirements are applicable to the RAP as provided in the Table 6 below.

Table 6 National Regulatory & Policy Requirements

Malawi legislation and policies	
Legislation	
<ul style="list-style-type: none"> ▪ Constitution of the Republic of Malawi (1994) ▪ Environment Management Act (1996) ▪ Land Act (1965) ▪ Lands Acquisition Act (1971) ▪ Local Government Act (1998) ▪ Town and Country Planning Act (1988) ▪ Water Resources Act (2013) & Waterworks Act (1995) ▪ Irrigation Act (2013) ▪ National Parks and Wildlife Act (2004) 	<ul style="list-style-type: none"> ▪ Fisheries Conservation & Management Act (1997) ▪ Forestry Act (1997) ▪ Public Health Act (1948) ▪ Gender Equality Act (2013) ▪ Monuments and Relics Act (1990) CAP 29.01 ▪ Public Road Act (1962) ▪ Occupational Safety, Health and Welfare Act (1997) ▪ Employment Act (2000) ▪ Labour Relations Act (1997)
Policies and Guidelines	
<ul style="list-style-type: none"> ▪ National Environmental Policy (2004) ▪ Guidelines for Environmental Impact Assessment (1997) ▪ National Land Policy (2002) ▪ National Water Policy (2005) ▪ National Irrigation Policy and Development Strategy (2011) ▪ Malawi National Forest Policy (1996) 	<ul style="list-style-type: none"> ▪ Gender Policy (2008) ▪ National HIV AIDS Policy (2003) ▪ National Decentralisation Policy (1998) ▪ National Environmental Action Plan (2002) ▪ National State of Environment Report (2010) ▪ The Second Malawi Growth and Development Strategy (2012) ▪ Other Relevant Malawi Standards

3.2. International and Regional Standards and Agreements

Malawi is party to a number of internationally acceptable policies, conventions, treaties and protocols in order to augment the national policies and laws. International laws and their institutions serve as the principal framework for international co-operation and collaboration between members of the international community in their efforts to protect the local, regional and global environment. International environmental laws assist in capturing and building consensus between nations on goals for environmental protection, resource conservation and sustainable use.

Malawi is bound to the provisions of an international agreement/law only if it signs and submits instruments of ratification in respect of a particular agreement. Of particular importance to this Project are the following:

International and regional agreements

Millennium Development Goals (MDGs) (2000); Protocol on Gender and Development (2008); the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1987); the Vienna Conference on Human Rights (1993); the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972); the International Covenant on Economic, Social and Cultural Rights (1993); the Convention on the Rights of the Child (CRC) (1989); the Southern African Development Cooperation (SADC) Declaration on Gender and Development (1997); and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (1995).

The Rio Declaration; the Convention on Biological Diversity; the Convention on Climate Change; the Convention on International Plant Protection; the Montreal Protocol; the Convention to Combat Desertification; the Convention on Biodiversity; the Convention on the Conservation of Migratory Species of Wild Animals; the Convention on International Trade in Endangered Species of wild fauna and flora (CITES); the Convention on Wetlands of Significant Importance, especially as waterfowl habitat (RAMSAR); the African Convention on the Conservation of Nature and Natural Resources; SADC Protocols on Forestry and on Fisheries.

3.2.1. International Conventions and Agreements

(i) The Sustainable Development Goals

As a member of the UN, Malawi has an interest in aspiring towards the Sustainable Development Goals (SDGs), which came out of international conferences/summits held in the 1990s, and the Millennium Declaration adopted by the UN. The goals *"commit the international community to an expanded vision of development, one that promotes human development as the key to sustaining social and economic progress in all countries, and recognises the importance of creating a global partnership for development. The goals have been commonly accepted as a framework for measuring development progress"*¹².

The goals establish the yardsticks for measuring results, not only for developing countries but also for countries that help to fund development programs and for institutions that help countries institute them, guiding financiers in determining their development assistance. The first seven goals are directed at reducing poverty, through specific targets based on indicators, while the eighth – global partnership for development – is about the means to achieve these, mostly by 2015:

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce child mortality

¹² www.undp.org

- Goal 5: Improve maternal health
- Goal 6: Combat HIV/AIDS, malaria and other diseases
- Goal 7: Ensure environmental sustainability (Target 10: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation).

(ii) Agenda 21

Malawi is also party to a number of international conventions which, although relating to potential environmental impacts and activities, have social significance.

Agenda 21 (1992) promotes “*sustainable and environmentally sound development*”, implementing strategies “*to halt and reverse any degradation in every area where human (economic) activity affects the environment*”¹³. It recognises combating poverty as a basic condition for ensuring sustainability – social, economic and environmental. Enshrined are the following principles:

- Human beings are at the centre of concerns for sustainable development, and are entitled to a healthy and productive life in harmony with nature.
- The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.
- In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.
- All states and all people shall co-operate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of people.
- Environmental issues are best handled with the participation of all concerned citizens, at the relevant level.
- Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.
- Encourage public awareness and participation by making information widely available.

Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

Conceived as a practical tool for translating the principles of Agenda 21 into reality, the Convention on Biological Diversity (1992) “*recognises that biological diversity is about more than plants, animals and micro organisms and their ecosystems – it is about people and our need for food security, medicines, fresh air and water, shelter, and a clean and healthy environment in which to live*”¹⁴.

(iii) World Culture and Natural Heritage

Of particular importance to social aspects is the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). The Convention aims “*to encourage the identification, protection, and preservation of earth’s cultural and natural heritage recognising that nature and culture are complementary and that cultural identity is strongly related to the natural environment in which it develops*”. Cultural heritage refers to “*monuments, groups of buildings, and sites with historical, aesthetic, archaeological, scientific, ethnological, or anthropological value*”. Natural heritage covers “*outstanding physical, biological and geological formations, habitats of threatened species and areas with scientific, conservation or aesthetic value*”¹⁵.

¹³ www.un.org/esa/sustdev/documents/agenda21

¹⁴ www.cbd.org

¹⁵ www.undp.org

3.2.2. International Guidelines and Procedures

The international legal and policy framework within which projects operate, and implementation procedures and guidelines, have developed substantially since adoption of the Universal Declaration of Human Rights in 1948. Instruments supported by member states include those developed by the United Nations (UN) and the European Union/Commission. Others have been developed by particular bodies, such as the World Bank Group and the African Development Bank (AFDB).

Standards formulated by the World Bank and the AFDB around involuntary resettlement are of relevance as best practice guidelines and procedures to the Project, as detailed below.

(i) World Bank

The World Bank provides guidance on ESIA requirements through the Environmental Assessment Sourcebook¹⁶, which includes sectoral guidelines. In particular, Volume 2 of the Sourcebook deals with Sectoral Guidelines for EA of Energy and Water Projects, providing a detailed analysis of the potential environmental impacts associated with hydropower generation, including dams and transmission structures. It also addresses environmental monitoring and management issues, and identifies typical mitigation measures.

The operations of the World Bank are guided by a comprehensive set of policies and procedures, dealing with the Bank's development objectives and goals, the instruments for pursuing them, and specific requirements for Bank financed operations. The core of this guidance lies in the Bank's Operational Policies (OPs), which are critical to ensuring that potentially adverse environmental/social consequences are identified, minimised and mitigated so as to prevent "*undue harm to people and their environment in the development process*"¹⁷. Those relevant to resettlement are¹⁸:

- OP 4.01 Environmental Assessment: "to help ensure the environmental and social soundness and sustainability of investment projects".
- OP 4.04 Natural Habitats: "to promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions".
- OP 4.09 Pest Management: "to minimise and manage the environmental and health risks associated with pesticide use and promote and support safe, effective, and environmentally sound pest management".
- OP 4.11 Physical Cultural Resources: "to assist in preserving physical cultural resources and avoiding their destruction or damage, including resources of archaeological, palaeontological, historical, architectural, religious (including graveyards and burial sites), aesthetic, or other cultural significance".
- OP 4.12 Involuntary Resettlement: "to avoid or minimise involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher".
- OP 4.20 Gender and Development: "to reduce poverty and enhance economic growth, human well-being, and development effectiveness by addressing the gender disparities and inequalities that are barriers to development".
- OP 4.36 Forests: "to realise 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".

¹⁶ World Bank. 1994. *Environmental Assessment Sourcebook*.

¹⁷ www.worldbank.org

¹⁸ World Bank. April 2013f. OP 4.00 *Table A1: Environmental and Social Safeguard Policies – Policy Objectives and Operational Principles*.

- OP 4.37 Safety of Dams: “to assure quality and safety in the design and construction of new dams and the rehabilitation of existing dams”.

In addition, of relevance are GP (Good Practice) 14.70: Involving Nongovernmental Organizations in Bank-supported Activities, and the World Bank Policy on the Disclosure of Information (2002).

Guidance is also given to the identification and protection of vulnerable people, stating that they need be given special attention to remove the barriers that stand in their way of equal participation in projects, or through special project components and targeting strategies tailored to their needs.

The Bank’s involuntary resettlement safeguarding regulations and requirements¹⁹ are triggered when a project leads to the involuntary taking of land resulting in:

- 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 affected person must move to another location.

OP 4.12 identifies three categories of affected people:

- a) Those who have formal legal rights to land, including customary and traditional rights recognised under the laws of the country;
- b) Those who do not have formal legal rights to land, but have a claim to such land or assets provided that such claims are recognised under the laws of the country or become recognised through a process identified in the resettlement plan. *“Such claims could be derived from ... continued possession of public lands without government action for eviction (that is, with the implicit leave of the government)”*; and
- c) Those who have no recognisable legal right or claim to the land they are occupying.

Category a) and b) people should be compensated for the land they lose, as well as provided with other agreed-upon assistance. Category c) people should be provided with resettlement assistance in lieu of compensation for the land they occupy as well as other assistance as necessary, if they have occupied the area prior to an agreed cut-off date for entitlements. All three categories should be provided with compensation for loss of assets other than only land.

OP 4.12 requires that displaced people are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project; provided assistance (such as moving allowances) during relocation; and provided with residential housing or housing sites. The policy requires that the taking of land and related assets may occur only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided.

¹⁹ World Bank. April 2013a. OP and BP 4.12 *Involuntary Resettlement*; February 2011. OP 4.12 (Annex A) *Involuntary Resettlement Instruments*.

World Bank guidelines and procedures

Operational Procedures

OP 4.01: Environmental Assessment

OP 4.04: Natural Habitats

OP 4.07: Water Resources Management

OP 4.11: Physical Cultural Property

OP 4.12: Involuntary Resettlement

OP 4.20: Gender and development

OP 4.36: Forests

OP 4.37: Safety of Dams

OP 7.50: International Waterways

GP 14.70 Involving NGOs

Policy on the Disclosure of Information (2002)

Involuntary Resettlement Sourcebook (2004)

Guidance Note on Poverty Assessment (2004)

Guide to the Analysis of Risk, Vulnerability and Vulnerable Groups (2005)²⁰

Gender and Development Policy Framework: A Guidance Note (2010)

Gender Strategy, 2016 – 2023 (2015)

(ii) African Development Bank

The African Development Bank (AFDB) has a set of environmental/social policies, requirements and recommendations that apply to its projects, similar to those developed by the World Bank. A number of documents are of relevance:

The Bank's policies provide general orientations to mainstream crosscutting themes in Bank projects, as in its:

- Involuntary Resettlement Policy (November 2003)
- African Development Bank Group's Policy on the Environment (February 2004).

The Bank's procedures delineate how to proceed to integrate environmental/social issues in the project cycle, including the development of a resettlement plan when/if appropriate:

- Environmental and Social Assessment Procedures for African Development Bank's Public Sector Operations (June 2001).

The Bank's guidelines details requirements for any specific project, and when delineating potential beneficial/adverse impacts and corresponding enhancement/mitigation measures, outlines a component on migration and resettlement:

- Integrated Environmental and Social Impact Assessment Guidelines (October 2003).

The Bank's involuntary resettlement policy is set within the framework of the commitment "to promote environmental and social mainstreaming as a means of fostering poverty reduction, economic development and social well being". The policy covers involuntary displacement and resettlement of people "when a project results in relocation or loss of shelter by the persons residing in the project area, assets being lost or livelihoods being affected".

The primary goal of the involuntary resettlement policy is "to ensure that when people must be displaced they are treated equitably, and that they share in the benefits of the project that involves their resettlement. The objectives of the policy are to ensure that the disruption of the livelihood of people in the project's area is minimised, ensure that the displaced persons receive resettlement assistance so as to improve their living standards ... and set up a mechanism for monitoring the performance of the resettlement programs. Most importantly, the Resettlement Plan (RP) should be prepared and based on a development approach that addresses issues of the livelihood and living standards of the displaced person as well as compensation for loss of assets, using a participatory approach at all stages of project design and implementation"²¹.

²⁰ J. Hoogeveen, E. Tesliuc, R. Vakis and S. Dercon. 2005. *A Guide to the Analysis of Risk, Vulnerability and Vulnerable Groups*. World Bank.

²¹ African Development Bank. November 2003. *Involuntary Resettlement Policy*.

(iii) World Health Organisation

The World Health Organisation (WHO) is the directing and coordinating authority for health within the UN system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries and monitoring and assessing health trends.

WHO standards relevant to the Project include:

- Standards for drinking water
- Standards for wastewater
- Standards for water quality parameters.

WHO has also developed global guidelines, such as various WHO Guideline on HIV/AIDS²², which are relevant to the Project.

3.3. Project Policy Guidelines for Involuntary Resettlement

The RAP will need to satisfy the requirements of the Government as well as those of the World Bank. Compliance requirements of the Project with Malawi legislation and World Bank safeguards policies, with the understanding that, where legislation does not adequately address issues the World Bank standards will apply.

This RAP is generally guided by a World Bank' OP 4.12 principle that affirms that all PAPs, including those who have no recognizable legal right or claim to the land they are occupying, are eligible for compensation or other assistance commensurate with the nature and extent of the impact involved. Eligibility to entitlements require the following;

- a. PAP must have been located within a direct impact zone of the Corridor/Way leave before the cut-off date established when the census is completed;
- b. suffers a loss that is quantifiable i.e. loses an asset partially or fully, either permanently on or a temporary basis or can be quantified in monetary terms (such as a tenant or a sharecropper who might be affected), etc.
- c. his/her ownership of the asset is either formally registered or not registered but present at the location and/or well known within the local community.

The aim is to ensure that no one should be worse off as a result of the project within that context this RAP recommends a number of livelihood restoration programs as measures to ensure that at the least people should be provided with assistance to restore their livelihoods before the Project²³.

Table 7 Project policy guidelines

Principle	Guideline
Principle 1 Relocation will be avoided or minimised	Involuntary resettlement will be avoided as far as possible by exploring feasible alternative Project designs/configurations.
Principle 2 Affected people are defined inclusively	Affected people are defined as those whose livelihoods and standards of living are adversely affected by Project activities - whether through the loss of assets or access to assets, through being deprived of resources, through loss of income sources or means of livelihood, through physical relocation, or through other losses that may be identified during the process of resettlement planning.
Principle 3 Ongoing and meaningful consultation and disclosure of information will occur	PAP and Project Affected Communities (PAC) have the right to: <ul style="list-style-type: none">• Be informed of Project developments on an ongoing basis;• Be consulted on issues pertaining to them, such as possible measures to restore their livelihoods, allowing participation in the final selection and design of such measures;

²² <http://www.who.int/hiv/pub/guidelines>

²³ References: a) World Bank. April 2013a. *Op cit*; b) AFDB. 2003. *Op cit*.

Principle	Guideline
with affected people and communities	<ul style="list-style-type: none"> • Be informed in time of Project proposals and implementation schedules, such as land acquisition dates sufficiently in advance of actual execution; and • Have access to relevant Project documents, such as the draft RAP, at a place accessible to them <i>“and local NGOs in a form, manner, and language that are understandable to them”</i>²⁴.
Principle 4 All Project impacts will be identified and all losses properly recorded	<p>All losses will be properly recorded and a database of affected people, assets and resources established. This will include:</p> <ul style="list-style-type: none"> • A census detailing household composition and demography, and other relevant socio-economic characteristics, as a baseline for the monitoring of household reestablishment; and • An asset survey, providing an inventory of landholdings and non-retrievable improvements (buildings and structures) to determine fair and reasonable levels of compensation and mitigation.
Principle 5 Affected people will be entitled to full compensation and other rehabilitation measures, and will be assisted to improve their livelihoods, on an equitable basis	<p>Affected people who are identified as of the date of the asset surveys will be entitled to full compensation and other rehabilitation measures sufficient to assist them to improve or at least maintain their pre-project living standards. The livelihoods of PAP will be improved through:</p> <ul style="list-style-type: none"> • The replacement of productive resources and income sources; • The provision of relocation support measures (e.g. displacement allowances) where physical relocation is required; and • The implementation of other livelihood restoration and development measures as required. <p>All will be equally eligible to such rights, irrespective of social or economic standing, tenure status, or any other discriminating factor.</p>
Principle 6 Vulnerable groups will receive special attention	<p>Particular attention will be paid to adverse impacts on groups/social categories such as the elderly, children, the physically disabled, women-headed households, and households below the poverty line, who because of their social position may be vulnerable to changes brought about by Project activities or excluded from its benefits. Members of these groups are often not able to make their voices heard, and account will be taken of this in the consultation and planning processes, as well as in the establishment of grievance procedures.</p>
Principle 7 Cultural and religious practices will be respected	<p>Existing cultural and religious practices will be respected and, to the maximum extent practical, preserved. This extends to cultural heritage.</p>
Principle 8 Relocation planning, budgeting and implementation will be an integral part of the Project	<p>To ensure that involuntary resettlement, including land acquisition, is an integral component of the Project:</p> <ul style="list-style-type: none"> • Land acquisition and relocation costs will be built into the overall Project budget as an upfront cost; • An institutional framework will be developed as an integral part of the Project to ensure that RAP management mechanisms are set up and maintained during implementation. These mechanisms will ensure that compensation is carried out timely and effectively, and that accessible grievance procedures are implemented, with particular reference to the situation of vulnerable groups; and • Where required, relocation schedules will be integrated with Project schedules, and any land and asset acquisition will commence only after the necessary resettlement and compensation procedures have been successfully initiated.
Principle 9 Monitoring and evaluation process will be in place	<p>Monitoring and evaluation procedures will be implemented to assess the effectiveness of the compensation and relocation program. The process will be an ongoing activity, employing mechanisms such as:</p> <ul style="list-style-type: none"> • Internal performance and impact monitoring; • External monitoring through an independent source; and • A completion audit.

²⁴ World Bank. April 2013a. *Op cit.*

Principle	Guideline
<p>Principle 10 All legal obligations will be complied with</p>	<p>Where involuntary resettlement occurs, it will comply with the provisions of relevant local legislation pertaining to:</p> <ul style="list-style-type: none"> • Environmental management; • Public participation and disclosure of information; • Land tenure and occupation, expropriation and compensation; • Grievance procedures; • Local government, development and services provision; <p>and any other legislation that may be appropriate.</p>

3.4. Gaps Analysis of National Laws and the World Bank Standards

The two instruments have many provisions in common but differ in certain principles. The following are the gaps that exist between the Malawi legislation / law and the Resettlement Policy provisions of the World Bank (OP-4.12). The World Bank advocates payment of compensation for “illegal occupants” of land (e.g. for those persons who develop in road reserves, etc.). The Malawi legislation does not. However, the implication of vulnerability in terms of poverty and women-headed households in the case of squatters as defined in the Bank Policy, is not considered in the same light in Malawi legislative provisions. In general, encroachers and squatters, all without title-holding are considered ‘illegal occupants’ by Malawi Laws.

The World Bank O.P.4.12 makes no distinction on the categories of land when considering compensation after land acquisition. In the case of Malawi legislation, the current value of customary land, is regarded as arbitrarily lower than private land. This is due to the fact that the policies of Government of Malawi consider intrinsic values associated with various classes of land (customary land, leasehold land, freehold land, public land). However, this discrepancy has already been recognized as pointed out in the Malawi National Land Policy. The World Bank prefers land for land compensation whereas in the Malawi legislation this is not considered mandatory / essential. However, the customary law practices prefer land for land compensatory provisions while option of land for money compensation is the preferred options in urban areas.

The World Bank Policies emphasize on conclusion of all resettlement and compensation issues before commencement of the project while the Malawi laws are not specific on this issue. The World Bank Policies clearly recommend for sufficient resettlement and rehabilitation assistance to the displaced within the first few years of relocation. Malawi legislation does not expressly define the extent of resettlement assistance to displaced persons. District Commissioners office is responsible for ensuring the welfare of displaced persons.

To bridge the gaps of beneficial provisions between the local laws and the Bank Policy, a resettlement plan will be developed for the sole purpose of implementing the project under study, to provide best possible solutions to involuntary resettlement requirements for the benefit of the PAPs. The underlying principle in the plan will be that compensation should be made following the constitutional provisions and where these provisions are not adequate the World Bank’s Operational Policies should be invoked and applied. Compensation should be fair and equitable and the PAPs should, in all possible ways, be placed in better position, both socially and economically, compared to their pre-project socio-economic scenario. The framework should consider the following:

- Compensation for customary land, at the time of acquisition by Lilongwe Water Board, should be 100% replacement cost as it is provided for in the Malawi National Land Policy. The land for land approach is becoming increasingly difficult due to scarcity of land.
- Compensation payments should be paid to all categories of PAPs, including squatters / encroachers (illegal occupants), provided they satisfy the conditions to be set out in the resettlement framework.
- Loss of livelihoods and income earning should be compensated adequately following the relevant provisions to be framed in the resettlement framework. Resettlement assistance should be provided to vulnerable groups.

- Compensations for all other loss and properties should be paid in line with the provisions of the resettlement framework.
- 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.

The gap analysis of national laws and WB standards have been outlined and compared in Table 8.

Table 8: Comparison between Malawi Government’s Legislation and World Bank’s OP4-12

Theme	WB: OP4-12	Malawi Legislation	Evaluation	Recommendation to address the Gap
Policy objective	<p>The overall objectives of the Bank’s policy on involuntary resettlement are the following:</p> <p>Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.</p> <p>Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.</p> <p>Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.</p> <p>Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms,</p>	<p>The Bill of Rights contained in Part IV of the Malawi Constitution entrenches several rights relevant to the objectives of WB: OP4-12</p> <p>For instance:</p> <ul style="list-style-type: none"> (i) The right to property in ss. 28 and 44(4) which provide protection against arbitrary acquisitions of property and for acquisition with adequate notification, and appropriate compensation. (ii) The right to development in ss.13 and 30 which accord the people right social, economic and political development and places the duty on the government. This accords with the project objective improving livelihoods and living standards (iii) The right to due process in s.43 which accords with the objectives against forced eviction 	<p>While the WB: OP4-12 objectives are not word for word written into the Malawi Constitution, the overall shared picture and objective is the same when the enumerated rights and jurisprudence thereon are seen against the objectives of the WB:OP4-12.</p> <p>Under s. 5, the Constitution of the Republic of Malawi is the overriding legal instrument setting out the broad aspirations of the people and the government of Malawi. All acts of government are required to be consistent with the Constitution.</p> <p>Avoidance of impacts etc. is not specifically stated though. Further local laws do not specify on improvements or restoration of livelihoods & standards of living of displaced persons.</p>	<p>Ensure that resettlement issues are fully recognized and dealt with at the project planning and design stages in order to avoid or minimize displacement. This is particularly important in a context of land scarcity.</p> <p>Ensure that levels of compensation, assistance and benefits are in line with international standards.</p> <p>Ensure that all affected land users receive appropriate assistance and benefits, including unauthorized occupants (“squatters”), labourers and persons affected by the loss of access to resources that support their livelihoods.</p>

Theme	WB: OP4-12	Malawi Legislation	Evaluation	Recommendation to address the Gap
	to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.			
Eligibility for compensation	<p>According to paragraph 15 of the WB: OP4-12 applies to physical and/or economic displacement concerning:</p> <p>a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);</p> <p>b) Those who do not have 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 the country or become recognized through a process identified in the resettlement plan, but have a claim to such land; and</p>	<p>The entrenched identified in policy objectives column above are buttressed by s. 20 of the Constitution. It prohibits discrimination of any person in any form. The legal rights themselves are therefore available to all persons affected by the project</p> <p>The understanding in item (i) is buttressed by a High Court judgment concerning the one of the former head of state where the court ruled that in spite of holding land customary land tenure, the constitutional protections were available to the claimant.</p> <p>Similarly, ss.28 and 44(4) of the Constitution accord protection against arbitrary acquisitions of property and for acquisition with adequate notification, and</p>	<p>The WB: OP4-12 standard as to eligibility for compensation under the project can fall within the legal parameters for acquisition of land and compensation under Malawi law.</p> <p>In law property is not a thing. It is bundle of rights relative to which a subject stand against the object of property. One may not have legal title in a piece of land but will have beneficial interests, or rights of use. Under OP4-12 in the project, those interests will be recognized and compensated for. So will they be recognized under property law in Malawi. If a squatter gets compensation, it's not because he is a squatter and is being rewarded for being a squatter but because he may have attained legally recognizable rights and interests in the course of his or her illegal occupation. As an example under s. 36 of the Land Act while a trespasser or encroacher or unlawful occupant upon any public land or private land or customary land may be ejected from the land by a Court order, this statutory provision recognizes the</p>	<p>Ensure that all users of affected lands (including unauthorized occupants or users, labourers or persons affected by the loss of access to resources) are included as affected parties in the census survey. Implement cut-off procedures based upon the date of the census survey.</p>

Theme	WB: OP4-12	Malawi Legislation	Evaluation	Recommendation to address the Gap
	c) Those who do not have recognizable legal right or claim to the land	appropriate compensation to every person.	rights of such a trespasser or encroacher or illegal occupant of customary land or public land or private land to be given reasonable time to remove from the land his chattels or harvest his crops etc., or take down or disassemble his structures he may have constructed, but not necessarily be compensated for the structures or crops that s/he might have had on the land as would be the practice followed in this project	
Compensation criteria and relocation	<p>WB: OP4-12 para 3(a) and 3(b), dictates that</p> <p>(a) The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p> <p>(b) If the impacts include physical relocation, the</p>	<p>Sections 28 and 44(4) of the Constitution accord protection against arbitrary acquisitions of property and provide for acquisition with adequate notification, and appropriate compensation to every person. The full text reads:</p> <p><i>“Expropriation of property shall be permissible only when done for public utility and only when there had been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to the court of law”</i></p> <p>The community involvement and grievance mechanism</p>	<p>The constitutional preconditions to expropriation of property cover items in the OP4-12 requirements.</p> <p>The difficulty is a practical one because the Constitution does not provide the meaning of adequate compensation.</p> <p>In addition, the compensatory principle of law applied by Courts in Malawi is the restitution in interregnum principle which essentially entails placing of the affected person in at least the same position as he or she would have been in but for the acts, in this project, injuring his or her interests. This means that the test in Malawi would be the same as item (i) if in the OP4-12 if the question of compensation were to come before the Courts. Marked difference lies in approaches between the OP4-12 and practice in Malawi with regards to the use of Replacement Cost</p>	<p>Relocation options for displaced persons whose livelihoods are land-based.</p> <p>Affected parties to be fully compensated and relocated PRIOR TO project implementation.</p> <p>Cash compensation to be provided at full, non-depreciated, replacement cost for losses of assets attributable to the project.</p> <p>The valuation process will be performed through the district land offices, with official valuers; the final determination of compensation rates will be done according to the approach of the RAP; actual land and property market assessments will be done prior to determination of final replacement rates</p>

Theme	WB: OP4-12	Malawi Legislation	Evaluation	Recommendation to address the Gap
	<p>resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are</p> <p>(i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.</p> <p>(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are : (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and (ii) provided with development assistance in addition to compensation measures described in</p>	<p>requirement criteria accords s.43 and s. 44(4) Constitution -due processes.</p>	<p>rather than Depreciated Replacement Cost.</p> <p>While OP4-12 specifies aspects that need to be covered in the community engagement, local laws do not state the contents that would be deemed as adequate notification.</p>	

Theme	WB: OP4-12	Malawi Legislation	Evaluation	Recommendation to address the Gap
	paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.			
Support to Vulnerable Groups including poor	The client will consider feasible alternative project designs to avoid or minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits, paying particular attention to impacts on the poor and vulnerable.	<p>Under ss. 23 and 24 women and children have the right to full and equal protection by law and have the right not to be discriminated against on the basis of their gender or marital status (on the part of women) or on account of their circumstances of their birth (on the part of children).</p> <p>The National Policy on Equalization of Opportunities for Persons with Disabilities is to promote the rights of people with disabilities to enable them play a full and participatory role in society. The aim is to ensure that concrete steps are taken for people with disabilities to access the same fundamental rights and responsibilities as any other Malawian citizen. This means that there must be integration of disability issues in all government development strategies, planning and programs. Further it has objectives to Increase access to technical, vocational and</p>	<p>The OP4-12 does not define the vulnerable groups as these would be country or context specific i.e. there is no special eligibility arising from vulnerability of a given category. On the other hand, Malawi law makes special recognition for women and children. It is to be noted that the kind of recognition does not give higher rights than the standard rights to equality or to property. Perhaps, the special emphasis in ss. 23 and 24 of the Constitution reflects a history of the people of Malawi and needs to be properly regarded in the management of the project although it does not have to create rights which did not hitherto exist. In this respect, we observe that the provided that it is applied consistently the Op4-12 does not really fall below the Malawi standard by the mere fact that there is no specific mention of women's or children's rights. This is the rights to equality in s.20, to property in 28 and 44(4) are, as observed in the compensation criteria, consistent with the Op 4-12 para 3(a) and (b).</p> <p>Further the National Policy recognizes the linkage between disability and poor and</p>	Special assistance to be provided to vulnerable persons as per provisions of the RAP, with the assistance of districts and resettlement committees

Theme	WB: OP4-12	Malawi Legislation	Evaluation	Recommendation to address the Gap
		entrepreneurial training opportunities for persons with disabilities and Improve access to loans and credit facilities for income generating activities.	emphasizes on concrete steps being taken towards this effect. The policy also requires monitoring and evaluation of the implementation of its programs, to examine the extent to which the programs of line Ministries, Departments and parastatals are responsive to the needs of persons with disabilities.	

4. PUBLIC CONSULTATION AND DISCLOSURE OF INFORMATION

4.1. Introduction

Public consultation and disclosure of information are vital components for the success of any development project²⁵, to ensure two-way communication between the project developer and relevant stakeholders, and assure accountability and transparency in the development process. Not only are they regarded as best practice on ethical and moral grounds, but they are widely documented as resulting in project developments that are more sustainable and cost-effective in the long term, and acceptable to all those who are affected directly and indirectly. In addition, the consultation process provides an opportunity for PAP to express their views and opinions on the project, and on their present and possible future.

An intense public consultation and disclosure program is therefore required to ensure that Project benefits are maximised and that the Project is implemented sustainably.

As the Project proponent, the MoAIWD has taken the responsibility of taking this process forward, with consideration given to all stakeholders, supportive institutional arrangements, and a program of implementation. This Section presents detail of the consultation taken around the Project to date, and actions required for the future, particularly in aspects relating to involuntary resettlement. Further details of consultation and meetings are cited in Annex 5.

4.2. Project Consultation Process

Over the history of the Project consultation has been fairly extensive through Consultancies that have been employed to undertake various studies.

4.2.1. Consultation by WAPCOS: First Round

WAPCOS submitted a Stakeholders Consultations Report²⁶ that identified Project stakeholders, described the methodology for consultation and sensitisation meetings undertaken, and detailed the outcome of the meetings.

Relevant stakeholders were identified, to include:

- Local communities that were likely to be directly affected by the Project;
- Local government authorities (District/Municipal Councils);
- Traditional Authorities;
- Environmental and agricultural sector regulatory institutions;
- Other government institutions, with possible involvement/direct interest in the Project; and
- NGOs.

The methodology included:

- Public meetings;
- Focus group discussions with those potentially affected by the Project (disaggregated by gender, status, age); and

²⁵ See Appendix G for a comprehensive outline of international requirements around public consultation and disclosure of information.

²⁶ Government of Malawi. December 2014. *Environmental and Social Impact Assessment and Resettlement Action Plan For Diamphwe Multipurpose Dam and Associated Structures: Revised Stakeholders Consultations Report*. Prepared by WAPCOS.

- Key informant interviews with traditional leaders, MPs, Councillors, sectoral agencies and NGOs.

In general, stakeholder consultation and sensitisation meetings were conducted from December 2013 to September 2014, involving: chiefs; surrounding community members; PAP; and key government institutions such as the Regional Commissioner for Lands, Department of Forestry Headquarters, Lilongwe and Dedza District Councils, Environmental Affairs Department, and the Department of Water Development and Irrigation.

Meetings included consultation with: the LWB; the Dedza District Council Executive Committee; the Dedza Consultative Forum: traditional leaders, Members of Parliament (MPs), Councillors and influential people for Lilongwe; and PAP *“in the Project impact area”*.

The objectives of the consultation were:

- To inform the stakeholders about the Project; and
- Identify, address and document concerns concerning the Project *“with a view to minimising potential conflicts that could arise during project implementation”*.

Most discussions centred on impact identification and analysis. Results indicated that, although the communities living in the Project area *“accepted the Project”*, they and other stakeholders were worried about potential negative impacts. These included:

- The acquisition of private, communal and public land, and assets on that land;
- Loss of structures and relocation, with little or no compensation of properties as the government usually only compensates for houses;
- Loss of agriculture and other means of livelihoods;
- Tempering with sacred places like burial grounds, and the destruction and removal of historical materials;
- In-migration of people leading to: an increase in the crime rate; disruption to the norms and values of the area; cultural interference causing moral decay among the youth; and an increase in HIV/AIDS infections;
- Exploitation of locals due to a lack of awareness;
- Environmental degradation resulting from noise, dust, tree cutting, soil erosion and air pollution during the construction phase; and increased levels of invasive species;
- Safety concerns due to the dam (drowning) and traffic (accidents); and
- Increased pressure in the use of public facilities e.g. health and educational facilities.

People living in the Project area of impact raised a number of issues, including:

- The timing of the Project: When it is likely to start?
- Compensation: Who will determine the compensation packages; how will compensation values be determined; what mechanisms will be put in place to ensure that PAP are fairly compensated; and what type of compensation will be given?
- Grievance procedures: How PAP complaints will be addressed.
- Graveyards: How affected graveyards will be relocated.

With the assistance of Dedza and Lilongwe District Councils, SMEC provided responses to the concerns.

4.2.2. Consultation for the RAP: Second Round

SMEC has continued the consultation process with this study, over the period from 21 August 2015 to 8th March 2016.

This consultation has included:

- Direct interviews with stakeholders, and particularly representatives of national and district level governmental institutions, service providers and NGOs;
- Formal meetings with representatives of TAs and DCs, organised by the Client;
- Community meetings on site, with village members, TA representatives, and DPC members, organised by the Client;
- Small focus group discussions with special interest groups; and
- Organising and undertaking the ground-truthing exercise, the Asset, Census and Socio-Economic surveys, the health and cultural heritage studies, and other RAP-related activities.

In addition, the NWDP and the LWB have continued to consult over issues relating to graves and graveyards, with input from the DoA and local authorities.

Apart from the Client, the following stakeholders have been consulted:

ORGANISATION	DATE/TYPE OF CONSULTATION
GOVERNMENT OFFICES AND DEPARTMENTS	
NATIONAL	
Department of Forestry	28/08/2015 Personal interview, Assistant Officer to JICA
Department of Antiquities (DoA)	<ul style="list-style-type: none"> ▪ 23/10/15 Personal interview, Archaeologists and Geo-archaeologists ▪ 23/10 and 26/10/15 Meetings with Consultant and Client ▪ 17 and 18/11, 02/12/15 Formal meetings
Department of National Parks and Wildlife (DNPW)	23/11/15 Personal interview, Assistant Director Research and Development, Deputy Director Research
LILONGWE DISTRICT COUNCIL	
District Commissioner	03/11 and 18/11/15 Formal meetings
District Planning and Development Office	13/11/15 Personal interview, Director of Planning and Development (DPD)
Community Development Office	13/11/15 Personal interview, District Community Development Officer (DCDO)
District Forestry Office	28/08/2015 Personal interview, District Forestry Officer (DFO)
District Fisheries Office	28/08/2015 Personal interview, Assistant Director of Fisheries (ADOF)
District Environmental Health Office	13/11/15 Personal interview, District Environmental Health Officer (DEHO), Assistant Environmental Health Officer (ADEHO)
LILONGWE DISTRICT TRADITIONAL AUTHORITIES (TAS)	
Chadza, Kalumbu, Mazengera TAs	Ongoing, including: <ul style="list-style-type: none"> ▪ 16-22/09/15 Meetings on site ▪ 03/11 and 18/11/15 Formal meetings
DEDZA DISTRICT COUNCIL	
District Commissioner	03/11 and 18/11/15 Formal meetings
District Council Administration Office	04/11/15 Personal interview, District Council Administrator (DCA)

ORGANISATION	DATE/TYPE OF CONSULTATION
District Agriculture Office	21/09 and 19/11/15 Personal interviews, District Agriculture Development Officer (DADO), District Land Officer (DLO), District Housing Officer (DHO) and Agricultural Extension Development Coordinator (AEDC),
District Irrigation Office	06/11/15 Personal interview, District Irrigation Officer (DIO)
District Water Development Office	05/11/15 Personal interview, District Water Officer (DWO)
District Fisheries Office	06/11/15 Personal interview, District Fisheries Officer (DFO)
District Animal Health and Livestock Development Office	05/11/15 Personal interview, District Animal Health and Livestock Development Officer (DAHLDO), Assistant Veterinary Officer (AVO)
District Environmental Health Office	04/11/15 Personal interview, Chief Preventive Health Officer (CPHO)
Environmental District Office	06/11/15 Personal interview, Environmental District Officer (EDO), Secretariat for DESC, and acting Monitoring and Evaluation Officer
District Gender, Child and Community Development Office	<ul style="list-style-type: none"> ▪ 08/09/15 Community meeting ▪ 14/09/15 Workshop ▪ 04/11/15 Personal interview
District Social Welfare Office	04/11/15 Personal interview, Social Welfare Assistant (SWA) and Child Protection Worker (CPW)
DEDZA DISTRICT TRADITIONAL AUTHORITIES	
Kaphuka, Chilikumwendo,	Ongoing, including: <ul style="list-style-type: none"> ▪ 16-22/09/15 Meetings on site ▪ 03/11 and 18/11/15 Formal meetings
HEALTH CENTRES	
Mdeza Health Centre	04/11/15 Personal interview, Medical Assistant
Chitowo Health Centre	09/11/15 Personal interview, Nurse in Charge/Midwife Technician
Diamphwe Health Centre	09/11/15 Personal interview, Medical Assistant, Assistant EHO, Health Surveillance Assistants (HSAs)
Kamphata Health Centre	11/11/15 Personal interview, Nurse/Midwife Technician
Kasina Health Centre	12/11/15 Group meeting, village leaders; personal interview, Team Leader of Community Programs, Extension Worker
NGOs/CSOs	
NGO/CSO representative organisations	17/11/15 Formal meeting
Catholic Development Commission in Malawi (CADECOM), Dedza	05/11/15 Personal interview, Coordinator
Centre for Children Aid, Dedza	05/11/15 Personal interview, Executive Director
Church and Society, of CCAP Church of Central Africa Presbyterian (CCAP), Dedza and Nkhoma	17/11/15 Personal interview, CCAP Church elder
Catholic Commission for Justice and Peace (CCJP), Dedza	19/11/15 Personal interview, Coordinator
Concern Universal, Dedza	04/11/15 Personal interview, Health Manager
Kasusu Community Based Orphan Care Organisation (KACO), Dedza	04/11/15 Personal interview, Coordinator
National Smallholder Farmers Association of Malawi (NASFAM), Nathenje	12/11/14 Personal interview, Centre Manager
National Initiative for Civic	19/11/15 Personal interview, Assistant District Civic Education Officer

ORGANISATION	DATE/TYPE OF CONSULTATION
Educaiton (NICE), Dedza	(ADCEO)
Rights Advice Centre (RAC), Dedza	05/11/15 Personal interview, Finance and Administration Officer, and Paralegal
WaterAid, Lilongwe	02/10/15 Personal interview
World Vision, Dedza	05/11/15 Personal interview, Health and Food Security Development Facilitators
PROJECT STRUCTURES – DAM PROJECT COMMITTEE (DPC)	
Lilongwe and Dedza DPCs	Ongoing, for Asset, Census and Socio-Economic Surveys. Additional consultation includes: <ul style="list-style-type: none"> ▪ 08/09/15 Community meeting ▪ 14/09/15 Workshop ▪ 16-22/09/15 TA meetings and ground-truthing exercises ▪ 28-30/09, 01-02/10 and 06-10/10/15 Small Group Discussions ▪ 04/11/15 Public Health introductory meeting on site ▪ 13/11/15 Health meeting, Lilongwe
PROJECT AFFECTED PEOPLE AND COMMUNITIES	
Lilongwe and Dedza communities	Ongoing, for Asset, Census and Socio-Economic Surveys. Additional consultation includes: <ul style="list-style-type: none"> ▪ 08/09/15 Community meeting ▪ 14/09/15 Workshop ▪ 28-30/09, 01-02/10 and 06-10/10/15 Small Group Discussions ▪ 05/11/15 Health meetings, Chinkhuti and Kumkama Villages ▪ 10/11/15 Health meetings, Chidothi, Njiwa and Kangong'o Villages ▪ 13/11/15 Health meeting, Makoko Village

Details of consultation undertaken by SMEC, including the people consulted – their names, positions and contact numbers – and the issues discussed, are presented in Appendix H.

In addition to the above, the NWDP and the LWB have conducted numerous consultation meetings with various stakeholders and the DoA around physical cultural resources, and particularly graveyards:

- A meeting held on 11 November 2015 at Mbolebole in Mponela, to discuss a way forward on sensitising stakeholders on graveyards and other physical cultural resources. Present were the District Commissioners of Lilongwe and Dedza.
- A meeting held on 11 December 2015 in Lilongwe City, where members of the District Councils, including the District Administrators and representatives of the Lands and Forestry Offices, Senior Chiefs and MPs, and a representative of the CSO NICE, planned on the approaches to follow around the process of the exhumation and reburial of graves. Two Teams were established, one in Lilongwe and one in Dedza, led by TAs and comprising MPs, Chiefs, Councillors, DC members, and a member of a CSO. Guidelines were formulated for the Teams when meeting with communities, and teams planned to continue with the required activities. Plan to consult with Chichewa Heritage.
- Feedback meetings on the acquisition of land for the relocation of graveyards held in Dedza District from 11th to 14th January 2016, with GVH Chiothera, Makoko, Mbalika, Kwendekeza, and Chisela. All except Chisela (who have a concern around land replacement) had identified alternative land sites, and had been in contact with the current landholders regarding the purchase of the land. It was agreed that a more comprehensive study is to be done by the DoA to identify and map affected gravesites.

4.3. Stakeholder Consultations for RAP/LRP Disclosure

A RAP / LRP Disclosure public consultation meeting was held on the 8th March 2016 in Dedza district. The meeting involved community leaders and other stakeholders from the villages affected by the

Project, as well as senior representatives from Government ministries. The meeting was mainly undertaken in the local language.

The SMEC team led by the RAP expert and LWB provided information relating to the RAP development processes, Entitlement Matrix and the Livelihood Restoration Programs. Also presented was information related to affected assets and the values allocated to each asset for compensation. A number of issues were raised and addressed during this forum.

Significant outcomes were:

- Approval of the Entitlement matrices;
- Informal communication of and cutoff date, which will be formally communicated by the Ministry of Agriculture Irrigation and Water Development (MoAIWD).

A summary of questions raised and responses is provided in Table 9.

Table 9 Summary of queries and answers

QUESTIONS AND CONCERNS FROM THE GROUPS & RESPONSES		
Issue	Response	Remarks
What are the measures taken so far to ensure management and protection of the Diamphwe River Catchment to protect the source of the river?	Catchment management issues are addressed in the ESIA, which has been publically disclosed. Additional regional catchment management & conservation studies are currently being conducted.	
Construction works will impact access routes especially the bridge at Bisayi trading center and Access points in GVH Chimamba on Katete stream and Across Diamphwe river as well. Currently people are able to cross tributaries as well as the Diamphwe river to go to Lilongwe or within their respective localities and if the Dam is implemented the bridges and these other access routes will be affected and people will no longer be able to cross.	It was highlighted that all access routes to be affected were surveyed and coordinates taken and that proper mitigation measures have been considered in the ESIA & RAP.	The Client to take note so as these issues are appropriately considered in the detailed designs.
<ul style="list-style-type: none"> ▪ How many graveyards are to be relocated? ▪ What is the conclusion of the conflicting messages on the graveyards closer to the Dam wall – need to know whether they are affected or not and might require to be relocated. ▪ How will the tombstone located in GVH Chisela be affected? ▪ Will there be compensations given for purchasing new areas for graveyards? 	<ul style="list-style-type: none"> ▪ 16 graveyards will be affected. ▪ The department of Antiquities did the assessment to all the graveyards affected and requires relocation as well as indicating those that will not be relocated. ▪ The Gravestone for GVH Chisela has been noted and it will be treated similar to the other graveyards by the Department of Antiquities. ▪ All procedures concerning the relocation of graveyards have been highlighted in the Physical and 	

QUESTIONS AND CONCERNS FROM THE GROUPS & RESPONSES		
Issue	Response	Remarks
	Cultural Management plan	
Did SMEC conduct assessments on availability and accessibility of the social services in the relocation areas?	The social service provision survey was conducted in the area and also during the asset, census and socio-economic study. SMEC prepared an inventory of all affected social structures and or services.	Borehole installation in the relocation areas as part of the livelihood program is recommended in the RAP.
What will be the arrangement of maintaining the Chieftainship to the affected chiefs in case they are relocated to an area where there is another existing chief?	The participants agreed that the Traditional Authorities, Group Village Headmen and the respective affected Chiefs are in a better position to liaise and agree to settle these issues	Continued consultations and dialogue with the community leaders should be enhanced in every stage of RAP development.
The need to involve CSOs, NGOs and other relevant stakeholders in all the undertakings of the study and overall project including sharing of reports Maps and or updates was raised by the participants.	<ul style="list-style-type: none"> It was shared that the client together with the consultant have considered the involvement of relevant key stakeholders including leading CSOs and NGO representatives, and also that the project will follow proper procedures as regards to report sharing i.e. the disclosure is shared through channels such as newspaper and other media for all stakeholders to be aware, as well as providing to the District Councils relevant reports, maps and other updates 	The inclusion of various stakeholders in the LRP and RAP implementation framework has been considered.
Participants noted that the affected assets including land at Bisayi Training Center in Lilongwe District belongs to the government and not owned by the PAP.	The participants agreed that the issue of land for Bisayi Trading Center needs to be sorted out with the guidance from the Ministry of Lands in consultation with the affected Traditional Authority Kalumbu so as to agree who really owns the land. For those relocating it was indicated that all those relocating to new areas will be paid compensation.	This issue to be included in the Exit survey so as to get the clarification of the ownership prior to the implementation of the RAP
Participants noted that some land in Lilongwe West is free hold land and wanted to know if those relocating will have to be given land by the project.	Land ownership issues will be discussed with Traditional Authority Kalumbu. For those relocating it was indicated that all those relocating to new areas will be paid compensation.	

QUESTIONS AND CONCERNS FROM THE GROUPS & RESPONSES

Issue	Response	Remarks
<ul style="list-style-type: none"> ▪ Participants were interested to know how compensation will be paid i.e. will the affected people be paid cash or cheques or using bank accounts. ▪ Is the 10% payment within the compensation payment calculated on market value of the affected asset plus transaction cost? Is there a procedure for resolving and or addressing and issues arising? ▪ Will the PAP be given a chance to see and agree on the compensation they are to receive before receiving? 	<ul style="list-style-type: none"> ▪ A financial literacy training will be given to all PAP to ensure proper usage of the compensation money. ▪ Thresholds will be set as: <ul style="list-style-type: none"> - Up to MK50,000: a PAP can choose whether to receive cash or cheque or bank. - MK50,000-MK200,000: cheque or bank account. - Above MK200,000: Bank account considering issues of security. ▪ The affected persons have the right to know the impacted asset and the associated compensations to be paid. The disclosure of the compensation and CAF signing will take place during the exit survey. PAP has to decide how they are to use the paid compensation money and the money will be given to them. 	<p>This is recommended in the RAP</p>
<p>What will happen to those villages not affected by the project but are close to the Dam construction area or along the access road and might be affected by noise and or vibrations.</p>	<ul style="list-style-type: none"> ▪ It was shared that these issues have been addressed in the ESIA and appropriate mitigation measures will be put in place, including providing assistance to anyone who might be significantly affected. 	
<p>Some participants shared that currently a land bill is to be tabled in parliament and it will possibly pass as a law and there is need to consider this if it comes into law in this project.</p>	<p>Any future legislation will be carefully reviewed and addressed by the relevant government ministries including the Ministry of Lands, which will give guidance on this issue.</p>	

4.4. Continuing Consultation

The success of the resettlement program will largely depend on the ability of the MoAIWD, NWDP and LWB, and PAP and PAC, to maintain a collaborative (partnership) relationship, building on the trust that has developed, to contribute to the quality of decisions, and to move forward with Project developments.

The major activities required by the NWDP and MoAIWD to take the resettlement process forward are:

- A review of the current consultation and disclosure process, including a review of each organisation's roles and responsibilities in the process – their separation of tasks – and their internal institutional make-up appropriate to the tasks required. It is recommended that both organisations give consideration to jointly nominating a Community Liaison and Participation Officer (CPLO) (existing or contracted to the job) to take the process forward. This Officer would have sufficient personnel and resources to ensure that the consultation activities are effectively implemented and managed, including a number of Consultation Officers (COs) from the PAC with extensive experience in community consultation issues. All would be based at a Project Information Office and work directly with the local authorities, DPCs, the RWC and its Sub-Committees, PAP, other locally-based stakeholders, and any bodies involved in the Project at field level.
- A review of the identification of stakeholders appropriate to contributing to the tasks required in the implementation stage. Stakeholders would include institutions outlined in Section 9 of this Report.

Consultation will continue as appropriate to the stages of the Project, with particular reference given to the involvement of those being relocated and host communities, to obtain their views, concerns and suggestions in relocation implementation activities.

4.5. Dissemination of Information

Running parallel to this process will be the continual dissemination of information about the Project. This includes the immediate development of materials about the Project for distribution to the public, such as brochures, information sheets and news updates, with a view to opening a Project Information Office to the public.

Dissemination of information in the pre-construction phase will be primarily through the establishment of a Project Information Centre in the Reservoir area, easily accessible to those directly affected.

The Centre will make available:

- A library of information (in digital and non-digital form), such as information sheets, news updates, Project reports, newspaper articles and other documents of interest, the Project's website, GIS information such as maps, a poster display explaining the Project's activities, and a model of the potential reservoir;
- Presentation of promotional material on the Project, alternative livelihoods and income-generating activities, and other topics of interest;
- A database of affected households, consisting primarily of non-confidential information collected from surveys (restricted access will be maintained to respect confidentiality);
- A location for meetings and workshops, to facilitate dialogue and exchange; and
- A place for people to record their concerns and suggestions, in written form or through the website, to be submitted to the NWDP/MoAIWD for a response.

Managed by the CPLO with assistance from the COs, any additional positions within the Centre will, as far as possible, be filled by people from the affected communities who will be trained to provide information about the Project to visitors to the Centre.

Other methods of disseminating information will be through the consultation process; radio or television programs; newspapers; and the distribution of Project Information Sheets, news updates and posters through, or displayed in, public places such as schools, health centres, and market places.

4.6. Consultation Requirements

Apart from disclosure of the ESIA, ESMP and this RAP, consultation requirements to take the Project forward include key issues as outlined in Table 10.

Table 10 Current consultation requirements

Issues	Consultation requirements
Institutional make-up	Appointment of CPLO, recruitment of COs, and establishment of a Project Information Centre. Formation of RWC and Sub-Committees e.g. GSC and CSC. <i>Information dissemination:</i> The aims of Project structures, their compositions, and proposed roles and responsibilities (ToR); the responsibilities of the CPLO and COs; the purpose of the Project Information Centre and what it will offer.
Stakeholders	Identification/confirmation of stakeholders involved in relocation implementation. <i>Information dissemination:</i> stakeholder standing, and their proposed involvement.
Resettlement sites	Selection of resettlement sites based on alternatives, including field visits of representatives to the sites. Views/perceptions of host communities. <i>Information dissemination:</i> Advantages/disadvantages of each resettlement site.
Compensation and LRI	Compensation and relocation procedures and protocols, including verification of assets, and methods of payment (when, how, by whom). Selection of LRI strategies for households/business enterprises, and service providers for such activities. Confirmation of vulnerable individuals/groups. <i>Information dissemination:</i> Entitlement Framework; proposed procedures and protocols around compensation; LRI options and their implementation.
Relocation Preparation	Presentation of the option of the provision of housing by the Project, with proposed village settlements and a selection of household designs. Infrastructure and service provision at host villages. <i>Information dissemination:</i> Architectural designs/models of village, houses and other structures; options around service provision.
Relocation procedures	Practical procedures for relocation. Payment of rehabilitation allowance (when, how, by whom). Identification of people with special needs/the vulnerable, requiring assistance in housing construction and relocation. <i>Information dissemination:</i> relocation procedures, including payments.

Issues	Consultation requirements
Grievance redress	<p>Mechanism and procedures for grievance redress (what it is, how to access)</p> <p>Roles/responsibilities of GO and GSC ToR.</p> <p><i>Information dissemination:</i> GM, ToR of GO and GSC.</p>
Cultural heritage	<p>Replacement of affected churches.</p> <p>Identification of burial sites and exhumation/reburial of graves.</p> <p>Other sites of archaeological and cultural interest.</p> <p><i>Information dissemination:</i> Teams/guidelines to take the process of graves forward; process followed by the Contractor on chance finds.</p>
Monitoring and evaluation	<p>Internal/external monitoring, and particularly Participatory Monitoring and Evaluation (PME).</p> <p><i>Information dissemination:</i> Monitoring and evaluation (M+E) activities (why, who, when and how); the rights of those being monitored/evaluated; receiving results of reports, in an accessible place/form, in the language of those affected.</p>

5. THE SOCIO-ECONOMIC ENVIRONMENT

5.1. Profile of the Project Districts

The proposed Diamphwe Dam and its associated infrastructure will be constructed within the two districts of Dedza and Lilongwe. The profile of the project area with respect to population, climate, land tenure and ownership, local governance, access to electricity, water and sanitation, education, etc. is summarised in Table 11.

Table 11 Salient features of project districts

FEATURES OF THE PROJECT DISTRICTS			
	Unit	Dedza	Lilongwe (Rural)
Area	square km	3,624	5,703
Population	Number	624,445,	1,230,834
Male	Number	297,529	600,326
Female	Number	326,916	630,508
Population Density	Number/sq.km	172	216
Sex Ratio	Males /100 Females	91.0	95.2
Literacy Rate	%	49	57
Tribes	Type	Ngoni Yao and Chewa	Chewa,Yao Tumbuka, Ngoni
Religion (major)	Type	Christianity	Christianity
Major Crops grown	Type	maize, beans, groundnuts, soybeans, potatoes, sweet potatoes cassava and rice	maize, cassava, sweet potatoes, potatoes, beans, groundnuts, Soya beans, cowpeas. Cash crops include Tobacco (Flue and Burley), soya beans, paprika. groundnuts
Trading Centres	Number	34	153
Health facilities	Number	34	87
Education facilities			
Primary	Number	228	426
Secondary	Number	38	66
Road network	Km	1139.4	2,377.26
Formal Skills and Vocational Institutions	Number	0	2
HIV prevalence rate	%	7.9	9.6
Source: NSO, 2008			

5.1.1. Population

The 2008 national Census recorded the population of Malawi as 13,077,160 with an annual average growth rate of 2.8 percent.²⁷ According to the Census, the population of the TAs affected by the Project are shown in Table 12.

Table 12 TA wise population as per census

Lilongwe	Dedza
TA Mazengera (95,958)	TA Kaphuka (133,778)
TA Kalumbu (57,997)	TA Chilikumwendo (60,707)
TA Chadza (112,230)	

The national population density of the country was 139 per km² in 2008, with an average of 155 per km² in the Central Region. The Districts affected by the Project have slightly higher figures, with Lilongwe (Rural) at 216 per km² and Dedza at 172 per km². Except for people living in towns straddling the M1 affected by the Pipeline, the majority of PAP live in rural households, whose livelihoods depend directly on the availability of land, water and other natural resources. Resource availability, and particular water, plays a vital role in population distribution in the area, with village settlements situated close to the Diamphwe River.

5.1.2. Climate

The project area has a warm tropical climate, characterised by wet and dry seasons. The wet season comprises of November to early April while the dry season reaches from July to October. The average temperature range is 9-21⁰ Celsius and the annual rainfall in the area ranges from 600 mm to 1200 mm. The Length of Growing Period (LGP) during the rainy season is between 135 –150 days. Rainfall distribution is highly influenced by aerographic effects in terms of windward slopes receiving more than the leeward sides of hills or mountains, and areas with high elevation receive more than low lying areas. The passage of the inter-tropical convergence zone, experienced between December and June, also influences rainfall in the project area.

5.1.3. Land Tenure and Ownership

In the project area, there are three categories of land administration and tenure, these being:

1. **Customary land** is owned by an individual or a group of individuals as stipulated in the Customary Land Act of 1967 (cap. 59.01);
2. **Private land** is leased and held by an individual or a group as stipulated in the Registered Land Act of 1967 (cap. 58.01).
3. **Public land** is under administration of the government. However, the major proportion of the land on which the new transmission line will be constructed, falls under customary land tenure as recorded during field surveys conducted in the area.

People in the project area follow the matrilineal lineage-based landholding system, where land is passed on to female heirs. Under this system, it is assumed a son will not need to inherit land, as he will get land from his wife. At the core of the landholding system is the cultural concept that links a particular lineage legitimately to the land they occupy. With this matrilineal lineage, women are the owners of the land, which they inherit through their mothers. In other words, it is part of the culture that land belongs to women, and that men cannot own or inherit the land belonging to their mothers.

²⁷ National Statistical Office (NSO). 2008. *2008 Population and Housing Census Main Report*.

5.1.4. Local Governance

The project area in the both districts falls under the District Council, which is the highest policy-making body responsible for promoting infrastructural and economic development. The Council, according to the 1998 Local Government Act, governs the area through the decentralised local structures such as the Wards, Area Development Committees and the Village Development Committees. It is therefore imperative for the project to be planned and implemented in close coordination with these decentralised local structures.

5.1.5. Gender Aspects

Gender continues to play a critical role in the socio-economic activities of the Project area. During the Focus Group Discussions conducted in the area, it was recorded that the status of women as being disadvantaged in comparison to men in respect to access and control over resources and other development opportunities.

5.1.6. Access to Electricity

The main source of energy in the project area is firewood followed by paraffin and charcoal for domestic use, while electricity is mostly for lighting and operating electrical appliances, especially in major trading centers. The urban and peri-urban areas have access to electricity as they are connected to the national ESCOM grid. Some institutions in the area such as Health Centres, Secondary Schools, Police Units and some government staff houses also have electricity connections. The largest population in the Project area does not have access to electricity.

5.1.7. Water and Sanitation

People in the project area access water mainly through boreholes. Most of these boreholes were constructed by the government in conjunction with NGOs. However, the boreholes are often located some distance from one another and require mainly women to travel long distances of about 2 kilometres to fetch water. It was learnt during the FGDs that in absence of boreholes, people in the area are forced draw contaminated water from wells and rivers. Sanitation is rudimentary, with pit toilets common throughout the project area. Institutions such as schools and health centres generally have septic systems.

5.1.8. Education

The project area has primary schools, secondary schools and adult Literacy centres that offer formal education to improve literacy levels. The area has an adult literacy level of between 48-50% which is lower than the national average of 52%. The teacher pupil ratio is relatively high and ranges from 1:94-1:106, with higher ratios occurring in primary schools. The high teacher pupil ratio indicates a shortage of well qualified teachers within the area, resulting in ineffective teaching and learning.

During the FGDs, it was reported that the area has experienced relatively high school drop out for both girls and boys due to distances and failure by parents to raise school fees for school education. Participants during the FGDs also feared that this situation could escalate in the area because some children may be seeking employment or selling commodities at the project sites. Hence there is a need to ensure that appropriate mitigation measures are in place to mitigate any adverse impacts to the education sector.

5.1.9. Health Situation

Health care resources are unevenly and inadequately distributed in the project area. Life expectancy for men is between 40.50 -43.53 years while in females it is between 44.50- 46.94 years, giving an average of projected life expectancy of 45 years. The common diseases prevalent in the area are malaria, waterborne diseases such as diarrhea, eye infections, Tuberculosis and acute respiratory infections.

Infant mortality rate in the project area is relatively high, with some parts registering 65 deaths per 1,000 live births. Maternal mortality rate is also higher than the national rate of 984 deaths per 100,000 live births (Demographic and Health survey 2004. Zomba: NSO). There are a number of factors that cause infant mortality, which include low immunisation, malaria, acute respiratory infections/ pneumonia, and others. On the other hand, factors causing maternal mortality include frequent and unplanned pregnancies, delayed referral of women with obstetrical complications, unsafe deliveries by unskilled personnel, poor access to health services, to mention a few.

Public health facilities in the Project area provide limited and free clinical and medical services, however they face shortages of health personnel, medical equipment and medicines. The Mission Hospitals, Banja La Mtsogolo and the private clinics offer fee paying medical and health care services. During the FGDs participants complained that health facilities in the area are congested and do not provide adequate services.

5.1.10. Historical and Cultural Sites

Graveyards are significant in the cultural life of villagers. These are communal areas and the majority of people believe that the ancestral spirits of their relatives, parents and forefathers live there. It was reported during the FGDs that clearing graveyards is tantamount to uncovering shelter for the ancestral spirits and as such, any person who commits the act is heavily punished by traditional leaders who are the custodians of these norms. It is therefore imperative for the Project implementers to take all precautionary / necessary measures to sensitively relocate or protect Project affected graveyards and ensure Project activities do not violate the long respected culture and beliefs of the local people.

5.1.11. Agriculture

The economy of the project area is largely agro-based, with farmers predominately involved in subsistence farming. The major food crops include maize, groundnuts, sorghum, Irish potatoes, sweet potatoes and cassava. Cash crops include Tobacco (Flue and Burley), cotton, soya beans, groundnuts and paprika. Farmers also rear Livestock which include cattle, goats, sheep, pigs, rabbits, guinea pigs and poultry. Some farming households also keep donkeys, dogs and cats. The population of chicken tops the list followed by goats.

The project area has several agricultural market points, some are perennial and others are seasonal. Most of them belong to ADMARC, while the rest to private traders. Despite the availability of all these markets, there is still a problem for farmers to access inputs in all the Extension Planning Areas because of limited service providers.

5.1.12. Road Transport

The district and undesignated roads constitute a greater proportion of the total road network in the project area, but most of them become impassable during the rainy season. All roads are maintained by the National Roads Authorities (NRA) except feeder roads, which are maintained by the District Council. The road passenger transport in the area is provided mainly by minibuses. During the FGDs participants reported that bicycle taxis (known as Kabaza) are also popular.

5.1.13. Major ongoing government/NGO programs in the project district

There are a number of ongoing development programs being implemented by the Government of Malawi and other Non-Governmental Organizations (NGOs) in and around the Project area. The majority of the development programs being implemented include promotion of rural development; food security income generating activities; gender issues; capacity building to women, youth and men; environment; and provision of essential amenities such as water. Specific programs that could benefit PAP are discussed below.

- *The Sustainable Energy Project* is being implemented by the Concern Universal (CU) with the main objective of bringing about improved and sustainable access to wood fuel energy for

rural communities. The CU's specific objectives are to increase the adoption of energy efficient technologies by raising awareness in communities by demonstrating appropriate energy efficient technologies, training communities in the production and use of energy saving stoves; providing training and capacity building to Village Natural Resource Management Committees (VNRMCs); and increase collaboration between institutions and communities on energy issues by forming energy management committees. The project on manufacturing of portable clay stoves is a viable initiative and is to bring substantial benefits. Apart from acquiring energy, the initiative can also create employment opportunities as stove producers and marketers.

- *The Pass-On Scheme* is a livelihood program comes under the Presidential Initiative on Small Stock Production (PISSP). The program is being implemented by the Ministry of Agriculture and Food Security through the Department of Animal Health and Livestock Development. The main objective of the program is to improve livelihoods of vulnerable groups (particularly women) through sustainable small stock production and marketing. Overall, the program is geared to contribute to the attainment of food security, poverty reduction and wealth creation among the participating households. As a strategy to create wealth among the PAP, the Project Implementation Agency would need to devise ways of ensuring their inclusion in the scheme.
- *Concern Universal* is championing the enhancement of community resilience by the establishment of a number of Village Savings and Loans (VSL) groups. The VSL group of 10-25 people saves together and takes small loans from those savings. The activities of the VSL run in 'cycles' of about one year, after which the accumulated savings and profits are shared out among the members according to the amount they have saved. The loan fund is comprised of money contributed in the form of shares and loan profits (from service charges). The VSL initiative could potentially benefit PAP because they can use part of the compensation money to contribute to the loan fund and in return get interest on savings. The fund provides micro-insurance and loans in useful and varying amounts, usually in excess of the borrower's savings, at times that are convenient to the borrower and for varying lengths of time. The VSL is also important because the monies contributed into the loan fund are constantly working, earning interest and not just sitting idle in a bank, or being directed towards consumption. It is in this view that the Project Implementation Agency would explore ways of introducing VSL groups or integrating PAP into the existing groups.
- *The Irrigation, Rural Livelihood and Agricultural Development Project (IRLADP)* is implementing an Input for Asset program, which aims to finance the cost overrun to invest in infrastructure and provides technical support for small scale irrigation to raise agricultural productivity and net in-comes of poor rural households. The program is being implemented by increasing agricultural productivity through provision of farm inputs to the farmers in kind through vouchers for wages earned by them for construction/rehabilitation of public works; and rehabilitating/constructing of community identified rural infrastructure such as access roads, culverts, and irrigation infrastructure. The system of providing farm inputs to the farmers in kind through vouchers for wages would also be beneficial to PAP to restore the affected livelihood lost due to land uptake.
- *District Councils through the Local Development Fund (LDF)* are implementing local initiatives under the Public Works Program (PWP) with the objective of creating employment opportunities for income transfer and in the process build economic infrastructure through labour intensive activities. The works generate significant employment at the minimum wage to provide safe targeting for those who have no alternative income earning opportunities. Works that have potential for qualifying as public works projects include: rehabilitation and maintenance of designated and access roads and pavement of access roads; construction or rehabilitation of water retaining structures for small scale irrigation or fish farming; environmental protection or rehabilitation amongst which are: dams and dykes to abate flood disaster water and soil conservation; land reclamation programs; construction of

terraces; construction of sanitary drainage system; and afforestation. The Project Implementation Agency would therefore strive to work closely with the District Councils to ensure that vulnerable PAP are targeted and offered employment under the Public Works Program.

- *The Farm Input Diversification Program (FIDP)* is being implemented by the Government Department of Land Resources Conservation. The purpose of the program is to improve the livelihoods of rural households through the conservation of natural resources, diversification of agricultural production and increased agri-business. Some of the activities under FIDP involve developing dairy farming through importation of improved breeds and artificial insemination services; promoting cage fish farming and processing; linking agri-business groups to financial service providers; and rehabilitating and maintaining rural feeder roads for improved market access. PAP would therefore benefit by the Project Implementation Agency linking them to FIDP’s viable interventions.

There are many more organisations that can effectively play varying roles in the implementation of the Project. For instance, issues of women rights, paralegal services, transparency and accountability can ably be handled by Women’s legal Resources Centre (WOLREC), Victim support unit, Civil Rights Committee, Malawi CARER and Catholic Commission for Justice and Peace (CCJP). Inter Aide, Catholic Development Commission of Malawi (CADECOM) and Nkhoma Relief and Development and many others may also be instrumental in the provision of livelihood programs.

5.2. Administrative Subdivisions

The proposed Diamphwe Dam is situated on the Diamphwe River approximately 2.5 km from the M1, 36 km from the city of Lilongwe, and 38 km from Dedza town. It will extend upstream to the cluster of villages named Kamsapha/Mizaleki/Mdangwe/Izeki/Galanganda in Lilongwe District, and Kakhosi village in Dedza District. A total of 335 villages will be affected through loss of land (residential, agricultural, and communal) as detailed in ESIA Report (SMEC 2016). 178 villages are found in Lilongwe District and 157 in Dedza District. Information based on project components is provided in Table 13.

Table 13 Administrative sub divisions of project components

Summary of Geographical covered by project	
PROJECT COMPONENT	DAM INUNDATION AND BUFFER ZONE
Main Purpose	Water Reservoir
Regions covered	Central
Districts covered	Dedza and Lilongwe
Number Traditional Authorities covered	5 TAs: (Dedza 2; Lilongwe 3)
Number of Group Village Head covered	38 GVHs: (Dedza 21; Lilongwe 19)
Number of Villages Covered	335 Village: (Dedza 157; Lilongwe 178)
PROJECT COMPONENT	INFRASTRUCTURE CONSTRUCTION
Main Features	Construction of WTP. Balancing Tank, Quarry, Contractors Camp
Districts covered	Dedza and Lilongwe
Number Traditional Authorities covered	3
Number of Group Village Head covered	15
Number of Villages Covered	46
PROJECT COMPONENT	WATER MAIN PIPELINE
Main Feature	Water Pipeline wayleave from WTP to Bunda Turn off
Districts covered	Lilongwe
Number Traditional Authorities covered	4
Number of Group Village Head covered	28
Number of Villages Covered	86
PROJECT COMPONENT	HOST VILLAGES
Main Focus	Land alternative to accommodate the affected population

Summary of Geographical covered by project	
Districts covered	Dedza and Lilongwe
Number Traditional Authorities covered	3 TAs
Number of Group Village Head covered	12 GVHs
Number of Villages Covered	36VHs
<i>Source: SMEC Survey, 2016</i>	

5.3. Profile of the Affected Population

5.3.1. Introduction

A Census was carried out for all PAP to assess details along various parameters: income and expenditure details by source, information on their awareness of the project; their perceptions relating to the likely positive and adverse impacts; their livestock holding; ownership of structures by type of usage; enrolment in ongoing government programs; demographic details of the household; and finally on type of support and assistances that they expect to accrue to them from the project. Details are presented in the subsequent sections.

5.3.2. Demographic Characteristics of PAP

Demographic characteristics are summarised in Table 14.

Table 14 Demographic Characteristics of project area

Demographic Aspect	Characteristics
<i>Population Density</i>	Lilongwe and Dedza Districts are among the most densely populated districts in Malawi ²⁸ , with 216 people per km ² and 172 per Km ²
<i>Population Growth</i>	Annual average growth rate of 2.8 percent.
<i>Age Structure</i>	In terms of age composition, 85.1 % of household members (both men and women) included in the Census for the project were 45 years and younger, with over half (52.5%) of these being less than 15 years of age. This supports the trend towards a youthful population. The 2008 National Census showed that almost seven percent of the total population comprised infants aged less than one year, 22 % were aged under five, about 46 % were aged 18 years or older, while a further 4 % were aged 65 years or older. The median age of the population was 17 years.
<i>Gender and Age Ratio</i>	There are more women (51.3%) than men (48.7%) PAP affected by the project. According to the national Census, the gender ratio was 95 for the whole country, 95 for the District of Lilongwe (rural), and 91 for Dedza District. ²⁹
<i>Household Size</i>	Household size was generally large, with an average of 5.05 members. This is larger than the average household size recorded by the national Census in 2008, at 4.6 for the country, and at 4.7 in the Central Region. ³⁰
<i>Marriage types</i>	Most adult household members (of 18 years or older) affected by the Project were married (88%), with 50.2% married through traditional means, 14.4% through a formal civil ceremony, 3.0% through both a traditional and civil marriage, and

²⁸ The national population density of the country was 139/km² in 2008, with an average of 155 in the Central Region. The Districts affected by the Project have slightly higher figures, with Lilongwe (Rural) at 216 and Dedza at 172.

²⁹ The gender ratio is defined as the number of men per 100 women.

³⁰ NSO. 2008. *Op cit.*

Demographic Aspect	Characteristics
	20.4% living together in a <i>de facto</i> marriage. Only 4.7% of adults were single; 3.4% were separated or divorced; and 3.8% were widowed.
<i>Ethnicity</i>	Although several tribes are found in the area, the Chewa are dominant, comprising 79.9% of the surveyed PAP affected by the Reservoir and buffer zone, with the Ngoni making up a further 20 percent, and only a few Yao and Tumbuka (less than one percent) resident in the area. The Chewa is the largest ethnic group in Malawi, predominantly concentrated within the Central Region, surrounding the capital city of Lilongwe. Their language is Chichewa, Malawi's national language.
<i>Education Levels and Access to Education</i>	Generally, the highest education level completed by both heads and other members of households is primary school (71.76%), followed by those with no formal education (20.21%). Some 6.68% have attained a secondary education, while very few have attended kindergarten (0.79%). Other small percentages include all those who can read and write (0.13%); and attended vocational colleges (0.12%). College and University graduates constitute the smallest (0.07%). For all household members recorded in the Census and Socio-Economic Survey, more males had attained secondary school, vocational training or a university degree than females. Access to primary education is impeded by the child being too young, or sick, schools being too far, and not being able to afford fees.
<i>Religion</i>	The religions of the PAP are varied; however, most have a Christian base, with only 82.3 % of PAP following animism and <i>Gule wamkulu</i> 14.6%, and 0.1% being Muslim while 2.9% have no religion. The Chewa believe that living things were created by God. <i>Gule wamkulu</i> , Big Dances associated with masks, has become a title for secret societies of traditional Chewa religious practices, the ' <i>Nyau</i> '.
<i>Migration</i>	A noticeable characteristic of the villages in the Project Affected Area is that 98.8% of the affected households had been living in their actual village for more than 10yrs, while 1.2% are living out of the project areas.

5.3.3. Land Use and Agricultural Activities

The upper Diamphwe catchment is characterised by natural wooded forest, which forms part of the protected Dzalanyama Forest Reserve. The remainder of the catchment has been substantially cleared of native woodland and developed for intensive agricultural use. Remnant woodland patches are commonly associated with graveyards, while natural riparian grassland and reed vegetation remain on some stretches of the river.

Four broad main landuses within the broader Diamphwe catchment upstream of the proposed Dam are summarised in Table 15.

Table 15 Diamphwe River catchment landuse

Land use cover	Area (Ha)	Area (%)
Rainfed herbaceous crop	73.021	53.5
Cultivated dambo	20.374	14.9
Dambo herbacious vegetation	9.886	7.2
Woodland	33.303	24.4
Total	136.584	100

Source: Mapping of Dam Project Area, SMEC 2015

Dambos cover approximately 22 % of the catchment area. Rainfed herbaceous vegetation (cropland) and cultivated dambo collectively account for nearly 69% of agricultural landuse, which characterises the extensive anthropogenic impact on the natural environment. Only about 31% of the catchment remains in a natural state, mostly as woodland (24.4%) in the Dzalanyama Forest Reserve and isolated pockets such as graveyards, and a smaller representation of undeveloped dambo (7.2%).

Numerous villages are scattered throughout the catchment and there is significant degradation of natural resources through intensive agricultural practices, illegal cutting of trees for charcoal production, and population pressure. This, coupled with a lack of infrastructure, has resulted in significant environmental stress on the river's resources and function.

The Reservoir inundation and the construction of the associated infrastructure area will directly impact on approximately 2,484 ha of land. The main land uses have been classified in accordance with the National Land Cover Atlas³¹, as shown in Table 16.

Table 16 Land use pattern of Reservoir area and Buffer Zone

Land use cover	Area (Ha)	Area (%)
Cropland	1,562.47	62.9
Cultivated dambo	496.29	20.0
Dambo grassland with patches of cultivated land	378.42	15.2
Forest/natural vegetation	9.48	0.4
Settlement	37.41	1.5
Total	2,484	100.0

Source: Mapping of Dam Project Area, SMEC 2015

The major land use categories are cropland and cultivated dambo, accounting for 2,159 ha (82.9%) of the total area, with cropland dependent on rainfall and soil moisture accounting for approximately 63%. Settlements cover 129.4 ha (1.5%) of the area, and forest/natural vegetation just over nine hectares (0.4%). In confirmation of land use, the Asset surveyors found, and surveyed, 2,259.48 ha of productive land in the Reservoir and buffer zone, including land used for cultivation, grazing and graveyards, and residential plots.

Box 1: Description of Dambo

- Dambo grassland comprises of expansive areas of short grassland, which is distinguished by a relatively high clay content, low fertility and characteristic cracking during the dry period. Land use is predominantly grassland and stock grazing, with some small cultivated patches (in the cool dry season). During the wet period these areas become flooded and are commonly used for fishing.
- Dambo grassland accounts for approximately 15 % of the study area and is common in the top one third of the proposed Dam, extending approximately 11 km from around Chilikumwendo village to the upper extremity of the Dam near the S124 road bridge at Khomani village.
- Dambo grassland also includes natural riparian vegetation along the riverbanks and is found along the length of the river. Riparian vegetation consists of long grasses and reeds, and provides important animal habitat and material for construction and other domestic uses.

The census survey showed the following:

- The average number of land parcels owned or used by PAP households was 3.1, with the average land parcel size being 3.6 ha;

³¹ Food and Agricultural Organisation (FAO). 2012. *National Land Cover Atlas*. Land Resource Conservation Department.

- Twenty-eight percent had over 4 ha, indicating a potential for farming for commercial value;
- 82.4% of PAP interviewed for the Socio-Economic Survey indicated that they live less than thirty minutes walking distance from their land, and a further twelve percent - between half-an-hour to an hour; and
- 88.1% of those with land relied on rain fed rather than irrigated agriculture. Some farmers had dug their own shallow wells, and used watering cans or buckets for watering their crops (11.1%). A small percentage (0.8%) used pumped irrigation from the river; however, in response to the question on use of the Diamphwe River and its tributaries as a resource, over half the households interviewed for the Socio-Economic Survey indicated that they use river water for 'irrigation'.



Figure 4 Tobacco Seedlings Planted in Dambo Ready for Replanting

Giving detail to the above, the number of land parcels owned or used by the PAP households, and the approximate size of all land owned or used, shows the following:

- **Community use:** Land utilised by the community at village level includes school grounds, dambo land or communal spaces used for meetings and local courts, for *Gule wamkulu* dancing, and for sports such as football and netball.
- **Crops grown:** With agriculture as the main livelihood, the fertile land adjacent to the Diamphwe River and its tributaries, and particularly in the dambos, is essential to the lives of the residents of the area.

The primary crop grown by households impacted by the Project was maize (comprising 79.2% of crops grown), with eighty percent of those growing it having produced more than five 50 kg bags in the last season. Other crops and vegetables grown were beans (4.7%), ground nuts (4.7%), potatoes (2.6%), and tomatoes (1.4%), and to a lesser extent cabbages, sugar cane, cassava, rice, sorghum, pumpkin, onions and tobacco. Particular crops grown in the dambo areas over the drier times include Irish potatoes, sweet potatoes and sugar cane, and seedlings are cultivated for tobacco and maize, for replanting in time for the rainy season. 35.4% of the land was being used directly by the household, and 64.6% through some rental/leasing or sharecropping arrangement;

- **Types of the Tree:** Trees classified as fruit and nut bearing, indigenous, and exotic are owned by PAP. These have economic value in that they can be used, and sold: for food production, such as for fruit and nuts; as timber, for house construction and for making furniture; as

firewood and thus fuel, for cooking, heating and light, including for burning bricks; for medicinal purposes; and for making charcoal. Although there are ready markets for such products, in both Lilongwe city and Dedza town, trees in the Project area are mostly grown and kept for domestic use, including for shade, at the residential sites and in the agricultural fields. Other exotic and indigenous trees owned by the households include: blue gum, masuku, mateme, matowo, mkuyu, mpoza, mtawa and zilu. Most trees are situated on the agricultural land (76.3%).

5.3.4. Animal husbandry

Livestock plays an important role in farming activities in the Project area. Animal sales and animal products were reported as an income source for 12.8% of the households. Livestock is sold as cash in hand to cover expenses: to buy basic household goods, including food; to pay for medical expenses; to cover school fees; for agricultural needs; for building construction; and for ceremonial purposes. In addition, livestock products supply households with meat and dairy products.

- i. **Average Animal per Household:** the households affected by the Project area kept an average of 5.3 animals, mostly chickens (owned by 62.3% of households), followed by goats (21.3%) and pigs (10.8%). Only a few households had cattle (3.1%) and donkeys (0.2%). The average number of animals kept by households were: chicken (9.8%); goats (4.1%); cattle (4.4%); pigs (4.0%); and donkeys (2.7%). A few households kept ducks and guinea fowl (0.88% and 0.3) respectively.

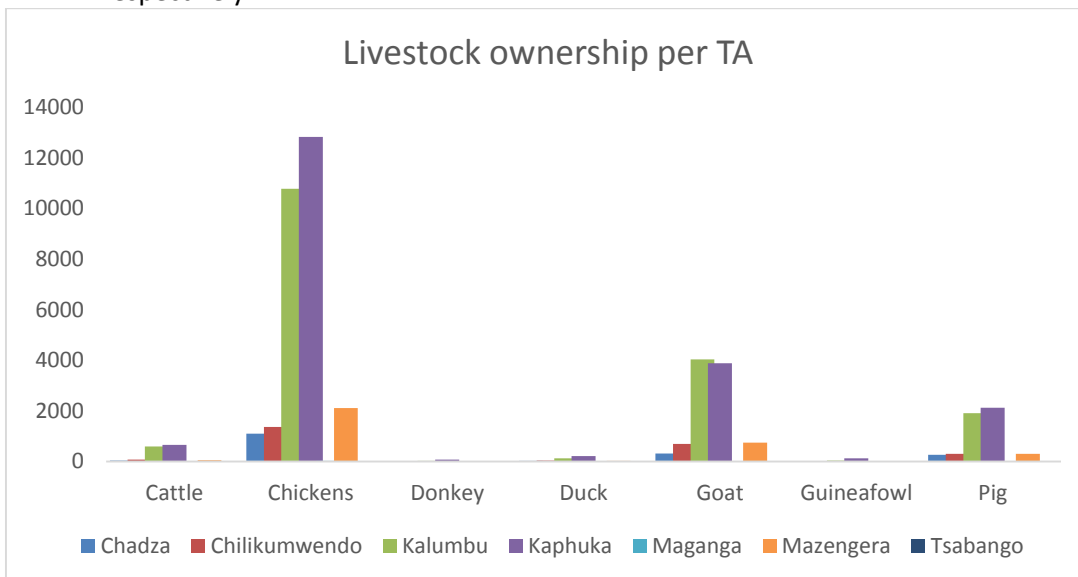


Figure 5 Animal husbandry Pattern

- ii. **Grazing Patterns:** Nearly 40% of households use land within the Project area for grazing their animals. When asked where their animals graze, participants of the SGDs cited the surrounding hills and at village dambos along the rivers over the wet season (November to March), and in the harvested agricultural land and uncultivated hills (such as Maye hill near Chinzili) over the dry season (March to October). Livestock grazing is controlled; animals, including goats, get tethered in the rainy season, to protect the crops, and thus become lean. For the remainder of the year they ‘become plumper’ as they are let out to graze more freely.

From the figure above it can be foreseen that chickens comprise of the largest portion of livestock and therefore in absence of large amount of grazing animals it may not pose much difficulties to the PAP and would be manageable by introducing alternative means including provision of AAP trainings and associated support.

5.3.5. Economy and Poverty

i. *Settlements patterns*

Settlements are typically scattered. A cluster of families forms a village, situated near to the Diamphwe River and its tributaries, and as close as possible to the areas they cultivate. Nearly all (98.6%) of the PAP who answered the Socio-Economic Survey indicated that they own their homestead. The majority built it themselves (69.4%). The rest inherited it (27.6%) or bought it (2.1%); with a few residents in a homestead belonging to a relative, or paying rent. Most of the PAP had resided on their property for more than five years (96.0%), with only 1.5% less than a year. Ninety - two percent of the PAP had one homestead, while 7.33 % had more than one homestead mostly situated in the same TA as where they currently reside.

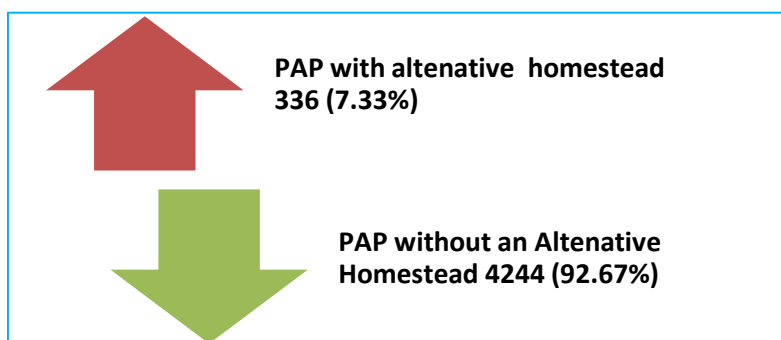


Figure 6 PAP with alternative homestead

- ii. **Features of the affected Homesteads:** The majority of homesteads surveyed comprised two to four structures (Table 17).

Table 17 Structures per household

Number of structures	% households
<2	2,2
2 to 4	74,3
>4	23,5
Total	100,0

Source: RAP Census, SMEC January, 2016



Figure 7 Typical rural homestead structure

- iii. **Structures of the homesteads** PAP have developed to accommodate the familial relationships, gender and age differences, consisting of: a multifunctional residential area (comprising 4.0% of the structures); sleeping rooms (22.1%); kitchen (21.5%); bathroom (19.4%); toilet (22.4%); livestock shelter or enclosure 96.8%); storage facility, mostly for crops (3.6%); and sometimes a business (0.1%).

Most structures were similar, having: no foundations (96.2%); mud/earth floors (89.6%); inside walls of clay/burnt bricks (47.4%), mud (39.4%) and/or wooden poles or reeds (12.7%), with no plastering (98.0%); no material used for windows, other than wood or wood and glass windows (23,3%), steel or steel with glass (0.2%) or plastic (0,2%); and no roof (10,9%), or roofing made of wood and wooden poles (57.7%), iron/tin (17.2%), and reed and fronds or thatching grass (14.2%). Most, if not all, of these construction materials are sourced directly from the Diamphwe River or surrounds.

Foundations of concrete or stone, concrete or brick floors, concrete blocks for walls, and plastic windows are materials used in house construction in the area in the townships. Homesteads comprised of family units of the PAP, their spouse and children (comprising 73.2% of the household), extended to additional family members such as parents, siblings and grandchildren, with some non-relatives. As many as 61.6% of the household members were children of the PAP (natural and adopted), their spouses, and grandchildren. Residential status showed that 98.8% of members of the household lived at the homestead, with a small percentage away studying (0.8%) or away working (0.3%). Of those working away, just over half were migrant workers, and mostly men.

iv. Employment Status

Most of the PAP and the rest of the members of the affected households (these include the heads of households) are self - employed in the informal sectors. 94.34% of the PAP and the rest of the members of their households are reported to be employed in the informal sectors mainly in farming, or as farm labourers. 0.44% are formally employed. The remaining 5.22% are not employed with several reasons including physical and mental disorders (0.39%); some are remaining at home not looking for jobs (2.32%); others are unemployed and they are actively looking for jobs (0.06%). This means measures are required to restore the livelihood of the affected people especially the 94% PAP who are self-employed and they are likely to be relocated. Within that realization this RAP has articulated a section to address those issues pertaining to loss of livelihood.

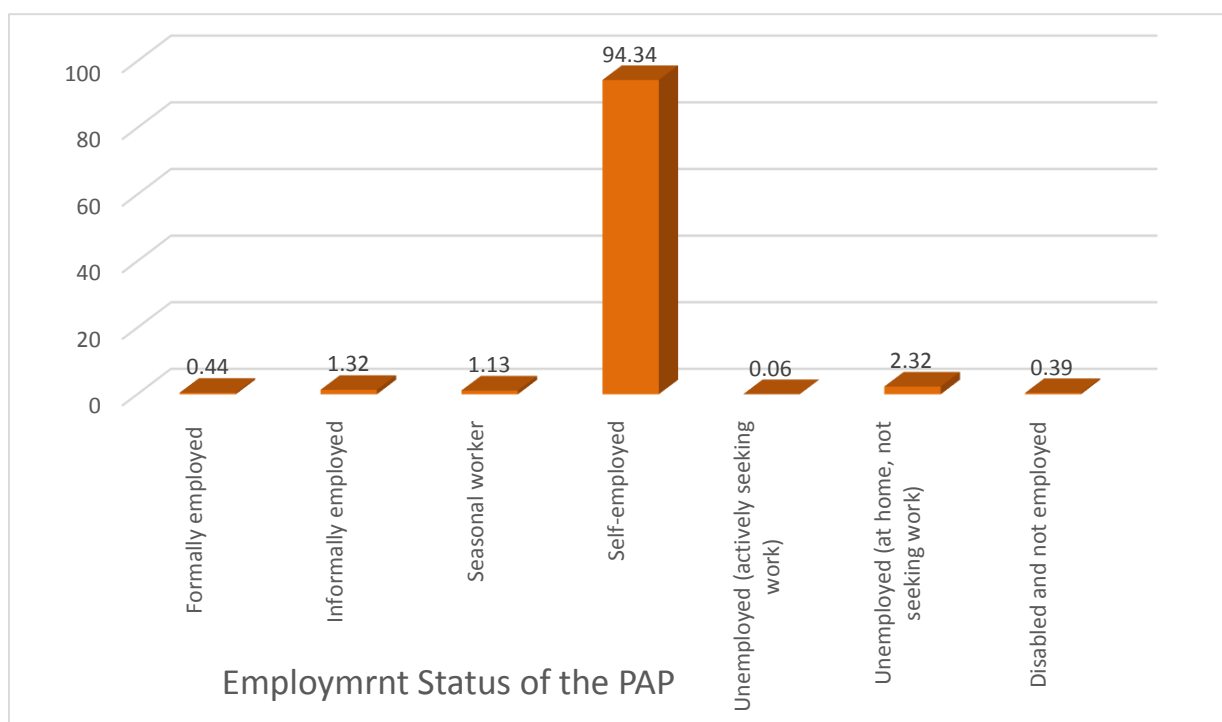


Figure 8 Employment of PAP

v. Occupation

Types of occupations among interviewed PAP often reflect the economic activities in which people are engaged along the way leave. Figure 9 below presents the various occupations as reported during the census and as practiced in both districts, which shows:

- The majority of the interviewed PAP are engaged in activities such as farming, fishing, unskilled /Daily labour, skilled labourers (mechanics, carpentry), petty trading. Others activities include: gardening, artisans and charcoal selling. Only a small proportion of the members of the affected households have formal employment or government employment, thus earn regular incomes.
- Almost two thirds of household members are practicing subsistence farming.

- Daily labour and petty trading is common among PAP in rural areas of the project Activities.

These types of occupations determine the income of the household and therefore their livelihoods. Thus during RAP development serious consideration has been taken of the loss of profit due to relocation and loss of business opportunities and livelihood. Subsequently, the designing of the compensation matrices incorporated some measures that will enable PAP to improve their livelihoods or at least restore their former livelihood standards.

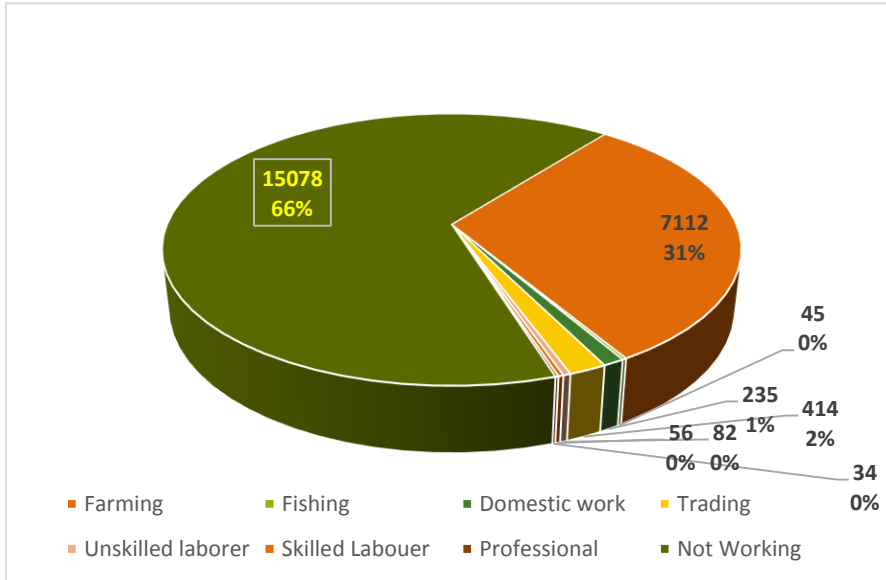


Figure 9 Occupation of household members

vi. Household Incomes

The majority of the households depend on farming and informal activities as primary occupations for the heads and the rest of the household members. Figure 10 presents sources of household incomes, which are described below:

- The major sources of income for the affected households in both districts are the sales accrued from agriculture or farming (57%);
- Other households reported to get their income through employment of the head of household or family Members (11.8%).
- Livestock and by-Products (cattle and milk, chicken and eggs, goats) reported to contribute to household incomes (11.2%).
- Petty Trading Selling charcoal, water, firewood (5.5%); selling hand craft products (0.6%); selling construction materials (mud bricks) constitute 0.5 %.
- PAH also generate their income from the rented rooms (5.6%).
- Some were reported to receive their income from Family Support, Pension, remittances (3.8%). 0.5% of the PAP were reported to get their income from selling fish.

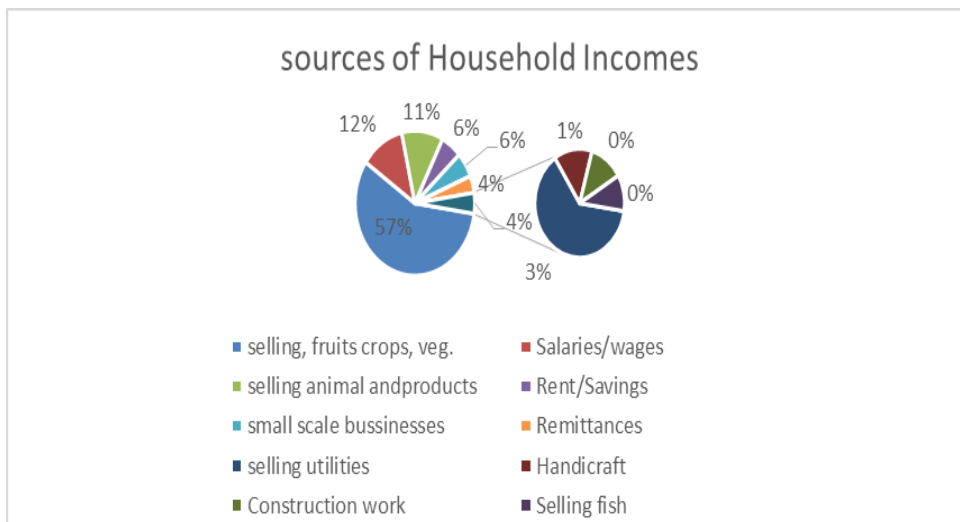


Figure 10 Sources OF household incomes

vii. **Households Monthly Incomes**

The majority of PAH is working in the informal sectors, as follows:

- 36.3% receive more than 500,000K/Month.
- 20.2% PAH reported monthly income of above MK 50,000/month
- 43.5% PAH reported earning between MK 50,000 and MK 20,000 /month;
- 20.2% are able to get between Mk. 20,000 and 5,000/month;
- 11.2% are able to receive less than Mk5,000 per Month;

Expenditure levels were low, with nearly 60% of PAH interviewed for the Socio-Economic Survey recording expenses of less than 5,000 Kwacha in the previous month, and a further one-quarter between five and twenty thousand Kwacha.

This RAP recommends an Exit survey that will include assessing the affected households with annual income less than MK 22,592 per year. These households should be recorded and enrolled into vulnerability assistance.

viii. **Access to Natural resources**

The River and its resources are used for a number of activities, for domestic and commercial use:

- Water, for bathing, washing clothes, small-scale irrigation, and watering animals;
- Fishing, as a food source, a recreational activity, and an economic activity;
- Reeds, for fencing of small gardens and residential sites, for ceiling and roofing material, and for basket-making for catching fish and storing maize flour;
- Grasses, for sleeping mats and mats on which to dry ground corn; for roof thatching; and for cattle feed;
- Sand and clay, for brick-making;
- Clay for pottery, for domestic purposes, or as an income source; and
- Natural edible and medicinal plants.

Although nearly ten percent of the households interviewed fished for household consumption, only a few (0.2%) indicated that they fish for commercial purposes. Households were also asked how frequently they eat fish from the Diamphwe River and its tributaries. Thirty percent said 'at least once a month', and a further thirty percent 'at least once a week'; 38.6% said 'rarely' or 'never'.

ix. Vulnerable Groups

People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by the project/ by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerability is considered with regard to the Project context.

In the context of resettlement planning, vulnerability has come to refer to two socio-economic dynamics. At a general level it refers to the insecurity experienced by all PAP because of the loss of private and communal property, loss of access to the Diamphwe River as a resource, severed/ constrained access to social services, etc. At a more specific level it refers to those social categories whose livelihoods may be particularly vulnerable to disturbances created by the Project, for which special provisions need be made so that they are better equipped to deal with Project-induced changes.

Households classified as 'vulnerable' are affected households who may, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status, be particularly vulnerable to Project implementation, and changes induced by the Project. These may include:

- Women-headed households;
- Households with an aged household head older than 65 years;
- Child-headed households (headed by children under the age of 18);
- Households where the household head has a physical or mental disability;
- Households with no or limited access to cash income, and have high levels of unemployment amongst the household members; and
- Households with a low nutritional base, measured through current nutritional intake and requirements, agricultural and/or livestock farming activities, employment and other off-farm activities, support networks, and a medical examination (where required).

Vulnerability is not a given or static condition. A household may become vulnerable when the head becomes aged, falls ill or becomes disabled, destitute or poverty stricken; and hopefully less vulnerable as their health and economic circumstances improve. Because vulnerability is a dynamic concept, the identification, assessment (and monitoring) of vulnerable households will be an ongoing process throughout the compensation/livelihood restoration program.

Vulnerable groups were identified based on census and social economic surveys, however, Individual support measures for vulnerable people will be identified prior to the implementation of the RAP during the exit Survey. The respective consultations will be undertaken under the lead of PIU, through Dam project committees.

x. Community based resources

The community health services are targeted to deal with poverty, under-nutrition, safe water provision, family planning, and providing access to health services to under-five children. Services are offered by CARE (village savings loans), NASFAM (food production), Kasina Health Centre (food production and nutrition education), and Feed the Children (nutrition) and Nkhoma Hospital. Health Surveillance Assistants (HSAs) support communities in dealing with problems of poor sanitation, poor access to health services, unsafe drinking water, and malaria, by conducting health promotion activities relating to sanitation and hygiene, water chlorination and health education on common diseases, and by offering outreach clinics and distributing mosquito nets. There are also several local healers and traditional herbalists in the area. Community based resources are shown on Figure 11.

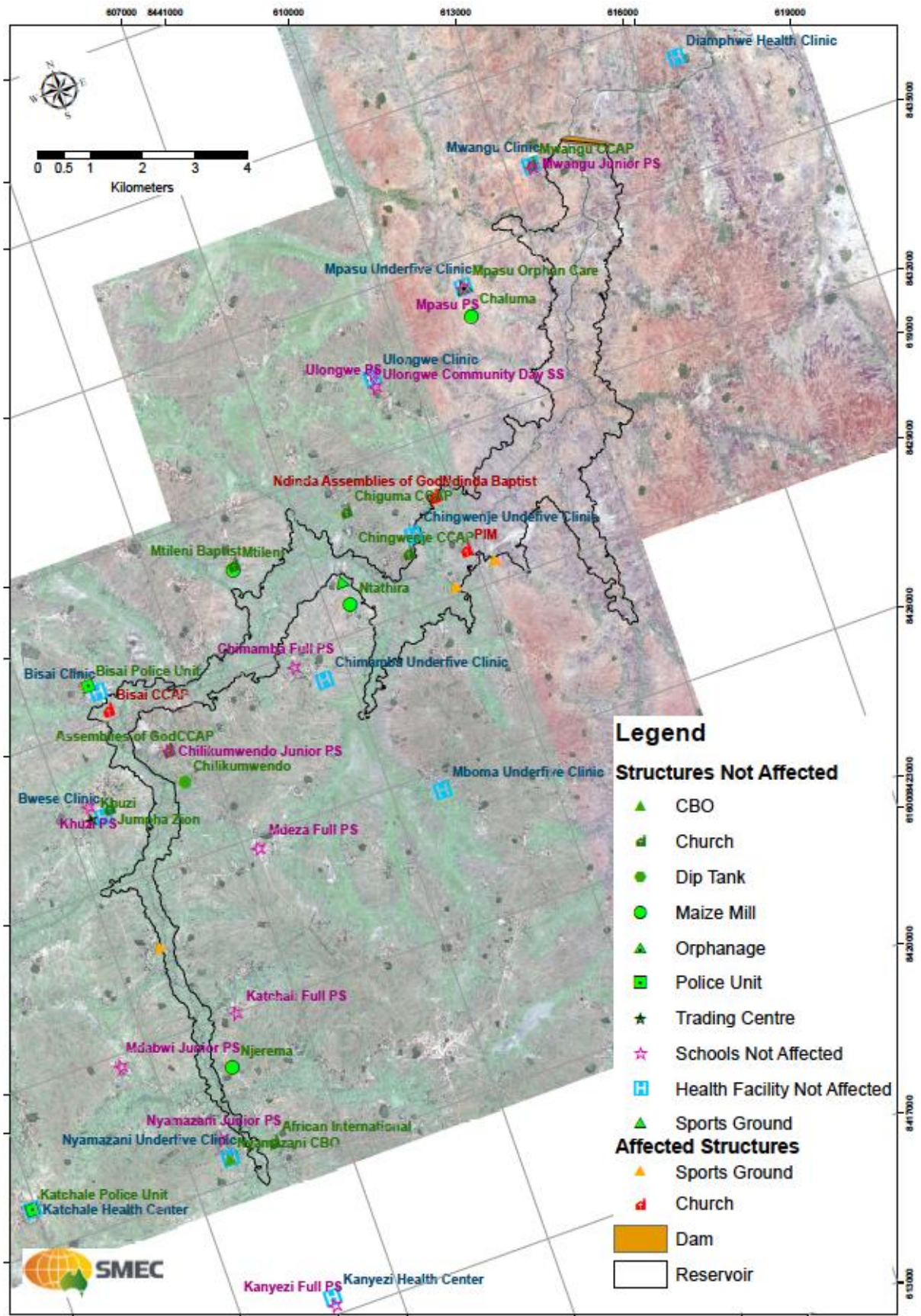


Figure 11 Service Facilities in and near Reservoir Area

5.3.6. Infrastructure

i. **Education facilities:**

Educational facilities available to residents of the Project Impacted Area include:

- Secondary schools: Mkomela Day Secondary School, Chingwenje Night Secondary School, and Kaundama Secondary School, with night classes offered for Secondary School students in Kawelama;
- Primary Schools: in Mwango, Kanama, Ulongwe, Mpasu, Mlodzenzi, Luwani, Niuchi, Kanyezi, Bua, Mkomela, Mdedza, Kaundama, Bango and Chilembwe;
- Adult literacy classes offered in Chingwenje; and
- A nursery school at Malenya and Chingwenje villages, and Community Based Childcare (CBCC) in Kawelama.

The position of educational facilities situated close to the Reservoir, are mapped in Figure 11 . For those affected by the Reservoir and infrastructure area will be accessing the same schools and facilities. The reasons stated by PAPs for the children not being sent to school were the child being too young, or sick, schools being too far, and not being able to afford.

ii. **Energy and fuel source**

Most PAP households affected by the Project indicated that they use wood as an energy and fuel source (96.4%), again demonstrating dependency on the natural resource base. Wood is sourced locally in the neighbourhood, from private trees and communal woodlots, and from Dzalanyama Forest Reserve. The army is now patrolling the Reserve, to enforce regulations on the felling of trees. This, and increasing deforestation, will impact on access to the resources.



Figure 12 Wood for sale, Chingwenje village

- While 18.4% used wood alone, it is mostly used in combination with other energy sources, such as flashlights (70.5%), a battery/generator (3.7%), candles (1.9%) and/or paraffin (1.2%).
- The popularity of flashlights has come in tandem with access to affordable mobile phones, and to a Chinese-produced radio with a torch.
- Four percent of households used generators. Only 11 households had access to an electrical connection, through living close to a town on the national grid as there is no power supply from ESCOM in the Reservoir inundation area. Although only just over two percent used solar power, and usually in tandem with other energy sources, it is becoming an increasingly popular form of accessing energy.

- Charcoal is not used by many households for private use; rather, it is regarded as a valuable income source, as a commodity to be sold to markets outside of the area. With the price of electricity rising, and regular power outages, there is a high demand for charcoal in Lilongwe city and Dedza town. Charcoal has mostly been produced in Dzalanyama forest, an activity that will diminish as restrictions on access become enforced.

iii. Access to Water sources

- Only 16 households of PAP had piped water to their homesteads. Rather, wells/boreholes were the most common domestic water source.
- 11.8% of households used unprotected wells or boreholes situated in their yards, accessing the water with buckets and ropes;
- 80.4% used public facilities with pumps, sometimes in combination with the river or their own wells;
- 7.0% percent of the households used the river alone as a main water source;
- 17.7% used it in combination with private or communal wells/boreholes. It is often used as a domestic source if communal wells are some distance away, or if water pumps are not operational. When asked accessibility of water as part of the Socio-Economic Survey, 55.4% indicated that their water source was less than five minutes walking distance, with an additional 42.0 % saying between five and thirty minutes.



Figure 13 A Typical protected borehole in rural areas

iv. Utilization of Sanitation facilities

Most of the households of the Census and Socio-Economic Survey reported using a pit latrine toilet system in their yard (96.7% their own, and 2.9% belonging to another household). Few had a bathroom and toilet inside their house (0.2%). Only few households (0.2%) indicated that they use the open fields or bushes for sanitation. Garbage is disposed of through burying (87.4%) or burning (9.9%) in the yard, with 1.4% using a public dump for refuse removal.

v. Access to Transport and Movement

With the exception of the M1 main road between Lilongwe and Dedza, roads in the area are unsealed and in relatively poor condition, being particularly inaccessible over the wet season. Apart from the M1 there is little to no public transport offered on the road network in and around the Reservoir area, and people mostly walk, or use motorbikes and bicycles. Over one-third of households that participated in the Socio-Economic Survey said that they own a bicycle.



Figure 14 Bicycles are the Most Popular Form of Transport

There is considerable movement across the river, particularly for people visiting friends and families, accessing their land, and utilising service provision such as health and educational facilities. Mostly, people cross the river at informal crossing points. The bridges in the area comprise:

- A bridge over the M1 national highway, downstream of the Dam;
- A bridge from Bisai to Chimpaze;
- A bridge at the furthest point upstream of the Dam, between Kakhosi village in Dedza District and the villages of Kamsapha, Mizaleki, Mdangwe, Izeki and Galanganda in Lilongwe District;
- Two bridges under construction, at Kawereng, and Salima Ndinda to Zalera; and
- A concrete causeway at Katete. There are other informal crossing points over the Diamphwe River.
- All crossings apart from the bridge over the M1 will be inundated by the Reservoir.

vi. **Health Facilities**

When asked in the Socio-Economic Survey what health services are available if someone in the village is not well, over fifty percent named a government hospital, and a further one-quarter a clinic. Few mentioned a Community Health Worker (5.1%). Most health facilities are apparently accessible over the wet season. Most PAP (91.5%) said that they were assisted by a nurse or doctor at the facility they visited.

Communities in the Project study area receive health services from Chitowo, Mdedza, Kasina, Diamphwe, Kamphata, Katchale, Kanyezi and Nathenje Health Centres. In addition there are another five clinics in Mwango, Chaponda, Ulongwe, Mpaso, and in Chingwenji at the nursery school. Nyamanzi also has a clinic used by communities in the area. Health Centres are used interchangeably by residents; that is, people go to the one closest, or has the best facilities, which could mean crossing between the two Districts. Figure 11 gives an indication of the location of some of these local health facilities used by the PAH.

Patients with severe illnesses and complications are referred to Dedza District Hospital, and Bwaila, Nkhoma and Kasina Hospitals, all some distance away. Nkhoma is approximately 30 km from the Dam wall site, and Kasina some 20 km away. Health facilities offer treatment for common diseases, including malaria and tuberculosis (TB), family planning services, under-five clinic services, antenatal and maternity services, psychiatry, nutrition rehabilitation, HIV/AIDS counselling and

treatment, and treatment of other Sexually Transmitted Infections (STIs).

vii. Cultural Heritage

As stated, the Linthipe – Chongoni area in Central Region has yielded rare and important pre-historic, historic and cultural heritage resources, documenting human evolution in terms of Middle, Later Stone Age and Early, Middle and Later Iron Age sites.

A total of 21 heritage sites were identified during the field surveys in the Project area, including 16 archaeological sites of variable ages. The archaeological sites include eight evident settlements dating back to the Iron Age. As part of the Socio-Economic Survey, when asked if there are any spiritual sites in the area, the following were named:

- Sites used for Gule Wamkulu initiation ceremonies;
- Ntathanyerere rock; a mysterious hole in Nfuthe rock, where ceremonies are conducted to request rainfall; and
- A ‘chamber hole’ used during war times.

The Department of Antiquities (DoA) believes that, given the short history of writing in the country, Malawi needs to rely on archaeology for most of its historiography. Even relatively recent sites (19th century) are thus likely to have a scientific value. The actual value will depend on the size, age, function and integrity of the sites. As little archaeology has been done in Lilongwe and Dedza Districts, any site will have some value.

The original and predominant population of the area is Chewa. Despite mission influence, Nyau societies are still quite common and this tradition is included on the UNESCO Representative List as a ‘masterpiece’ of intangible cultural heritage under the 2003 Intangible Cultural Heritage Convention, and thus is of global significance. These secret societies have Dambwes, or activity areas within the Project area. These forest patches also serve as graveyards. The Dam inundation and infrastructure construction will have direct impacts on 16 graveyards. The affected graveyards will be relocated. Three graveyards namely Kuntamba 1, Kuntamba 2 and Kuntamba 3 in Makoko GVH in Dedza district are found closer to the dam wall. These graveyards are not affected directly although the might be slightly affected by the construction work. *Table 18* below shows permanent and temporarily affected graveyards.

Table 18: List of permanent and temporarily impacted graveyards

S/N	District	TA Name	GVH Name	Affected Name	Impact
1	Dedza	Kaphuka	Kangulu	Kangulu	Permanent
2	Dedza	Kaphuka	Kawerenga	Tsalakunja	Permanent
3	Dedza	Kaphuka	Kawerenga	Kawerenga	Permanent
4	Dedza	Kaphuka	Kawerenga	Bonya	Permanent
5	Dedza	Kaphuka	Makoko	Kuntamba 1	Temporary
6	Dedza	Kaphuka	Makoko	Kuntamba 2	Temporary
7	Dedza	Kaphuka	Makoko	Kuntamba 3	Temporary
8	Dedza	Kaphuka	Kwendekeza	Mkhaladzulu	Permanent
9	Dedza	Kaphuka	Chisela	Bengo	Permanent
10	Dedza	Kaphuka	Chisela	Bengo	Permanent
11	Dedza	Kaphuka	Ndingo	Ndingo graveyards	Permanent
12	Dedza	Kaphuka	Chimamba	Ntathira	Permanent
13	Lilongwe	Kalumbu	Chingwenje	Salima Ndinda	Permanent
14	Lilongwe	Kalumbu	Nyamazani	Mkute	Permanent
15	Lilongwe	Kalumbu	Mwachilolo	Mpasu (reprosy)	Permanent
16	Lilongwe	kalumbu	Mwachilolo	Mbonongo	Permanent
17	Lilongwe	Kalumbu	Mwachilolo	Kaphwereza	Permanent

S/N	District	TA Name	GVH Name	Affected Name	Impact
18	Lilongwe	Mazengera	Chinzili	Kumkama	Permanent
19	Lilongwe	Kalumbu	Malenya	Mnombwa (Senya graveyard)	Permanent

6. POSITIVE AND NEGATIVE IMPACTS OF THE PROJECT

6.1. Introduction

Impacts in general can be distinguished into: impacts from Project construction, and Impacts from Project operation. The RAP covers the project impacts resulting from land acquisition during construction and from the permanent Project operation.

Other socio-economic impacts, i.e. impacts from construction activities such as noise, vibrations, construction traffic, presence of a large number of workforce, population influx, are covered by the ESIA and ESMP.

The proposed Dam and its associated infrastructure is expected to directly affect 6015 people in Dedza and in Lilongwe districts. Approximately, about 30,535 people will be impacted as they are members of the affected households. *Table 19* highlights the summary of affected Households per project component. There are PAPs losing land and/or structure in both dam inundation and infrastructure area. Therefore, affected number of people shown below sum up more than 6015.

Table 19 Summary of the Affected PAP Households

Project Component	Dedza			Lilongwe			Total
	Losing Land and other structures Only	Requiring Relocation (Homestead)	Requiring Relocation (Business)	Losing Land and other structures Only	Requiring Relocation (Homestead)	Requiring Relocation (Business)	
Dam Inundation	2,613	279	0	1,885	352	82	5,211
Infrastructure	21	6	0	235	53	0	315
Pipeline				423	53	34	510
Totals	2,634	285	0	2,543	458	116	6,036³²
	2,919			3,117			

6.2. Project Positive Impacts

- i. **Regulated flows:** The physical presence of the dam and the control and regulation of water levels and in-stream flow requirements of the Diamphwe River by the LWB will provide a more reliable steady source of water, particularly over the dry season. Improved downstream regulation of water, with the monitoring of water flows and discharges, water quality and sediment loads etc. will benefit water users (for irrigation and drinking water).
- ii. **Access to water:** A direct future positive impact will be improved water supply in urban and rural areas when the corresponding water distribution network is expanded. It will result in increased and constant supply of safe water, thereby leading to enhanced people's health and ultimately enhancing people's involvement in economic activities. At the project level, there would be work opportunities for unskilled labour in the project areas, thereby providing an opportunity for supplementing their income.
- iii. **Economic Development:** The Project provides great potential for long-term economic benefits, through the creation, diversification and growth of income-generating activities, to increase food security and reduce poverty in the area. This potential will present itself through: An improved, regular water supply; easy access to a potable water source; Improved

³² The total number is 6036 due to some PAPs losing lands in dam inundation and infrastructure area both. This overlap caused double counting. Total affected PAP remains 6015 though.

agricultural production; The potential for creating new economic opportunities; Higher incomes and improved employment opportunities may attract emigrants from the area to return to their families, re-introducing skills into the area, and establishing a more settled home environment.

Other economic benefits will become evident through in-migrants creating a buyer's market for local goods and services; sale of land to those affected; and the potential for other opportunities presented by the Project.

- iv. **Improved Infrastructure and Service Provision:** Benefits relating to infrastructure development and service provision will include: a) New and improved housing at the resettlement sites, provided that housing principles are adhered to in house construction. b) Improved physical and social infrastructure, including roads, water supply, health care, education and other social services.
- v. **Improved transport and communication:** Although access across the river will be impeded, the upgraded roads on site will provide both motorists and pedestrians in the vicinity with an easier, safer and quicker access to goods and services, such as to health clinics, trading centres and markets, and aid in the movements of such goods and services. This increased accessibility and mobility to the area will enable access to new income generating and marketing opportunities, and encourage investment by outsiders. It will also enable the creation of a public transport system, and a reduction in transport-operating costs.
- vi. **Community skills development:** Many activities to be undertaken during the Project construction works will likely require the contractor to train local people. The acquired skills will benefit the individuals as well as communities in the Project area during and after the life of the Project. During RAP development the consulted stakeholders, including PAP, viewed the Project as an agent of development in the area, particularly as a 'multipurpose' dam, providing opportunities for irrigation, and potentially enabling people access to the reservoir, to fish as an income-generating activity, and to use the water for household consumption and for animal watering. They also believed that through the Project they would have a constant potable water supply for domestic use.
- vii. **Tourism development:** Tourism is likely to become popular as the Dam is close to Lilongwe and is easily accessible from the M1 Main road, with the potential of attracting local as well as international tourists.

6.3. Adverse Impacts at Pre-Construction Stage

The primary impact relates to land acquisition and sterilisation of primarily agricultural land, as summarised in Table 20.

Table 20 Project component wise summary of impact

Project Component	District	Land		Tree	Structutres
		No. of Plots	Area (Ha)	No.	No.
Reservoir	Dedza	4060	1222	75,416	1020
	Lilongwe	2784	1030	57,950	1558
Infrastructure	Dedza	35	8	107	18
	Lilongwe	244	69	4,947	237
Pipeline	Lilongwe	512	49	4,916	79
Total		7635	2377	143,336	2,912

6.4. Adverse Impact on Land

There will be land uptake for implementing the project, which is estimated to be approximately 2,377 ha (Table 21). The land to be acquired falls in 335 villages. The land will be utilized in dam inundation or reservoir (2,251.88 Ha), construction of the Water Treatment Plant (279Ha), contractor camp, balancing tank and wayleave for a main pipeline (48.61ha). District -wise, land up take for the Project construction in Lilongwe district, 1,146.86 ha and Dedza district 1,230.28 ha will be impacted (Table 21).

Table 21 Adverse impact on land

Project Component	District	Land		
		No. of Plots	Area (Ha)	Amount MWK
Reservoir	Dedza	4060	1222	3,055,875,160
	Lilongwe	2784	1030	3,603,584,092
Infrastructure	Dedza	35	8	19,996,443
	Lilongwe	244	69	240,288,647
Pipeline	Lilongwe	512	49	38,418,760
Total		7635	2377	6,958,163,100

Apparently some project components will require permanently land acquisition while other component land will be acquired temporarily. Table 22 below presents the categories and associated land quantum.

Table 22 Land acquisition as per project component

Project Component	Status	Size (Ha)
Quantum of Land under Dam foot print	Permanent	2257.15
Quantum of Land under infrastructure sites	Permanent	91
Quantum of Land under the pipeline corridor	Temporary	29
Total		2,377.15

6.5. Adverse Impact on Trees / Crops

Land acquisition for the project leads to loss of trees and crops to the PAP who own the affected parcels of land. The trees are found to be of all categories such as indigenous and exotic species. Major trees that are significant in terms of earning livelihoods include mango, banana, avocado pear, pawpaw or papaya, sugarcane clusters, cindrella, palm, sisal, eucalyptus, glycedia, baobab, acacia, gmelina, guava, jacaranda, coco yam, masuku, mapoza, lemon, orange, mables, leukina and peach.

The number of the affected trees due to the implementation of the project is 142,832 (Table 23). These are trees that are likely to be felled. Apart from perennial tree crops, seasonal standing crops will also be affected due to project implementation. It is clear that farming fields falling within the infrastructure will have maximum impact on standing crops during civil construction for infrastructure. However, for the fields falling within the dam footprint the owners will need to gradually stop cultivation activities as filling of the dam progresses. It is anticipated that the process of filling the dam will take a period of approximately 2 to 4 years.

Table 23 Adverse Impact on Trees

Tree Type	Size	Quantity (Nos.)
Indigenous	Small	42068
	Medium	3947

Tree Type	Size	Quantity (Nos.)
	Large	62
Sub-Total		46077
Exotic	Small	55557
	Medium	10255
	Large	1212
Sub-Total		67024
Fruits	Small	25852
	Medium	3623
	Large	256
Sub-Total		29731
TOTAL		142,832

6.6. Adverse Impact on Structures

Table 24 presents information on the impacted structural properties belonging to PAP. The total number of affected structures is 2296 which comprises of 2181 dwelling houses and supporting structures (toilets, bathrooms, kraal, granary, store rooms) and 115 shops / commercial structures. Details of affected structures and their owners are provided in the census data base.

Table 24: Number of structures by Type and Use

Typology of the Affected Structures and Buildings					
IMMOVABLE STRUCTURES		Dam	Infrastructure	Pipeline	
TYPE [A]	Main features: Reed/Grass/Dry Poles				
	Use:	Main House	10		
		Support House	4	3	
		Shed	35	9	11
		Granary	86	20	
		Krall	97	21	
		Pigsty	56	4	
		Bath	197	73	
		Latrine	239	92	
TYPE [B]	Main features: Sundried brick -Grass thatched-Mud mortar/floor				
	Use:	Main House	472	34	29
		Commercial	53		
		Support House	124	12	
		Kitchen	237	75	
		Granary	28	7	
		Krall	51	12	
		Pigsty	57	8	
		Bath	174	18	
	Latrine	193	41		
TYPE [C]	Main features: Burnt brick -grass thatched- Mud mortar/floor				
	Use:	Main House	40	13	65
		Commercial	46		
		Support House	23	11	
		Kitchen	34	23	
TYPE [D]	Main features: Sundried- Bricks, Corrugated iron sheets-mud mortar				
	Use:	Main House	6	2	11
		Commercial	3		

Typology of the Affected Structures and Buildings					
IMMOVABLE STRUCTURES			Dam	Infrastructure	Pipeline
		Support House	2		
TYPE [F]	Main features: Burnt brick+ cement mortar/floor-Corrugated iron sheets				
	Use:	Commercial			3
		Institution			1
TYPE [G]	Main features: Burnt brick + cement mortar/floor-Corrugated iron sheets- Cement Plastered				
	Use:	Main House	2		
TYPE [H]	Use:	Main House	2		
Other fixed Structures					
Fences	Main Features:				
		Reed/Grass	13		
		Burnt Bricks, Cement Mortar	1		8
		Burnt Bricks, Cement Mortar, Plastered and Painted			4
Auxiliary structures	Drive Ways	Concrete			1
	Masonry	Stone works			2
	Concrete slabs	Concrete			1
Protected Wells/Boreholes			11	2	
Unfinished houses		Burnt Bricks, Cement Mortar	2		
		TOTAL	2296	480	136

In addition to this, businesses will be affected, mostly in the trading centre of Bisayi, in Kalumbu TA, Lilongwe District. Most of these businesses are permanent structures, made of brick. They sell a range of goods from bicycle parts to general merchandise (such as soap, oil, sugar, tea, 'chitenje' cloth, plastic plates and plastic shoes). Some offer alcoholic drink and cooked food on the premises. Eight PAP are more affected in that they are losing two business structures.

6.7. Adverse Impact on Livelihoods

Adverse impacts on livelihoods are unavoidable for some affected households due to permanent land acquisition of their agri-horticultural plots. Some affected households will lose their source of earning as their shops / commercial structures will be adversely impacted due to project implementation. Potential impacts on livelihoods of affected households are discussed below.

- i. **Agriculture Based Livelihoods:** The asset inventory survey reported the permanent acquisition of 2,377 ha. Total 743 homesteads have to be relocated in both Dedza and Lilongwe district. Lilongwe contains 285 of such households whereas Dedza 458 homesteads (Table 19).
- ii. **Commercial Livelihoods:** The asset inventory survey reported 116 shops and commercial structures will be affected and PAP will lose their income permanently. Shop owner PAP will be compensated for their loss of structures, the lost profits and will be enrolled into LRPs (see details in entitlement matrix).
- iii. **Loss of Access to Resources:** Twenty fishers, who practice fishing as a seasonal economic activity, will temporary lose access to their present fishing sites/mooring locations of their boats during construction of the dam. The number of affected fishers is likely to increase during the Exit survey.
- iv. **Grazing:** Community members with livestock will lose Project affected grazing areas as well as a source of water for livestock.

6.8. Potential Impacts during Construction Stage

- i. **Increased likelihood of HIV/AIDS due to Influx of outsiders**

When large scale development of infrastructure projects take place in poverty stricken rural areas of any developing country, it has been observed that diseases and infections transmitted through sexual routes have been common across the globe. This mainly happens during the construction phases when workers from outside the region, who are mostly solitary males, come for work on the construction site. These workers, both unskilled and skilled, get close to host communities, especially with women for meeting their physical needs. On the other hand, some women from the poor host communities get easily allured by extra cash earnings and indulge in unprotected sex with these workers. This causes a threat to both the partnering groups through the spread of STI and STDs. This potential impact will be carefully managed through implementation of a HIV/AIDS Management Plan that will be implemented by the MoAIWD HIV/AIDS Workplace Committee of the Lilongwe Water Board.

An estimated 335 villages, both rural and urban will have direct interaction with construction workers during the construction period and there is a probability of spread of HIV/AIDS. It is the objective of this plan that these villages should be targeted and equipped with knowledge on HIV/AIDS. In addition to this, the MoAIWD HIV/AIDS Workplace committee will need to work closely with the HIV/AIDS construction unit that will be established by the contractor.

ii. **Safety of women and children**

It is often experienced in rural areas that infrastructure development projects have significant negative impacts on poor female PAP. The increased incidences of gender based violence typically result from an influx of money and people to the project areas. Children also face another risk emanating from the practices of child labour. This RAP include an envelope for facilitating campaigns to prevent occurrence of actions that will put children and women at risks and hence not benefiting from the opportunities brought by the project.

iii. **Temporary land acquisition for setting up of Construction Camps and Depots**

Some PAP will be affected by temporarily acquired land for use during construction, such as temporary buffer and depot areas.

iv. **Loss of cultural resources including graveyards:**

The Chewa people have strong attachments to traditional worship and graves and other related shrines have deep significance. Fourteen graveyards are located within the dam inundation area and will need to be relocated. A further four graveyards and smaller significant sites may be affected by construction activities. Other have a lot of reverence for the dead and therefore their graves are well preserved. The executing agency (Department of Antiquities) will assist in the relocation and cleansing services prior to de-commissioning of the sites, as documented in Appendix 6.

6.9. Anticipated Post Construction Impacts

- i. **Destruction of standing crops during routine maintenance of pipeline way-leaves:** The MoAIWD may destroy standing crops and trees due to routine maintenance work that may involve vegetation control. It is anticipated that after construction of the pipelines the community members neighboring the way-leave may encroach the land for farming and other agricultural activities.
- ii. **Demolition of houses:** Apart from agricultural activities the community members may squat the way-leave and construct shelters for business or residential purposes. These buildings are prone to demolition in case of major maintenance of the pipe line to control underground leakages.

The MoAIWD will inform the community on the way-leave and agree on the activities that would be allowed on the restricted area.

7. ENTITLEMENT FRAMEWORK

7.1. Introduction

Resettlement and entitlement framework is a major integrated part of any resettlement plan. It provides the bases of calculations of costs of impacted properties and sources of earnings lost to people affected by the Project. It also puts forward the premises of formalising eligibilities of affected persons in receiving compensation for the loss of their properties and earnings and also other resettlement and rehabilitation assistances.

7.2. Types of PAP

Based on the preconstruction impacts identified from the Asset Inventory exercise, the types of PAP are as follows:

- Individual Land user or owner (having crops, trees and structures within the project sites);
- Community Properties (land resources, river, and structure /worship/ schools and boreholes);
- Institutional PAP (private Leasehold land); and
- Property-less PAP who depend on the affected land/structure/resources/ to earn their livelihoods (tenants/renters/ workers).

7.3. Eligibility

During the registration of inventory of the affected assets along the project area, all categories of affected lands have been recognised by the project and their legal status delineated. This has helped in estimating proper compensation packages for the losses concerning acquisition of land and other private properties.

The census survey has been carried out to identify and determine the number of PAP in accordance with the procedures, satisfactory to the national policies and the World Bank Safeguard Policies. The Land Law in Malawi (Land Act, 1965) has been amended several times in the recent past. However, the Land Act, 1965 still remains the main legal instrument in case of acquisition of land for public purposes in Malawi. Through use of Land Act, 1965, the government uses the power of Eminent Domain to acquire land or other properties from private owners or community ownerships to create space for developmental activities, especially in infrastructure development to create facilities and services to be catered to a wider population. In this project similar regulations will be applied.

A Project Affected Person (PAP) is defined here as any person whose land and any other property has been lost due to the project irrespective of his/her stand of gender, age, marital status, ability/disability, religion, origin and any other social or cultural attributes. The perspective of the word PAP mentioned above will embrace the criteria for eligibility for compensation, resettlement assistances and other measures, emanating from consultations with affected communities and the village heads.

Given that resettlement of PAP is necessary, the following procedures should be considered for determining eligibility for compensation, resettlement assistance and the actual displaced persons:

- a) PAP that have formal legal rights to land, including customary and traditional rights recognised under the laws of Malawi: This class of people includes those holding leases, freehold land and land held within the family or passed through generations.
- b) PAP 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 recognised 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) PAP who have no legal right or claim to the land they are occupying. This class of people includes those that settle at a place on semi-permanent basis (renting), or those settling at a place without any formal grant or authority (encroachers).
- d) Vulnerable groups: There is the case of vulnerable people, such as widows, single mothers, child-headed households, handicapped people, HIV/AIDS victims, and the elderly persons as they require special assistance to cope with the impacts. This category of vulnerable people is explicitly identified in the WB OP 4.12, and therefore requires special or supplementary measures to be taken to attend to their particular needs.
- e) Displaced persons under paragraph (a) and (b) shall be provided compensation 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. Displaced persons classified under paragraph 7.1(c) shall be eligible for compensation for the assets (development on that land) only but not the affected land they are encroaching. 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.

7.4. Entitlement Matrix

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

- PAP must have been located within a direct impact zone of the project site before the cut-off date established when the census is completed;
- Suffers a loss that is quantifiable i.e. loses an asset partially or fully, either permanently on or a temporary basis or can be quantified in monetary terms (such as a tenant or a sharecropper who might be affected), etc.;
- His/her ownership of the asset is either formally registered or not registered but present at the location and/or well known within the local community and
- Loss of livelihoods and sources of income that cannot be re-established (farm land, business, access to natural resources) etc.

Applicability of entitlements is summarised Box 2. The Entitlement matrix for PAP is provided in Table 25.

Box 2 Applicability of Entitlements

1. *According to the results of the field surveys in January 2016, project affected people predominantly prefer cash compensation over the land for land or the house for house approach.*
2. *There is a willingness by the community to sell land to their neighbors since they belong to the same village.*
3. *In spite of the fact that there is an overwhelmingly preference for cash compensation, for those losing more than 20% of land (project induced), cash compensation will only be preferred upon confirmation of an alternate land or proof of purchase or identification of new site for relocation.*
4. *Prior to the start of the compensation payment process, compensation agreements with affected people will be set up and signed.*
5. *Entitlements are presented separately for each category of affected household/entity; some households may qualify for entitlements in more than one category (for example, a household that is physically and economically displaced may qualify for the entitlements for both these categories. E.g. Households losing their residential structure and losing agricultural land).*
6. *Actual land market assessments will be done prior to determination of final replacement rates for residential land, commercial land and agricultural land.*
7. *Vulnerable people, in addition to entitlements as listed above, are entitled to special assistance as needed to participate effectively in the resettlement process*
8. *People losing sources of their livelihood will be introduced to livelihood programs as additional to cash compensation.*

Table 25 RAP/LRP Entitlement Matrix for Diamphwe Project

S.No	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details	Development Assistance (additional)
A. PRE-CONSTRUCTION STAGE						
1. LAND ACQUISITION						
	Agricultural, commercial, residential Private (freehold/ leasehold) Customary	Land owner	Owner PAP	a) Land for land, if available. ³³ OR b) Financial compensation for land at replacement cost (according to the prevailing market prices of the land in the affected areas). c) Disturbance allowance of 30% of the value of land lost will be provided to those who do not get land for land, irrespective of the size of land. d) In case of severance of cultivable land by access roads an additional grant of 10% of the land value to cover the costs of clearing and preparing replacement agricultural land. e) Compensation for the standing crops/ damaged during the construction period shall be paid at market value. f) Transaction costs, including transfer or registration of titles and taxes to be borne by the project within one year from the time compensation is paid.	In case of provision of alternative land, <ul style="list-style-type: none"> cost of registration/ transaction costs will be added; and support will be provided by the community leaders/district councils in identification of alternate land cost of labor for preparing agricultural land In case of payment of replacement costs the payment of replacement costs shall consider: <ul style="list-style-type: none"> To arrive at a full replacement cost of land the value of labour invested in preparing agricultural land will be compensated for using wage for the same period of time. The labour 10% will be calculated based on the compensation sum for the lost land. This is intended to help a farmer to create replacement land i.e. clearing, ploughing, sowing, weeding etc. 	Technical support for judicious utilisation of compensation money received e.g. <ul style="list-style-type: none"> Financial/cash management training. Sensitization on investment options. Trainings on Agriculture improvement programs.
		Tenant farmers	Tenants / Renter	Compensation for standing crops shall be paid at market value.	<ul style="list-style-type: none"> Compensation for standing crops damaged during the construction period shall be paid at market value. Cost of clearing and preparing replacement agricultural land. 	<ul style="list-style-type: none"> Financial/cash management training. Sensitisation on investment options. Trainings on agriculture improvement programs.
2. LOSS OF STRUCTURE						
	Residential	Dwelling owner	PAP / Household	a) Replacement cost of structure without depreciation. b) Lump-sum shifting allowance up to 10% of the compensation sum.	Cash compensation would be payable for those losing main dwelling houses or parts of residential structure such as Toilet, kitchen, shed and kraal.	<ul style="list-style-type: none"> Financial / cash management training. Monitoring mechanism at main stages of construction of dwelling unit.
		Renter/Tenant	PAP / Household	a) In urban areas, reimbursement for unexpired tenancy / lease period or the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation. b) Lump-sum transport allowance up to 10% of the compensation sum.	<ul style="list-style-type: none"> In urban areas, proof of a formal tenancy agreement has to be provided. In the absence of a formal agreement, a month rent will be provided. Note: Amount will be deducted from the compensation payable to structure owners. 	
	Any other structure on affected plot (including home garden)	Structure Owner / Unauthorized Occupant (Encroacher or Squatter)	PAP/Affected Entity	a) Replacement cost of structure without depreciation. b) Right to salvage materials from the existing structure, even if compensated. c) Replacement for permanent crops in home gardens.	<ul style="list-style-type: none"> Compensation for the permanent crops / damaged during the construction period shall be paid at market value. 	
	Granaries, Toilets, Kraal, Bathrooms, storages)		PAP/Affected Entity	a) Replacement cost of structure without depreciation.		

³³ **Note:** According to the consultations in January and February 2016 the PAP have opted for cash compensation and not land to land. Land to land option is a provision to accommodate changes in the future.

S.No	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details	Development Assistance (additional)
		Structure Owner / Unauthorized Occupant (Encroacher or Squatter)		b) Right to salvage materials from the existing structure, even if compensated.	Cash compensation would be payable for those losing structures such as Toilet, kitchen, bathrooms, granaries shed and kraal.	
	Loss of permanent Business Structure	Business Owner /Structure Owner	PAP / Business Entity	a) Compensation at full replacement value for immovable assets including commercial plots associated with the structure. b) Compensation for loss of income for the period of the time required to re-establish the business - 3 months income within a maximum of one year. c) Shifting allowance (cost for shifting and reestablishment of the business plus all other related costs). d) Compensation for loss of income for the period of time required to re-establish the business - 3 months income within a maximum of one year. e) Replacement cost of structure without depreciation. f) Lump-sum shifting allowance of 10% of the compensation sum. g) Allowance for loss of profit per month (between 1-3 months by type of structure and nature of business): ○ MK 180,000: Selling groceries- ○ MK 600,000: Selling farm produce ○ MK140,000 : Fruits/vegetables selling ○ MK160,000 : Fish selling h) Right to salvage materials from the existing structure.	a) Cash compensation would be payable for those losing structures and lost business. b) Cash management training. c) Other Business options.	
	Movable Business Structure	Tenant/Renter/ business owner	Tenant / Renter with proof of tenancy / Leasing or in absence of formal agreement, identification through premises owner.	a) Reimbursement for unexpired tenancy/ lease period or the amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation. b) Allowance: three months' profit for the transition period. c) Lump-sum shifting allowance of: 10% of the compensation sum.	<ul style="list-style-type: none"> ▪ Proof of a formal rental agreement has to be provided. ▪ <i>Note:</i> Amount will be deducted from the compensation payable to land owners. 	
3.	CROPS AND TREES					

S.No	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details	Development Assistance (additional)
	fruit trees and perennial crop	Crop / trees Owner	Owner PAP, Affected Village (in case of natural growing trees).	a) The valuation of perennial crops will be based on the product of their average yield (kg/tree/year). b) The valuation of fruit trees will consider the time between planting and bearing of fruits. c) Valuation will be based on the product of yield, period between planting and bearing of fruits and market price. d) Input costs.	The highest market price/kg and expected life span plus establishment cost will be considered.	1. Crop / tree owner may, if possible, dig up tree and move elsewhere/sell (where possible given type of tree). 2. Advance notice to be given for farmers to harvest or remove standing crops / trees. 3. Technical support for judicious utilisation of compensation money received, e.g. financial / cash management training sensitisation on investment options.
	Other trees			Compensation will be based on the provision of the Forestry Products Gazetted Prices, Government of Malawi (2015).	<ul style="list-style-type: none"> ▪ Size of trees being lost will be considered in the valuation as the bigger trees will attract high rates. ▪ Also based on tree species whether exotic or indigenous, i.e. indigenous attracts higher rates. ▪ Based on discussions with Department of Forestry. 	Training in afforestation management
	Annual crops			a) Compensation will be based on the average market unit price of the crop over a period of the past three years multiplied by the yield /kg and multiplied again by the land size. OR b) Three months' notice to harvest standing crops shall be given. However, if notice cannot be given then compensation for these crops shall be paid at market value.	The yield shall be the highest yield of that particular crop as determined by the Ministry of Agriculture.	
4.	Loss of Livelihoods					
	Loss of Livelihood (losing commercial unit, working on agricultural land)	Wage earners (workers employees within shop/business/ industries) Livelihood loser.	Worker PAP	Assistance a) Preference in provision of Work opportunities in the project during the construction stage and later if any available commensurate to his/her existing skill/education levels.	Minimum wages for: <ul style="list-style-type: none"> ▪ Unskilled labor – MK 699/day (Department of Labor, Gazette, January 2015). 	Technical support for judicious utilisation of compensation money received, e.g. financial/cash.

S.No	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details	Development Assistance (additional)
				<ul style="list-style-type: none"> b) Transition Allowance: Lump-sum amount at the rate of MK 699/day in case of unskilled labor and MK 16,500-20,000/month as per skilled category to cover the period of transition for 3 months (at 30 days/month) as provided by Department of Labour. c) MK110,000/- towards vocational / skill improvement as per choice (to cover all related costs such as, transportation, per diem for number of days). 	<ul style="list-style-type: none"> Apprentices, craftsmen, tradesmen (Department of Labor, Gazette, July 2014): <ul style="list-style-type: none"> o MK 16,500/month (2nd year apprentices) o MK 18,500/month (3rd year apprentices) o MK 20,000/month (4th year apprentices). 	<ul style="list-style-type: none"> Management training, sensitisation on investment options. Development assistance e.g. training if no longer able to farm, to facilitate livelihood restoration up to pre-Project conditions and related monitoring.
	Additional support to vulnerable groups	Owner	PAP or Head of the Household	<ul style="list-style-type: none"> Special allowance to assist PAP in transition period. Fixed amount of financial support payable in tranches for a fixed time. 	<ul style="list-style-type: none"> An additional financial assistance of 20% of the compensation amount payable. This amount will be in addition to other compensation and assistance amounts given above per type of loss. If Head of the Household is not fit to avail of the entitlement, then some other able bodied member can be nominated. 	
	Fishing	Fishers (may be distinct from fishing gear owners owner/sponsor)	Use Project-affected area for fishing, regardless of who owns the fishing gear.	<ul style="list-style-type: none"> Financial compensation of loss of income incurred as a result of the Project until fishing or alternative income is secured (note that this is temporary assistance). Compensation for assets that can no longer be used at fair market value. 	Cash compensation on temporary basis.	<ul style="list-style-type: none"> Technical support for judicious utilisation of compensation money received e.g. Financial / cash management training, sensitisation on investment options, facilitate livelihood restoration up to pre-Project conditions and related monitoring. Development assistance e.g. training, business development services, access to microfinance if no longer able to fish.
		Seasonal workers (fishing)	Employed seasonally by the fishing companies affected by the Project.	Financial compensation of any loss of income incurred as a result of the Project until alternative fishing locations or alternative income is secured (note that this is temporary assistance).		<ul style="list-style-type: none"> Technical support for judicious utilisation of compensation money received e.g. financial / cash management training, sensitisation on investment options. Development assistance e.g. training, business development services, access to microfinance if no longer able to find seasonal employment fishing to supplement their income generation up to pre-Project conditions.
5	LOSS OF COMMON PROPERTY RESOURCES AND CULTURAL RESOURCES					
	(Hand-pump, dug- wells, Structures, natural fish ponds, raffia, grazing fields, natural medicines, animal drinking places)	User of such resources (can be individual or communities) that use communal resources as an element of livelihood.	Affected area	<ul style="list-style-type: none"> Replacement or restoration of affected structures/facilities. Enhancement of community resources. 	Replacement / Restoration or augmentation of existing infrastructure based on identified need and to sustain pressure of Affected Facilities ³⁴ (AFs).	<ul style="list-style-type: none"> Provision of communal social services to PAP. Training in community based management of the facilities.

³⁴Common resources such as religious structures, graveyards, water points, access paths, ponds, and other such assets will be replaced/ reconstructed and/or augmented in consultation with the local community and preferably with support of local labour.

S.No	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details	Development Assistance (additional)
	Destruction or damage to shrines and graveyards	Can be individual, family or community.	Evidence of ownership of the affected heritage resource.	<ul style="list-style-type: none"> Compensation for cost of repair if falling inside of the Project area, or relocation in accordance with Malawian law and traditional customs (including pacification and purification). Preservation, compensation and relocation activities will be done in consultation with affected individual / family or relevant Government institutions responsible for cultural heritage. 	<ul style="list-style-type: none"> Identification of the new sites. Relocation of the graves/cultural item. Costs to cover the reburial ceremonies, buying of coffins and construction of tombstones for graves that had tombstones 	Support for relocation to new sites
B	DURING CONSTRUCTION STAGE					
	Loss of access due to construction works.	Village Community / Urban dwellers	Village community	Provision of alternate access.	Provision of access path(s), wooden planks, etc.	
	Damage to standing crops during construction due to movement of machinery, damage to frontages (footpaths) during laying of pipelines.	PAP, Village Community Urban dwellers	PAP, Village Community Structure owner	<ul style="list-style-type: none"> To be undertaken on a case by case basis. Excavations for pipe laying to be done during non-cropping season. To be undertaken on a case by case basis and repair the damage. 	<ul style="list-style-type: none"> PAP to report to Village level Resettlement Grievance Management Committees to resolve issues. Cost shall be determined based on the requirement quantity of concrete for rebuilding the footpath. 	Public notices to be issued prior to construction works.
	Temporary and unforeseen impacts.	Affected Person or Village	PAP / Household / Village Community	Mitigation in line with principles in the Resettlement Policy Framework (RPF).	Unforeseen and temporary impacts during construction will be documented and dealt with on a case by case basis through the Village and District Grievance and Resettlement Management Committees / Dam Project Committees in accordance with the principles above.	

Note: The compensation / assistance would be normally paid / provided to the Owner or Affected person or else to the member within the Household who owns / has valid papers or is recognised to own the affected structure / land or based on verification (to non-titleholder) will receive the applicable compensation and / or assistance.

7.5. Eligibility Cut- off Dates

The determination of eligibility for various types of compensation is framed both in terms of the PAP categories, as well as whether individual PAP and affected property were present in the project affected area before the resettlement cut-off date. In functional terms, a cut-off date establishes a calendar limit on the project's responsibility to compensate for impacts, specifically by defining a date after which the public 'should know' not to make improvements or settle on project land by virtue of public consultation and other communication efforts. The cut-off date concept protects project owners from this opportunistic and potentially costly phenomenon, which can result in a project not going ahead or to significantly delay compensation of the legitimately entitled PAP.

The cut-off date has therefore been determined by the timing by which several key activities were completed, including the census, household socio-economic survey, heritage resources survey, farm surveys, fisher's survey and non-farm business survey in the project-affected area were done. The effective cut-off date for this project was set at **October 2015**. This means that persons occupying the Project area or any new farm, assets, fishing or trading activity established after the Cut-off Date will not be considered as PAP. Such persons will not be eligible for compensation. Steps will be taken to ensure that the Cut-Off Date is suitably publicised in all relevant communities and at the District Council and other relevant institutions.

7.6. Exit Survey

Prior to the start of the compensation payment process, compensation agreements with affected people will be set up and signed. This will be done through an exit survey, to be carried out by the official valuers and the Regional Commissioner for Lands, Dedza and Lilongwe District councils. The exit survey is to confirm the results of the surveys for validation of losses carried out October 2015 – February 2015 through the performance of the respective legal procedure. Immoveable assets surveyed and inventoried within the project footprint as of the entitlement cut- off date were:

- Crops and farms;
- Land; Business ventures;
- Communal resources; and
- Non-farm businesses and Households with vulnerability.

The Dam Project Committees and PMU officers will participate in the exit survey. Agreement of the respective affected household to the exit survey documentation and the resulting determination of compensation will be officially documented in the compensation agreement. Owner of the affected assets individually or jointly by both spouses of affected households shall sign off compensation agreements. The following steps will be taken during the Exit Survey in order to avoid disputes and to ensure transparency:

- 1) Every crop survey will be verified by the responsible farmer and witnessed by a chief farmer or their designate;
- 2) Every cadastral survey will be accompanied by the responsible landlord or their designate;
- 3) All fishing gears/businesses enumerated will be authenticated by the Lead
- 4) Fisherman of the fishing group or "company" or his designate.
- 5) Every business will be verified by the responsible owner and a representative of the Dam Project Committees.
- 6) Enumerating the vulnerable PAP and identify relevant type of livelihoods.

- 7) Dialogues and Key informant interviews will be conducted in search of information that will inform the relocation planners to ensure that the chieftainships are maintained. Moreover, to seek possibility of re-establishing the trade centre.

In the case of farmers, their names and addresses have been recorded on the **Standard Form FS**. The **Standard Form FS** will be issued to a Project Affected farmer after the inspection of the crops and will constitute a **Contract Form** executed between the Valuer and the farmer. On these forms, details of the crops enumerated or counted are stated and authenticated by representatives of MoAIWD/ Ministry of Lands/ District Council, the Traditional Authorities and the farmers.

The inventory/ survey forms the basis for compensation of PAP/ PAH. In conjunction with compensation rates, the inventory determines the compensation entitlement for each impacted person / household.

8. VALUATION AND COMPENSATION

8.1. Valuation of Assets

This section describes the valuation approach and methodology used in the valuation of project affected assets. It also describes how the asset inventory was conducted in the Project induced areas by dam inundation, construction of infrastructure and installation of the pipeline.

8.1.1. Basis of Valuation Methods

The valuation of assets in this Project is based on national laws and World Bank resettlement policy OP4-12.

i. Malawi National and Local Provisions

There are a number of legal provisions in Malawi that govern compensation in the event that an affected person's assets are affected. Section 28 of the *Constitution of Malawi* provides that every person shall be able to acquire property and that having acquired that property; no person shall be arbitrarily deprived of the property. Section 44 (4) further states that expropriation of property shall be permissible only when done for public utility and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law.

The principal Act on Land Matters- *the Lands Act (Cap 57:01)* - provides that any person who suffers any disturbance of, or loss or damage to any interest which he had shall be paid compensation for such disturbance, loss or damage as is reasonable. Additionally, the *Land Acquisition Act (58:04)* Sections 9 and 10 provides the procedure for the assessment of fair compensation. It considers three steps as being necessary to arrive at a fair compensation, namely:

- 1) The consideration which the person entitled to the land paid in acquiring it;
- 2) The value of the unexhausted improvements to the land made at the expense of the person entitled thereto since the date of his acquisition thereof; and
- 3) Any other appreciation in the value of the land since the date of such acquisition.

The approved 2002 Malawi National Land Policy (4:12, 16) carries the spirit with which valuations have to be conducted especially on customary lands. In part it says that "land values shall be determined by open market procedures for customary lands acquired through compulsory acquisition by the government. It further notes that "the inadequacy of compensation is always the direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation".

ii. World Bank OP4-12

The World Bank requires best international practice in resettlement matters and expects the host government entity to apply World Bank's *Operational Policy (OP) 4:12* on involuntary resettlement to all activities under the Contract. The World Bank defines involuntary resettlement as embracing both physical as well as economic displacement arising due to project-related land acquisition and / or restrictions on land use.

The main objective of the *World Bank Operating Policy (4:12)* asserts that '*resettlement shall at least restore and, preferably, improve standards of living and the livelihoods of those households, families, extended families, and individuals who lose land, assets, or access to resources due to the implementation of a project*' (*Draft Resettlement Policy Framework 2010*).

Nonetheless, it is appreciated that the OP 4-12 take precedence in the case where national practices are below those of the World Bank. The OP 4-12 states that Replacement Cost as a rate of compensation for lost assets must be calculated as market value plus transaction costs. It further expects the Project to compensate affected people for loss of physical assets, revenue and income resulting from economic

displacement or physical relocation regardless of whether these losses are temporary or permanent. With regard to land and structures (buildings), the replacement cost is defined as follows:

- a. Agricultural land: The market value (MV) of land of equal productive potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes (MV + preparation cost + registration cost + transfer tax).
- b. Land in urban areas: The market value of the land of equal size and use, with similar or improved public facilities and services located in the vicinity of the affected land, plus the cost of any registration and transfer taxes (MV + registration cost + transfer tax).
- c. Household and public structures: the cost of purchasing or building a new structure, with an area and quality similar or better than those of the affected structure or of repairing a partially affected structure, including labour or contractors' fees and any registration and transfer taxes (Cost of building /purchasing + labour + registration fees + transfer taxes).

iii. Valuation Practice in Malawi

Valuation in Malawi is undertaken by Real Estate professionals registered under the *Land Economy Surveyors, Valuers, Estate Agents and Auctioneers' Act of 1989 (CAP:53.08)* of the laws of Malawi. They are themselves Members of the Surveyors Institute of Malawi (SIM). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council. As such, valuation of assets is done in accordance with Practice Statements and Guidance Notes published by the *International Valuation Standards Council (IVSC)*.

The IVSC (2009) defines Market Value as '*Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion*'.

8.2. Applied Valuation Methods

The most accurate and appropriate methods of valuation for land taken and improvements on the land acquired are Contractor and Comparison Methods.

i. Contractor Method

For the properties lost, as sales are rare if not non-existent in this area, the Contractor's Method was used. This method, alternatively known as the Cost Approach or Depreciated Replacement Cost (DRC), is used for properties for which there is no market or for which there is insufficient direct comparable market evidence. Costs of construction materials were assessed having considered factors such as construction material cost, labour and transportation. These costs were averaged to find cost per square metre of the buildings.

ii. Direct Comparison Method

This method compares the subject property with the prices obtained for other similar properties almost at the same point in time. That said, however, in rural areas where transactions are not registered, the valuer relied on information given by people in the area itself and elsewhere. The valuer, having considered the information obtained and as prevailing in some areas where similar assessments have been done recently has regarded it as satisfactory to base a decision on.

The Direct Comparison Method is the preferred method in the industry and is favoured by courts as in the case of *Re Wilson and State Electricity Commission of Victoria (1921)* whereby J Cussen states that:

“...a very common way to obtain value to owner is to base it upon, though not necessarily confine it to, the market price – that is, the price which a willing buyer would give to a willing seller who was desirous of getting rid of the property and had made his preparations accordingly”

Direct comparison is seen as the most preferred method as it can be compared against recent transactions, which provide the most accurate representation of market trends (*Redeam Pty Ltd v South Australian Land Commission (1977)*). Stephen J (*Riverbank Pty Ltd v Commonwealth 1074*) describes a direct comparison as ‘the conventional valuation technique’.

8.3. Valuation Methods Applied

8.3.1. Introduction

The Method used in valuing the assets affected is dependent on the use, type and market conditions of the asset. Based on the knowledge of the asset impacted by the project, the appropriate methods used in the valuation of the affected asset are Cost approach, Investment approach and Comparison approach. The following categories of assets will be affected:

- Loss of land
- Loss of structures/ buildings
- Loss of crops
- Loss of trees (fruits, exotic and natural)
- Loss of access /damage on cultural heritage sites/burial grounds
- Loss of livelihoods (businesses, farming, fishing, waged labour, access to resources).

Final valuation was done by certified valuers from MoL. Consultant worked closely with MoL team to compile the RAP and valuation database. For detailed information on methodology and principles followed please refer the database valuation report produced is attached as Annex 10.

8.3.2. Valuation for Loss of Land, Structures, Crops and Trees

i. Valuation for Loss of Structures

Considering that the area of impact of the Project is generally rural in nature where no structure is sold or bought, the Cost Approach to valuation was used for this RAP. The first step in this approach was to collect costs of materials having identified the types of structures impacted. The collection of costs was conducted in trading centres and at district headquarters of Lilongwe and Dedza districts on 21st January, 2015 It also involved meeting contractors in areas of potential impact. Through such a research, costs of materials, labour and transport of materials were obtained.

The cost of the structures was divided into three categories in order to simplify calculations. These categories were the main structure, the roof structure and the floor construction materials. These categories were mainly based on the material used, which determines the type of labour used and workmanship. This division simplified the valuation of assets with different combinations of materials. Adopted costs are shown in Table 26.

Table 26 Cost of structures

Materials	Unit Cost (MWK)
WALLS	
Grass/Reed	7,000
Unburnt brick and mud mortar	13,750
Burnt bricks & mud mortar	15,250
Burnt bricks & mud mortar plastered	24,000

Materials	Unit Cost (MWK)
Burnt bricks and cement mortar	26,250
Burnt bricks, cement mortar, and plastered	32,000
Timber	10,000
Plastic	150,000
Container	800,000
FLOOR	
Mud Floor	1,000
Cement Screed Floor	20,000
ROOF	
Thatch	1,500
Corrugated Iron Sheets	20,000

These unit costs were applied to structures of similar construction to find the gross replacement costs of the PAP structures.

ii. **Transport allowance**

This was determined as a percentage of the cost of the affected assets to assist the relocation process of the PAP. The assumption was made that the bigger the structure affected the higher is the cost of transporting of movable assets the PAP own. A percentage of the total value of the structure was added as transport cost (see entitlement matrix).

iii. **Valuation for Loss of Land**

Land values are derived by using two main methods of valuation –Sales Comparison and Income/Investment Method. These are market based valuation methods. The use of each one of these methods results in derivation of land market values. However, due to scarcity of market evidence on sales of customary land, the preferred method of valuation for the customary rural land has been Investment method. The valuation of commercial, retail and industrial property is always based on the primary method of valuation being an income based valuation method, rather than by the use of the direct comparison method (API, 1997). Despite the importance of agriculture to the Malawian economy, there has not been the same importance placed on the valuation of rural property based on the income potential and profit generation of this asset class compared to other income producing property sectors.

Profit based property sectors, such as the tourism and leisure sectors, as well as all businesses are valued by adopting an income method, which reflects the potential of the property, as well as the management ability of the current property owner / operator (Whipple, 1995; Fischer, 2002, API, 1997). It would be only on very rare instances that a valuer would value a hotel, resort or business -based property solely on the direct comparison method, as this method would not provide a value based on the actual income generated by the property. With such property sectors, value is not directly based on the size of the land and buildings or the construction and quality, but the income stream and the risk of maintaining that income stream.

A *rural property* is a property that has its value based on the level of productivity associated with the property in regards to location, soil type, climate and topography. The better these physical attributes combined with the management of these assets to produce income, the higher the value of the land (Eves, 1996, 2000, 2001). Although the location of the rural property will determine the general characteristics of a rural property and therefore the potential productivity, individual farmers within specific rural property markets can actually have considerable variations in both the commodity yields achieved from year to year and commodity prices received. These production variations also result in considerable differences in farm net profits across all farms in any one location.

As over 85% of Malawian land is under agriculture, it offers good reason to value rural unregistered customary but agricultural land using the income approach. This gives an objective approach in deriving land value. This approach considers the gross revenue less production costs, the result of which is capitalized at a market cap rate for a period of time. In deriving the values in our current situation, the crops grown in the district of impact were identified through the District profile documents and other research articles including the data from the Ministry of Agriculture’s Agri-economic Survey section, which provided the current prices of the crops on market. This helped to calculate the gross revenue and also the net revenue. Adopted costs are shown in Table 27.

Table 27 Production of major crops in southern districts of Lilongwe

Type of Crop	Production (in kg)
Maize	1,337
Cassava	13,123
Sweet Potato	11,860

For annual crops in the Project area, a two -year cyclic period was considered normal as good agricultural practice demands a rotation of type of crops after that period to avoid accumulation of pathogens. As of 2013 prime commercial and residential property sectors in cities registered yields ranging from 4.5% to 9%. Agricultural farm yields are expected to hover around 11% and 15% considering risks of climate change, poor farm management practices, topography and poor soils in other areas. Cap rates of 12% and 14% are considered therefore normal for the type of lands in the Project area.

Having considered the aforementioned factors and method, the land values in the project affected area was proposed to be MK 3,500,000 and MK 2,500,000 per hectare for Lilongwe and Dedza respectively (in rural areas under the customary land). For more detail please refer Annex 10 (Valuation report and database from MoL).

iv. Application of Land values

The values of MK 3,500,000 and MK 2,500,000 per hectare for Lilongwe and Dedza respectively per hectare for land was applied to all parcels of land along the main pipeline way-leave. Additionally, research that was conducted through The Lilongwe District council provided rates for farm activities. These rates were also applied or added to the total value obtained depending on the status of the land at the time of asset inventory.

v. Loss of crops

At the time of asset inventory most gardens were not planted with crops. The approach described below is provided for the damaged crops during the construction period. In the event that annual crops have been damaged, the calculation of amount payable would be based on the average market unit price of the crop over a period of the past three years multiplied by the highest annual yield in Kg and that multiplied by the land size on which it is grown. The market prices and yield per crop would be obtained from the Ministry of Agriculture.

vi. Loss of trees

For loss of trees along the way-leave, the Government Forestry Gazette of 2015 offered a basis for calculation of values.

vii. Loss of fruit trees

In the construction of rates for fruit trees, it was recognised that most of these fruits are for both consumption and commercial purposes. In practice to find the rates for fruit trees, consideration is given to the average market price per kilogram of the fruit, the average yield per tree per year, expected productive lifespan and the number of fruit trees being considered. All these variables are multiplied and to that product is added the average establishment (planting and caring) costs to arrive at a final commercial value of the fruit. This approach is used by almost all institutions in Malawi for fruit tree compensation purposes. The schedule of such rates was first constructed by the Directorate of

Agricultural Research Services of the Ministry of Agriculture. This schedule has been in use for some years now by Local Councils. Prices adopted are the highest that could be obtained in the market at the time of the research.

viii. **Loss of Access to Community Properties**

Impacted properties that belonged to the Communities were valued as given in Table 28.

Table 28 Valuation for the lost community property

Type of Community Property	Valuation Approach
Protected well	Cash compensation at replacement cost
Community land (school grounds)	Cash compensation at replacement cost
Church premises	Cash compensation at replacement cost
Market Building / Centre	Cash compensation at replacement cost
Graveyards and cultural heritage	To be relocated to another site.

9. Relocation Plan

9.1. Introduction

The structures falling within the dam inundation area and construction of the associated infrastructure will need to be relocated to outside the project areas. Sections below present the findings from the household level assessment carried out to ascertain:

- Land availability and site assessment for those losing structures;
- The relocation plan for all households; and
- Land availability for relocation of graveyards and community assets.

9.2. Land availability and Site Assessment

9.2.1. Land availability for homestead relocation

The census identified 859 PAP who would lose both homesteads/structures and land as a result of the Project. The District Councils have identified alternative plots of lands in the same or neighbouring villages to the affected people.

The analysis on the land availability trend shows that in Lilongwe district there are total of 30 villages with total affected land 33.32 ha affected that will require relocation. However, the districts and community leaders have identified 17 villages with total land available 30.45 ha. In Dedza district the number of affected villages is 27 with land affected 19.11 ha. So far the district council has identified 17 villages with land availability of 7.1 ha. In that context the requirement is still substantial in both district. In Lilongwe 13 villages with 2.32 ha and in Dedza district 10 villages with 12.01 ha is required.

In short the total affected land is 51 ha. The total available land is 37 ha equivalent to 72.5%. The deficit is 14.34 equivalent to 27.5%. The district councils are still on the process in search for available land to fill the requirement gap.

The analysis has noted that the Bisayi Trading Centre has been affected in a way that the shops will be relocated in four different villages. When compared the affected land size in Bisayi trading centre and the relocation sites there is variation of 1.77 ha.

Shortage of arable land in Malawi has been posing major bottlenecks for identification of relocation sites. It is anticipated that the process will be on going and the MoAIWD would provide support to the district councils to speed up the process. The Exit Survey will verify the identified alternative land to ensure that no PAP losing a structure will be left without alternate land. Affected and corresponding host villages are presented in Figure 15 and Table 29.

Table 29 Affected villages and relocation areas

District	TA	GVH	VH Affected	Affected Area (Ha)	VH Host	Available Land (Ha)	Land se Variance ³⁵	Distance from affected village (Km)
Lilongwe	Kalumbu	Mkute	Mkute	0.037	TBD	0	-0.037	TBD
Lilongwe	Kalumbu	Kalumbi	Kadzakatha	0.569	TBD	0	-0.569	TBD
Lilongwe	Kalumbu	Bisayi	Bisayi T/C	9.251	Multiple ³⁶	7.48	-1.771	1
Lilongwe	Kalumbu	Chingwenje	Chimbano	1.533	Chimbano	1.3	-0.233	0.5
Lilongwe	Kalumbu	Chingwenje	Chinkhuti	0.767	Chinkhuti	0.65	-0.117	0.5
Lilongwe	Kalumbu	Chingwenje	Savala	0.425	Savala	0.36	-0.065	0.5

³⁵ The gap in land availability against the affected land.

³⁶ Bisayi Trading Center will be relocating to four villages namely: Chikhawo(2.6ha); Mkuku (0.45ha); Bisayi 3.54(ha) and Gomboni(0.26ha)

District	TA	GVH	VH Affected	Affected Area (Ha)	VH Host	Available Land (Ha)	Land se Variance ³⁵	Distance from affected village (Km)
Lilongwe	Kalumbu	Chingwenje	Marioti	0.731	Marioti	0.62	-0.111	0.5
Lilongwe	Kalumbu	Chingwenje	Manase	0.92	Manase	0.78	-0.14	0.5
Lilongwe	Kalumbu	Chingwenje	Chingwenje	2.111	Chingwenje	1.79	-0.321	0.5
Lilongwe	Kalumbu	Chiphazi	Chiphazi	1.391	TBD	0	-1.391	TBD
Lilongwe	Kalumbu	Chiphazi	Chikhuwa	0.488	TBD	0	-0.488	TBD
Lilongwe	Kalumbu	Mkomba	Mchiteni	0.146	TBD	0	-0.146	TBD
Lilongwe	Kalumbu	Mwachilolo	Mpasu	1.107	Mpasu	1.17	0.063	0.5
Lilongwe	Kalumbu	Chinziri	Kumkama	0.983	Kumkama	2.28	1.297	1
Lilongwe	Kalumbu	Mwachilolo	Mbonongo	1.233	Mpasu	1.96	0.727	0.5
Lilongwe	Kalumbu	Mwachilolo	Kaphwereza	1.624	Mwachilolo	2.3	0.676	1
Lilongwe	Kalumbu	Chingwenje	Kaluchi	0.728	TBD	0	-0.728	TBD
Lilongwe	Kalumbu	Chiphazi	Mtengo	0.923	TBD	0	-0.923	TBD
Lilongwe	Mazengera	Chinziri	Msodoka	0.64	TBD	0	-0.64	TBD
Lilongwe	Mazengera	Chinziri	Chimbowa	0.722	Chimbowa	1.08	0.358	1
Lilongwe	Mazengera	Chinziri	Kamakhala	0.831	TBD	0	-0.831	TBD
Lilongwe	Mazengera	Chinziri	Kumkama	1.059	Kumkama	2.28	1.221	1
Lilongwe	Mazengera	Chinziri	Mtenthama wa	0.836	Mtenthama wa	1.71	0.874	1
Lilongwe	Mazengera	Chinziri	Kalumbi	0.372	Kalumbi	1.95	1.578	0.5
Lilongwe	Mazengera	Chinziri	Mtsirizika	2.118	Mtsirizika	0.77	-1.348	0.5
Lilongwe	Mazengera	Mthiko	Bokonela	0.262	TBD	0	-0.262	TBD
Lilongwe	Mazengera	Mthiko	Chindeya	0.062	TBD	0	-0.062	TBD
Lilongwe	Mazengera	Mthiko	Kanthukena	0.049	TBD	0	-0.049	TBD
Lilongwe	Mazengera	Mthiko	Mdzinga	0.622	TBD	0	-0.622	TBD
Lilongwe	Mazengera	Chinziri	Msonga	0.78	Kumkama	1.97	1.19	1
Total in Lilongwe District			30	33.32		30.45	-2.87	
Dedza	Chilikumwendodo	Chilikumwendodo	Chilikumwendodo	0.476	TBD	0	-0.476	TBD
Dedza	Kaphuka	Ntanthira I	Ntanthira I	0.143	Ntanthira I	0.06	-0.083	0.5
Dedza	Kaphuka	Chiothera	Kawerenga	5.692	Kawerenga	0	-5.692	TBD
Dedza	Kaphuka	Chiothera	Napulu Nswaswa	0.713	Galanga	0.94	0.227	1
Dedza	Kaphuka	Bonya	Bonya	0.076	Chagwira		-0.076	1
Dedza	Kaphuka	Chisela	Mjondo	0.068	TBD	0	-0.068	TBD
Dedza	Kaphuka	Kwendekeza	Mkhaladzulu	1.273	Mkhaladzulu	0.57	-0.703	1
Dedza	Kaphuka	Kwendekeza	Khumbiza	0.493	Khumbiza	0.2	-0.293	1
Dedza	Kaphuka	Kwendekeza	Galanga Msunduzi	0.038	Galanga Msunduzi	0.97	0.932	1
Dedza	Kaphuka	Kwendekeza	Kwendekeza	0.2	Kwendekeza	0	-0.2	1
Dedza	Kaphuka	Kwendekeza	Lumbe	0.022	TBD	0	-0.022	TBD
Dedza	Kaphuka	Kwendekeza	Ndingo	0.95	Ndingo	0.37	-0.58	0.5
Dedza	Kaphuka	Chaponda	Ngongonda	0.068	TBD	0	-0.068	TBD
Dedza	Kaphuka	Chaponda	Fred	0.342	Fred	0.33	-0.012	0.5

District	TA	GVH	VH Affected	Affected Area (Ha)	VH Host	Available Land (Ha)	Land se Variance ³⁵	Distance from affected village (Km)
Dedza	Kaphuka	Chaponda	Njati	0.389	Kaguka	0.66	0.271	1
Dedza	Kaphuka	Chaponda	Bikinosi	0.222	Kaguka	0.36	0.138	1
Dedza	Kaphuka	Mtontho	Mtontho	0.165	TBD	0	-0.165	TBD
Dedza	Kaphuka	Mtontho	Chidothi	0.061	TBD	0	-0.061	TBD
Dedza	Kaphuka	Mtontho	Kambwata	0.509	Paulosi	0.53	0.021	1
Dedza	Kaphuka	Mtontho	Malika	0.703	TBD	0	-0.703	TBD
Dedza	Kaphuka	Makoko	Makoko	0.237	TBD	0	-0.237	TBD
Dedza	Kaphuka	Makoko	Mbalame	0.994	TBD	0	-0.994	TBD
Dedza	Kaphuka	Makoko	Chaimedi	0.32	Makoko	0.14	-0.18	1
Dedza	Kaphuka	Makoko	Kumtamba	0.672	Potolani	0.37	-0.302	1
Dedza	Kaphuka	Makoko	Potolani	0.14	TBD	0	-0.14	TBD
Dedza	Kaphuka	Makoko	Paulosi	0.637	Paulosi	0.49	-0.147	0.5
Dedza	Kaphuka	Makoko	Sitalichi	3.51	Sitalichi	1.11	-2.4	0.5
Total in Dedza District			27	19.112		7.1	-12.012	
TOTAL			57	51.886		37.55	-14.336	

9.2.2. Land availability for relocation of cultural heritage sites /graveyards

The proposed dam development works may lead to destruction of the identified archaeological and cultural heritage sites and some graves. These, however, do not have economic value at the moment but only cultural and scientific values. This RAP gives provision for archaeological excavations prior to the dam construction so as to protect the cultural and scientific information. Sub surface screening was conducted to assess the nature and extent of these sites. The assessment reported 16 graveyards and *Dambwes* will be inundated by the dam. In that regards, the district councils worked out with the traditional leaders to identify relocation areas for the graveyards. Table 30 below presents the list of affected graveyards and the attentive relocation sites as identified. Due to the sensitive nature of the cultural heritage sites the district councils and traditional leaders are still working on the ground to find out new sites for the remaining four graveyards.

Table 30 Affected graveyards and relocation areas

S/N	District	TA Name	GVH Name	Name	Relocation Name
1	Dedza	Kaphuka	Kangulu	Kangulu	Kangulu
2	Dedza	Kaphuka	Kawerenga	Tsalakunja	Tsalakunja
3	Dedza	Kaphuka	Kawerenga	Kawerenga	Kawerenga
4	Dedza	Kaphuka	Kawerenga	Bonya	Bonya
5	Dedza	Kaphuka	Kwendekeza	Mkhaladzulu	Mkhaladzulu
6	Dedza	Kaphuka	Chisela	Bengo	TBD
7	Dedza	Kaphuka	Chisela	Bengo	TBD
8	Dedza	Kaphuka	Ndingo	Ndingo graveyards	TBD
9	Dedza	Kaphuka	Chimamba	Ntathira	Ntanthira
10	Lilongwe	Kalumbu	Chingwenje	Salima Ndinda	Salima Ndinda
11	Lilongwe	Kalumbu	Nyamazani	Mkute	Nkute
12	Lilongwe	Kalumbu	Mwachilolo	Mpasu (reprosy)	TBD
13	Lilongwe	kalumbu	Mwachilolo	Mbonongo	Mbonongo

S/N	District	TA Name	GVH Name	Name	Relocation Name
14	Lilongwe	Kalumbu	Mwachilolo	Kaphwereza	Kamphwereza
15	Lilongwe	Mazengeru	Chinzili	Kumkama	Kunkama
16	Lilongwe	Kalumbu	Malenya	Mnombwa (Senya graveyard)	Mnombwa (Senya graveyard)

9.3. Features of Relocation Sites and Challenges

i. Access to facilities

Identified relocation sites are generally within or near the same villages. The consultative meetings held with host villages indicated that PAP would not be unduly inconvenienced in accessing their current services and amenities, and would have opportunities to purchase crop land. It is anticipated that PAP would continue to use their current schools and health facilities (Please see Figure 15 showing accessibility to the services map from new relocation areas).

ii. Shortage of social facilities

However, most PAP commented that they will face difficulties in accessing water facilities, which are currently already difficult to access. Concerns were raised with the capacity of host community borehole water to support additional people and livestock. Concerns were also raised with regard to the availability and suitability of farmland and implications for long term food security. It is recommended that MoAIWD addresses potential water issues as part of the relocation program (Figure 9.1).

iii. Conflict over resources:

It is estimated that relocation of up to 3853 people will compete for resources currently being utilised, with the potential to create conflict. PAP in the infrastructure area will need to relocate relatively quickly, while PAP in the inundation area will have a marginally longer period to relocate. People immediately downstream of the construction area may be adversely affected by disruption to normal river flows and water quality impacts. Proposed mitigation includes an extensive tree planting program around the dam perimeter and provision of water to individual farms for irrigation and livestock use. Mitigation measures will also be implemented to minimise potential for river sedimentation and flow disruptions.

iv. Land market

The project will trigger a land market in the area that is currently non-existent nor practiced within family connections. Speculators are likely to invade the area to capitalise on new opportunities in land values and farming. Land use changes such as residential housing and commercial development could replace existing agricultural use of land. It is recommended that the executing agency and other government agencies put in place measures to protect agricultural land and potential speculator developments. Provisions in the new Constitution pertaining to land use planning and environment will need to be expounded and implemented to protect current land uses and livelihoods. A detailed study in this respect is recommended so that Government can make informed decisions in regulating the agriculture land market.

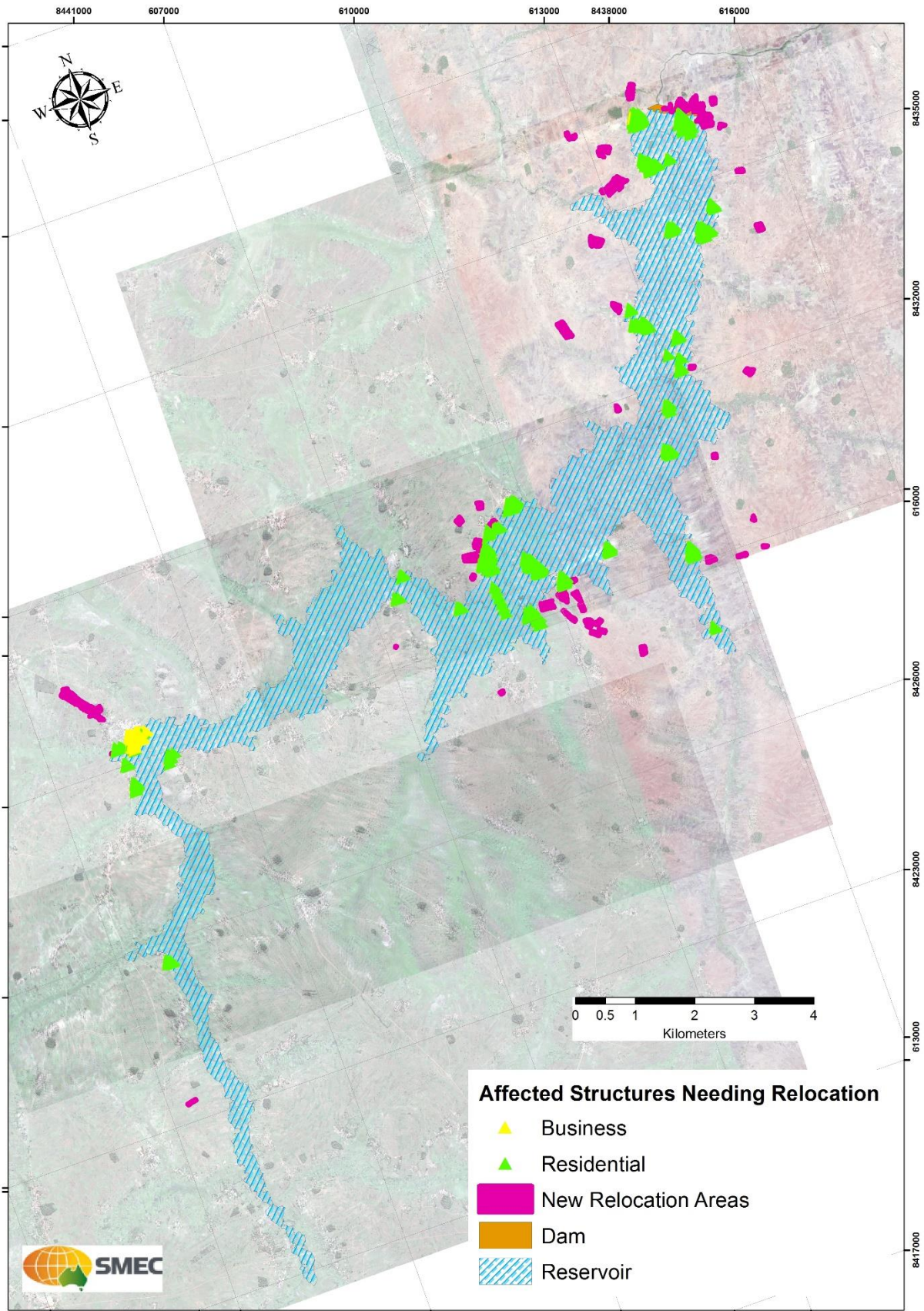


Figure 15 Affected structures and Relocation areas

9.4. Process of Relocation

The proposed process for relocating PAP is as follows:

- 1) Those losing main dwelling structure and opting for in-kind compensation. There is therefore a requirement to have replacement habitable structures ready before relocation.
- 2) Those losing main dwelling structure and opting for self-relocation. These are PAP who choose to take cash compensation and building their own house in a location of their choice.
- 3) Those losing ancillary support structures such as toilets, kitchens and kraals. These PAP will be paid cash compensation.

Table 31 below indicates the step wise process of relocation along with responsible agency and timelines.

Table 31 Relocation plan

Step No.	Activity	Timeline (to be completed within)	Responsibility	Support Agency
For PAP opting for Cash				
1	Ensure PAP have received compensation and allowances.	3 months from start of RAP implementation	RAP Implementation Agency	MoAIWD, Districts Councils, Department of Physical Planning, MoL, NGOs
2	Conduct meetings with PAP to ensure follow up actions, particularly those without alternate land.		RAP Implementation Agency	MoAIWD, Districts Councils, Department of Physical Planning, MoL, NGOs
3	Identify and provide alternative land for those not having land.	3 weeks from above	District Administration/ RAP Implementation Agency	MoAIWD, Districts Councils, Department of Physical Planning, MoL, NGOs
4	Indicate date of dismantling and relocating.	4 weeks from above	RAP Implementation Agency	MoAIWD, Districts Councils, Department of Physical Planning, MoL, NGOs
5	Provide support in leveling of land as required.			
6	Supervise progress on self-construction and report on progress.			
7	Provide support to PAP on a case by case basis.	Within this period	RAP Implementation Agency	MoAIWD, Districts Councils, Department of Physical Planning, MoL, NGOs

8	Complete the process of relocation for all PAP opting for Cash.	Total months from start)	2-3 from	RAP Implementation Agency MoAIWD, Districts Councils, Department of Physical Planning, MoL, NGOs
For PAP opting for Alternate House – if any.				
1	Ensure PAP have received all due compensation and allowances.	1 week from start of RAP implementation	RAP Implementation Agency	MoAIWD, Districts Councils,
2	Conduct meeting with PAP to ensure follow up actions, particularly those without alternate land.		RAP Implementation Agency	Department of Physical Planning,
3	Identify and provide alternative land for those not having land.	3 weeks from above	District Administration/ RAP IA	MoL, NGOs Department of Physical Planning, MoL, NGOs
4	Contractor checks site and commence works on construction of replacement houses.	Within 15 days	Contractor	MoAIWD, Districts Councils,
5	Inform PAP of alternate site and date of commencement of construction.	Within 1 week	RAP Implementation Agency	Department of Physical Planning,
6	Commencement of Works by Contractor	Within three months from above	Contractor	MoL, NGOs
7	Supervision of Works to report progress	Periodic	RAP IA (Civil Engineer)	MoAIWD, Districts Councils,
8	Provide Support to Vulnerable PAP on a case by case basis		RAP IA	Department of Physical Planning,
9	Complete the process of relocation for all PAP opting for Cash (either having or not having alternate land)	Total 6 months from start	RAP Implementation Agency/Contract or	MoL, NGOs MoAIWD, Districts Councils, Department of Physical Planning,
10	The lease will be jointly owned by both spouses as only option.		District Administration, MoAIWD	RAP /IA Agency

It will be important to manage the relocation process in accordance with the proposed timeline, as any delays are likely to: i) cause problems for safe storage of personal belongings during PAP relocation and ii) might require provision of interim accommodation. To facilitate the process, the following aspects would be taken into consideration:

- Ensure that PAP have seen the resettlement site and preferably the exact plot / house that has been allotted.

- The period between dismantling and salvaging of house materials and shifting to resettlement sites, should be minimised to the extent possible.
- Vulnerable PAP, particularly females and elderly people would be provided with extra care and support as necessary.
- PAP have appropriate assistance to pack their belongings and are ready to move in the allocated timeframe.
- The process of shifting should be i) completed in the minimum time possible and ii) avoided during the rainy period. PAP would be allowed to take with them personal belongings and all salvageable items such as house construction materials, and personal belongings.
- PAP relocation recodes be maintained, as detailed in Table 32.

Table 32 Template for recording details of relocation

Details of relocation									
<i>Name of the VH, GVH</i>	<i>List of members in the PAH (beginning with name of PAP)</i>	<i>Status of Vulnerability of Head of HH</i>	<i>Sex</i>	<i>Age</i>	<i>Date of shifting to new site location</i>	<i>Name and Location of the Resettlement site or area to which PAP are shifting</i>	<i>Shifting done by self or need help as vulnerable</i>	<i>Start date and End date</i>	<i>Remarks</i>

The records in the above format would be kept by the RAP implementation agency, which would supervise the relocation process. It would produce short progress updates on the shifting process, periodic updates on the perceptions, complaints of the PAP, if any, on their new house and new location (in case of project aided relocation) or only new location (in case of self-relocation).

10. Livelihood & Income Restoration Plan

10.1. Introduction

The purpose of developing a Livelihood and Income Restoration Plan (LRP) at this stage of RAP development is to outline the framework for mitigating and restoring livelihoods of project-affected communities as early as possible. This will allow for effective disclosure to key stakeholders, and subsequent feedback prior to project approval and commencement. The LRP includes livelihood enhancement initiatives, which will assist Project affected persons / households to re-establish their livelihoods or create new ones.

This LRP has been prepared in accordance with the Constitution of Malawi, world bank safeguards policy OP 4:12 on Land Acquisition and Involuntary Resettlement (January 2012) and the African Development Bank's Involuntary Resettlement Policy (November 2003).

10.2. LRP Aims and Program Identification

The LRP aims to enable PAP to fully restore their livelihoods and improve living standards through:

- Capacity building for more profitable and sustainable use of livelihood assets; and
- Development of alternative livelihood resources and initiatives.

Livelihood restoration programs contain subsidies to be used against investments related to the respective program. Subsidies will be determined by MoAIWD based on the Exit Survey results and, where necessary, supplemented by micro-credit schemes.

Based on a needs assessment the LRP targets the following:

- Financial Literacy Training;
- Small Scale irrigation / agricultural Assistance Program;
- Fisheries Development Program;
- Skills Training and Employment Program;
- Entrepreneurship Development Program:
 - Micro, small and medium enterprises development;
 - Micro business (art and craft, agro food processing skills, beekeeping); and
 - Tourism and Agro-forestry business.
- Replacement of lost access to water and irrigated land resources:
 - Provision of water supply for livestock;
 - Provision of water systems for small scale irrigated horticulture during dry season; and
 - Provision of piped water for domestic use.

Livelihood restoration programs are further detailed in subsequent sections.

10.3. Approaches to Livelihood Restoration Programs

10.3.1. Program Preparation and Implementation

Dedza and Lilongwe districts have demonstrated their intent to take the lead in preparing and implementing livelihood restoration programs. Programs will be implemented by technical staff with the support of capable NGOs operating in the respective districts. The final details with regard to allocation of tasks to individual officers will be set immediately after project approval, through

cooperation of PMU (livelihood restoration officers) and the two districts. Skill Based Groups will be established as the framework for delivering livelihood programs for up to three years. Livelihood activities have been included the RAP budget.

10.3.2. Baseline Influencing Factors

Livelihood restoration programs are tailored to existing baseline conditions and consider project impacts on PAP livelihoods. Baseline conditions in and around the Project area are characterised by the function of villages as economic hubs in a predominantly rural area. These economies are based on numerous small businesses and markets for agricultural products from the wider area.

Consequently, Livelihood restoration programs will focus on capacity building for:

- Small business development, including strengthening skill sets for the restoration of affected businesses, as well as skills diversification for developing alternative and supplementary livelihood opportunities. This will be particularly important to those farming PAP who lose all or the majority of their productive landholdings, especially dambo land.
- Improved agricultural sustainability and productivity, particularly for those PAP who have or intend to purchase sufficient land to maintain a sustainable livelihood.

Determining factors for developing suitable livelihood restoration programs are:

- i. **Eligibility:** Entitlements to livelihood restoration are presented in the Entitlement Matrix. Eligibility criteria include:
 - Loss of total arable land;
 - Loss of business that cannot be re-established;
 - Loss of agricultural land or access to agricultural land;
 - Loss of employment that cannot be re-established; and
 - Vulnerable people due to physical, mental, health, economic and social challenges.
- ii. **Exit Survey for Livelihood Restoration Program:** MoAIWD will manage exit surveys, which will be carried out by officials from DCDOs in Lilongwe and Dedza, DSWOs and official valuers of the land offices of Dedza and Lilongwe districts. The aim of the exit survey is to confirm the results of the census surveys, validate expected losses and to determine the numbers of PAP losing specific livelihoods and income, such as farmers losing high productivity dambo with no alternative land, fishers and fish mongers, people losing business and vulnerable groups. The survey will also assess the diversification needs for PAP who will find it difficult to restore their livelihood.
Agreement of the respective affected PAP to the exit survey documentation and the resulting determination of compensation will be officially documented in the livelihood agreement form. These services will be provided by district officers and by LRP –RLIA (see details in Exit Survey Section).

10.4. Descriptions of the Livelihood Restoration Programs

10.4.1. Provision of Financial Literacy Program (FLP)

- i. **Financial Literacy Program (FLP):** This will include:
 - A series of money management training sessions provided to all PAP. The course will be designed to help PAP in judicious use of compensation payments and in support of restoring affected livelihoods.
 - Strategic cash management training and advisory support services provided to all PAP. Investment experts will be invited to work with the community development officers from the

affected districts to speak about the various investment and interest bearing instruments available for them to consider. As part of the training program, people who have received and properly invested cash compensations from other project/companies (e.g. CWP/COMSSIP) will be invited to share both positive and negative experiences and to advise PAP on prudent cash management.

- Providing assistance with the post-payment period in order to secure the compensation money and reduce risks of misuse/robbery.
- Providing *Financial Literacy* training for guiding and encouraging use of banking services. The Payment Agent will provide follow-up training on financial products and handling of compensation payments. Relevant courses include: Identifying Values and Creating Financial Goals; Tracking and Managing Income vs. Expenses; Managing Your Debt; Understanding Credit; Using Financial Institutions and Building Consumer Skills.

ii. **Training Approach**

Community sensitisation will be undertaken to ensure that PAP are aware of available training programs and to encourage their participation. Training details will be provided during the Exit surveys and, where necessary, further promoted through the various media outlets such as newspapers and radio. Suitable training materials will be developed, which will be distributed to PAP during face to face training sessions.

iii. **Targeted groups**

The Financial Literacy training will be offered to all 6015 PAP across two (2) districts affected by the Project. Given the large number of people involved the training will be clustered at GVH or TA.

The program planners will work out and establish a unit of focus. However, it is recommended that the trainings be done at GVH levels. A precaution will be taken to avoid people travelling long distances and training centers therefore the venue and arrangements will be decided accordingly.

Budget estimate for the FLT is USD \$ 388,552

10.4.2. Agricultural Assistance Program (AAP)

The Agricultural Assistance Program (AAP) will provide agricultural extension assistance to farmers affected by land acquisition. The goal of the AAP is to help re-establish or exceed pre- Project levels of crop productivity and to enable farmers affected by the project to have access to alternative farming land.

i. **The Process**

The program will begin with the registration of eligible and interested farmers identified during the Exit survey. This will consist of verifying whether their farms have been affected and compensated for, and whether they still have access to land to farm on. The following steps will be followed:

Stage 1: Crop Compensation Verification: Eligible farmers will be identified through crop compensation records including *Standard Form* and compensation receipts.

Stage 2: Land Compensation Verification: Farmers who lose land will be asked if they wish to continue farming and therefore wish to be found alternative land to farm. Those who still have enough land to farm but are interested in raising productivity will also be identified.

Stage 3: Land Access Claim Verification: After registering, the LAC will verify the location and vegetative cover of the land and the farmer will receive the land clearance payment in accordance with the set rates. Land access assessments will consider local knowledge of agricultural practices, customary land practices, and familial ownership. All registered farmers must demonstrate that they have access to land before receiving agricultural assistance.

ii. Program Components

All compensated farmers who continue to farm will have access to agricultural assistance. The AAP will offer business planning and a variety of agricultural assistance packages such as standard field inputs and extension services based on the need and capacity of the farmer. The agricultural inputs will increase productivity of land through planting of certified crops and application of farm technologies over the near term. The agricultural training and extension services will focus on improving agricultural techniques of farmers, which will improve the long-term productivity of the area.

Farmer Training Program: All compensated farmers will be provided with training and offered the opportunity to review details of the Program and prepare a Preliminary Agricultural Business Plan, which will detail required inputs, anticipated returns, possible extension services and a timeline for agricultural production. The Preliminary Business Plan will include an initial assessment of food security and current land use rights over cash crop farms. Once the Preliminary Business Plan and training is complete, and subject to approval, MoAIWD will provide agricultural input packages for compensated farmers.

Farm Business Planning: In conjunction with AAP experts and MOFA training officers, the following criteria will be used to select preferred candidates for intensive business plan training:

- Candidate farming cash crops greater than two acres (0.8 ha); and
- Candidate must display interest in farming practices.

Intensive business plan training will be provided to selected candidates over four sessions of four hours each in groups of between 10 and 25. The four sessions will cover the following business plan training topics:

- Farm record keeping;
- Money and financial management training;
- Marketing; and Budgeting.

Land Access Assistance: MoAIWD and Dedza and Lilongwe district Councils will facilitate the provision of access to farming land to all farmers who have been affected by land acquisition but wish to continue their farming activity. The Dam Development Committees have already identified possible locations on land in the neighbouring villages, which could become alternative farmland.

Budget estimate for the AAP is USD \$ 242,845

10.4.3. The Fishers Development Program (FDP)

Artisanal fishers in the Project area, which provide most of the fish consumed locally, are constrained by an unfavourable environment, namely a steady decline in fish, the lack of fish processing space, poor market infrastructure and equipment, and difficult access during the rainy season. The traditional canoe and other labour-intensive rudimentary equipment deliver few fish per man-hour. Apart from the above constraints, fishermen will now also lose fishing grounds as a result of the Project.

The design of the Fishers Development Program (FDP) is based on a participatory needs assessment undertaken during in the course of preparing the LRP. It draws on the experience and fishing techniques of the indigenous fishers. The design also builds on the experiences and lessons drawn from Artisanal Fisheries Project financed by African Development Bank (AfDB) in other jurisdictions.

In order to restore and enhance the livelihoods of those involved in fishing and its related activities, MoAIWD will introduce the FDP. The program seeks to restore the livelihood of fishers by providing a favourable environment for sustainable fish production. This will be achieved through provision of improved fishing technologies and promotion of fish marketing. The project includes measures to address problems of fish landing and preservation by facilitating access to credit for improved boats, gear, fish preservation/processing, transport and marketing.

i. Target Beneficiaries

The target group for the FDP is fishers and their dependents in 17 GVHs. The Census identified 37 permanent fishers and an unknown number of part-time fishers in the Project area. However, during community consultation meetings some participants indicated their expectations to be engaged in fishing activities after dam construction. Due to the current high rate of unemployment (the census survey identified 9491 unemployed people in the project area) it is anticipated that there will be significant interest in fishing opportunities and ancillary service support industries, such as equipment suppliers and market stall operators.

ii. Project Component

Credit facilities

MoAIWD will explore the possibility of encouraging rural banks and microfinance institutions to offer credit to fishers. The credit component of the program is geared towards supporting fishermen to procure better and more efficient fishing boats and equipment, and also to provide credit to fish processors, traders and for other income generating activities to improve their activities and earnings. Entrepreneurs and traders can use the credit to establish refrigerators or cold stores and working capital needs. Fish traders will gain access to credit to purchase dryers and refrigerators or insulated holding facilities for fish and ice.

Fisheries Extension Support: The project will liaise with the Ministry of Agriculture irrigation & water development (MoAIWD) and Fisheries Department to provide advisory and technical support to fishermen. Attention will be given to modern and improved fishing techniques, fish preservation and marketing, and management and disposal of unsold stock.

Training and Capacity Building: The training and capacity building components are aimed at organising fishers into cooperatives / groups and to build human capacity through training in relevant disciplines to take advantage of the benefits and facilities made available by the project. Fishermen will also be trained in health and safety issues in fishing as well as marine environment protection.

Budget estimated for the FDP is USD \$ 48,568.99

10.4.4. Skills Training and Employment Program (STEP)

Employment opportunities are rare in the Project area and there are high expectations of employment opportunities during dam and associated infrastructure construction. Surveys revealed that some PAP have skills in bricklaying, welding, carpentry, mechanic, electrical works, etc. and some have experience working as guards (SIA 2016). It is therefore important that these PAP be given preference for temporary or short-term project-related employment. The Construction contractor will be required to give preference to persons from the local area for unskilled or semi-skilled work such as guards at camp sites, daily labour, drivers, masonry works and other site clearance works. In order to avoid any dissent or conflict between PAP and non-PAP, it is recommended that the MoAIWD ensure that the contractor is committed to employing as many local people as possible at all stages of the Project.

To this end, the contractor will introduce a proactive local recruitment policy, with a complementary skills training program for technical and managerial staff as well as unskilled labour, semi-skilled labour and craft, apprentice or artisan labour. Those whose livelihoods have been affected by the project, and who have not chosen to restart farming or fishing operations on alternative land / new fish landing sites will be able to apply for skills training to help them try to gain employment either at the Project, its clients or in other industries / businesses. Components of the program are presented below:

Establishment of an Employment Agency: The MoAIWD will facilitate the establishment of a community-led sustainable Employment Agency to identify people from the community and the Districts (Dedza and Lilongwe) as candidates for employment. The MoAIWD will then solicit applications from interested locals who will be asked to obtain verification from their respective community leaders that they indeed come from the community.

Recruitment of Unskilled Labour: Once established, the Employment Agency will recruit a pool of local people to meet unskilled labour requirements. All applications will be screened to ensure that they come from the Project area, have some basic skills or are capable of being trained for employment. Applicants will be verified and short-listed based on the quota system. These verified, short-listed local applicants would then be enrolled in a work-orientation training program. Successful graduates of this program will form the unskilled labour pool, and will be offered employment by the MoAIWD and contractors on an as-needed basis. MoAIWD and the districts (Dedza and Lilongwe) will maintain comprehensive data on each and every member of the unskilled labour pool, including training and work performance results.

Recruitment of Semi-Skilled Labour: The Employment Agency will identify local people to fill semi-skilled positions, in such area as steel work, concrete work, welding, pipefitting / mechanical, millwright, electrical and administration. The Agency will define relevant pre-requisites for these positions and identify potential candidates within the unskilled labour pool, ensuring balanced representation across local communities. Potential candidates will be provided with a semi-skilled pre-employment training program. These positions will involve further on-the-job training.

Training of Craft, Apprentice and Artisan Labour³⁷: Prior to operations start-up, the MoAIWD may collaborate with technical and vocational training institutions in the districts to provide tailored training in the areas such as welding, pipefitting / mechanical, millwright and electrical work. Under this arrangement, MoAIWD will provide the training materials required and pay for students’ fees. Candidates for these programs will be sourced from those among the semiskilled group that achieve the first-year apprentice equivalent standard.

The training institutions identified in the Dedza and Lilongwe Districts for possible collaboration are Malawi College of Forestry (Dedza), SOS Village Tehnical College (Lilongwe), Lilongwe Technical College, Don Bosco Technical College. Table 33 presents a summary of some of the courses being offered by these institutions:

Table 33: Courses offered at Technical Institutions in the District

INSTITUTION	COURSES OFFERED	DISTANCE to Project Communities
Malawi College of Forestry	Forestry, Bee Keeping, Soil and Water Conservation.	45 km
Lilongwe -SOS Village Technical College	Carpentry and Joinery, Electrical installation, Brick Laying, Dressmaking, Hotel and catering Cookery and Information Technology.	48 km
Lilongwe Technical College	Motor vehicle mechanics, Panel Beating and Spray Painting, Electrical Installation, Plumbing, Refrigeration and Air conditioning, Welding and Fabrication, General Fitting, Carpentry and Joinery	52 km
Don Bosco Technical College	Construction -Brick laying, Carpentry & Joinery FAB: Tailoring, Arts, Beauty, Decoration, Saloon Hotel & catering, Electrical Accountancy Auto Mechanics Information Technology	58 km

Source: RAP Institutional Survey, SMEC, 2016

Budget estimated for the STEP is USD \$ 48,569

³⁷ The costs for courses offered by the vocational institutes mentioned in table range between 10,000Mkw and 86,000Mkw per semester course.

10.4.5. Entrepreneurship Development Program (EDP)

Following provision of Compensation Agreement, the Agency contracted to provide training on Financial Literacy, the RAP Payment agent and RAP Implementation Agency would advise / guide PAP to invest in time deposit schemes offered by formal financial institutions as these are secure instruments for investment with guaranteed returns. They would help them inform them of the prevalent interest that range from 10% to 14.63%.

MoAIWD may also facilitate the provision of business development support services to local MSMEs and associations. The goal is to strategically provide time-bound business support to self-employment undertakings, aiming to grow them into viable and sustainable business / enterprise. The various components under this strand are explained below:

- Tourism including art and craft, traditional dancing and entertainment and tours to heritage sites.
- Small scale industries such as agro-food processing and making detergents.
- Agroforestry businesses such as bee keeping.

Budget estimated for the EDP is USD\$ 97,138

10.4.6. Promoting Micro, Small and Medium Enterprises / Associations

Existing groups of Micro, Small and Medium Enterprises (MSMEs) will be strengthened and new ones will be assisted to register their businesses at District Council or with the Department of Cooperatives. In order to help overcome the disadvantage of being small, scattered and disorganised, District Councils (through the Community Development Departments) will assist MoAIWD to facilitate the formation of networks and Producers' Associations. This is intended to promote entrepreneurship in general and create awareness on the advantages of building partnerships.

i. Training Program

MSMEs and start-ups will be provided with the relevant professional and technical skills training required to successfully grow and manage their businesses. Courses such as leadership skills, decision-making process, financial and business management and basic marketing strategies will be part of the training program. The program will also provide target beneficiaries with information, and where necessary, facilitate the access to credit facilities and improved access to service providers.

ii. Local Procurement Strategy

MoAIWD will pursue a targeted approach to identifying and awarding contracts to local MSMEs to provide goods and services to the company and its contractors through the following means:

MSME Capacity building: MoAIWD in collaboration with the districts will work on launching the 'Business Network', which will provide access to a single point of information about procurement opportunities and standard documentation. As part of this program, a quarterly industry day will be organised for local businesses to display their services and products and build business networks. By building the capacity of local MSMEs, they are better positioned to win contracts on a competitive basis with MoAIWD and the project contractors in the Project area.

Institutional capacity building: Strengthening a local business association and service provider to address the lack or very low availability of business support services to the business community in the Project area. MoAIWD can support in encouraging the project implementers to procure goods from MSMEs e.g. seedlings for trees planting in the Buffer Zone.

MSME sensitisation: Local MSMEs and potential suppliers will be educated on the client's standards of doing business. Through an independent agency, MoAIWD and Districts will actively promote the business opportunities the company can offer local MSMEs by assisting them to become legally

compliant suppliers, guiding them in making bids and providing feedback to those that fail to get a contract with the company. Training, technical assistance and one-on-one mentoring will be provided for selected MSMEs to build their capacity.

Establishment and Validation of MSME Database: A database of MSMEs interested in supplying services and procuring contracts will be established, specifying whether or not they are a local company. This database will be available for public access and will be the first source to generate a bidders list at any bidding process for MSMEs. Dam Committees, District Councils and other Community Leaders will play an active role in validating and vouching for a prospective MSME as being local. MSMEs will be given sufficient information on bidding and tendering requirements to allow them to develop the appropriate skills and capabilities to compete for contracts.

MoAIWD will share this database with other project developers in the central region by uploading the directory of MSMEs in the area in the MoAIWD's website. The LRP implementing NGOs will conduct detailed needs assessments to confirm the existing experiences and capabilities in provision of goods and services. Examples of some of the goods and services that can potentially be procured by local MSMEs are presented in Table 34.

Table 34 Examples of good and services that might be procured by local MSMES

Sector	Service/Goods
Petty Trade	Paints, soap, building material, stone & sand, farm inputs, stationary and office materials, cotton rags, air time and money transferring.
Rental services	Light vehicle rental, sound services (microphone & speakers)
Construction	Bore holes, landscaping, stone pitching
Small industry	Sign writing services, carpentry works, curtains & maintenance of curtains, pipe fitting, concrete slabs, tailoring, metal fabrication, wiring, and mechanics.
Education and	
training	Driving lessons
Hospitality services	Local food, fish, vegetables, accommodation, catering services, coffee breaks & snacks, cultural entertainment
Tourism	Art and craft; traditional dancing, entertainments....
Agro forestry business	Tree seedlings

Budget estimated for the promoting MSME is USD\$ 48,569

10.4.7. Replacement of the Affected Livelihood

Given that communities affected by the Project will relocate to the alternative villages located in the upper catchment, the access to water from the Diamphwe River will be limited. During community consultations the PAP showed their concerns on anticipated challenges that will emanate from lack of sufficient water supply for domestic purposes, livestock and small scale irrigation for horticulture development. The following mitigation measures are proposed:

- MoAIWD to ensure the designs of the dam will consider provision of water supply for: small scale irrigation to assist the small scale farmers who lost their farmland in Dambo areas.

- Domestic purposes e.g. the piped water supply;
- Provision of animal water drinking facilities
- Replacement of the affected bridges

The process of PAP identification and implementation is presented in the **Exit Survey**.

10.4.8. Gender and Health Consideration

Gender Considerations: Women in the Project area play an active role in farming, fisheries and trade sectors; all of which are being impacted by the Project. For this reason, the livelihood needs of women have been factored into the design of the Livelihood Restoration Programs.

Positive impacts for women are expected mainly from the infrastructure and credit components of the Project. This is because the fisheries infrastructure will lead to prolonged shelf life of fish catches and improve the quality of fish that would be marketed by the women, which in turn leads to better pricing of their outputs, higher earnings and incomes.

In terms of recruitment, young women will be trained and encouraged to take up jobs such as welding, truck driving, plumbing etc. which traditionally are perceived to be the preserve of men.

HIV and AIDS Awareness and Prevention Campaign: The fishing communities may be highly vulnerable to HIV infection due to various factors that may include the mobility of many fisher folk, the time fishermen and female traders spend away from home and their access to daily cash income in the overall context of poverty and vulnerability. This becomes particularly important in view of the fact that the OST Project and the LRP are likely to attract migrant workers, traders and other fishers to the Project area who may engage in unprotected sex.

In order to reduce the possible spread of the disease, an HIV and AIDS sensitisation and prevention campaign will be an integral component of the Livelihood Restoration Program. The target audience will be students and the youth, traders, fishermen and transport operators in the Project area. The sensitisation program will be carried out through community puppetry and role-plays, focus group meetings, film shows and distribution of fliers and condoms.

Budget estimated for campaigns against gender based violence and HIV/AIDS is \$ 97,138

10.5. Vulnerability Assessments and Assistance

A Vulnerable Assistance Program will be developed to provide a safety net for vulnerable households. The objective is to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship, as part of the overall Livelihood Assistance Package for each household. During the Exit survey each household should have a place to live, means of income, access to medical care, and ability to feed itself. Vulnerable persons will be specifically identified, registered, and tracked through the following means:

- Analysis of socio-economic survey data and case work on household composition, assets, source of income, and food security
- Community identified households receiving charity
- Analysis of records or case work on each household being compensated
- Department of Social Welfare at the Dedza and Lilongwe District

i. Eligibility for Vulnerability Assistance

The identification of vulnerable households will be based on:

- Predisposition to economic vulnerability: Ultra poor Households are those with expenditure/consumption less than MK 22,956 p.a. according to Malawi policy of assisting Ultra-poor Households.
- The age (Household headed by a child with less than 18 and elderly above 65yrs) when they live alone.
- Household headed by a person with physical, mental or health challenges.
- Households headed by single mothers, particularly those with high dependence ratio, ie. More than four unable bodied persons (chronically sick, children or elderly).
- The infirm.
- Under the provisions of the RAP, vulnerable households will be provided with targeted assistance of 20% of their compensation sum.

ii. **Proposed Form of Assistance**

Assistance may take the following forms, depending upon vulnerable persons' requests and needs:

- Assistance in the compensation payment procedure (e.g., specifically explain the process and procedures, make sure that documents are well understood);
- Assistance in the post-payment period to secure the compensation money and reduce risks of misuse/robbery. Additional measures such as to provide in kind compensation in case the vulnerable household is losing residential house or sole arable land.
- Health care if required at critical periods: transition period; the following process will be implemented:
 - In depth information of the resettlement committees about the Project policy with regard to vulnerable people;
 - Consultation of vulnerable people amongst the affected households through the resettlement committees;
 - Identification of assistance measures on a case-by-case basis, with the following process:
 - Review of each case by PIU community liaison officer, together with a resettlement committee member, including a visit at home and a detailed interview
 - Discussion of the assistance measures required between the PMU officer, the resettlement committee member and the vulnerable person
 - Report to the resettlement committee on required measures
 - Review and decision by the committee
 - Implementation of assistance measures
 - Monitoring

The RAP contains a specific budget for assistance measures for vulnerable people.

10.6. Programs Sustainability

Various stakeholders will provide subject matter trainings under the coordination of the District Councils and the MoAIWD (see section 10.7). Training will start in advance to the disbursement of compensation and be continued for a period of 1 year. However, refresh trainings will be conducted periodically to the specific groups as need may arise. The management of cash compensation will be integrated into the overall monitoring program.

The sustainability of the Livelihood Restoration Programs will be ensured through the following measures:

Community participation: All the program components will elicit the full participation of community members. As already stated, the community needs assessment has been an integral part of the design of the program. In order to consolidate community buy-in, community validation meetings will be held with various focus groups to present and discuss the LRP. As a first step, the Program will be discussed at the LRP Committee.

Fees and charges for maintenance: Traders and users will be encouraged to pay a monthly fee, which will be used to maintain the market operations and facilities/equipment in conjunction with the District Assembly. Similarly, MSMEs will be expected to pay for training and other advisory services after the initial program.

Appropriate Exit Strategy: Program-relevant institutions and services providers will be identified and empowered to take over the role played by the project at a suitable time in the future. Once identified, that entity should be increasingly involved in program implementation to start creating a sense of ownership.

Empowering local organisations: Through the capacity building program integrated into the LRP, local business associations will be expected to be equipped and empowered by the end of the Program to take over the facilitation of access to business development services for entrepreneurs.

Networking with other Social Development programs: In the course of implementing the LRP, MoAIWD may consider developing linkages and networks with a variety of different actors, particularly in those areas outside the scope of IDA support. The aim is to link up with other stakeholders whose core services and expertise are relevant to both PAP needs and have permanent presence at the regional level.

Some of the identified potential partners are mentioned in Table 35 in running the courses and provision of follow up trainings.

10.7. Programs Sustainability

The sustainability of the Livelihood Restoration Programs will be ensured through the following measures:

Community participation: All the program components will elicit the full participation of community members. As already stated, the community needs assessment has been an integral part of the design of the program. In order to consolidate community buy-in, community validation meetings will be held with various focus groups to present and discuss the LRP. As a first step, the Program will be discussed at the LRP Committee.

Fees and charges for maintenance: Traders and users will be encouraged to pay a monthly fee, which will be used to maintain the market operations and facilities / equipment in conjunction with the District Council. Similarly, MSMEs will be expected to pay for training and other advisory services after the initial program.

Appropriate Exit Strategy: Program-relevant institutions and services providers will be identified and empowered to take over the role played by the project at a suitable time in the future. Once identified, that entity should be increasingly involved in program implementation to start creating a sense of ownership.

Empowering local organisations: Through the capacity building program integrated into the LRP, local business associations will be expected to be equipped and empowered by the end of the Program to take over the facilitation of access to business development services for entrepreneurs.

Networking with other Social Development programs: In the course of implementing the LRP, MoAIWD may consider developing linkages and networks with a variety of different actors, particularly in those areas outside the scope of IDA support. The aim is to link up with other stakeholders whose core services and expertise are relevant to both PAP needs and have permanent presence at the regional level.

Some of the identified potential partners are mentioned in Table 35 in running the courses and provision of follow up trainings.

Table 35 GoM social development programs

No.	Broad Program	Specific Programs	Target Group
1	PRESIDENTIAL INITIATIVE ON SMALLSTOCK PRODUCTION (PISSP)	<ul style="list-style-type: none"> Pass-on Scheme 	<ul style="list-style-type: none"> A resource poor Malawian and resident in that village Poor female headed household Elderly and physically challenged resource poor household heads. HIV positive resource poor household head with proof of status. Resource poor child headed household.
2	MSAMALA SUSTAINABLE ENERGY PROJECT	<ul style="list-style-type: none"> Production and use of energy saving stoves Creation of community woodlots 	<ul style="list-style-type: none"> Women, Youth
3	ENHANCING COMMUNITY RESILIENCE PROGRAM	<ul style="list-style-type: none"> Village Savings and Loans (VSL) 	<ul style="list-style-type: none"> Community members aiming at joining efforts to raise their incomes
4	IRRIGATION, RURAL LIVELIHOODS AND AGRICULTURAL DEVELOPMENT PROJECT (IRLADP)	<ul style="list-style-type: none"> Input for Rehabilitating/ constructing of Asset to increase agricultural productivity 	<ul style="list-style-type: none"> Community members particularly women who aim at joining efforts to raise their incomes. Vulnerable groups are included such as widows, people living with HIV/AIDS, those caring the elderly and those caring for orphans.
5	PUBLIC WORKS PROGRAM (PWP)	<ul style="list-style-type: none"> Creation of employment opportunities for income transfer and in the process build economic infrastructure through labour intensive activities 	<ul style="list-style-type: none"> Community, self-targeting by the needy is achieved by offering wages that will not attract those already in employment
6	AFRICARE I LIFE PROJECT	<ul style="list-style-type: none"> Vegetable production Fish farming Establishment of Agro-forestry nurseries 	<ul style="list-style-type: none"> Vulnerable community members. Community members who are ready to comply with the principles of the project
7.	FARM INCOME DIVERSIFICATION PROGRAM	<ul style="list-style-type: none"> Develop Dairy farming through importation of improved breeds and artificial insemination Cage fish farming Link agri-business groups to financial service providers Rehabilitate and maintain rural feeder roads for improved market access 	<ul style="list-style-type: none"> Self-targeting and farmers willing to form skill based groups

No.	Broad Program	Specific Programs	Target Group
8.	COMSIP: (Community Savings and Investment Program)	<ul style="list-style-type: none"> ■ To provide capacity building trainings to rural communities in business management ■ Community mobilization on voluntary savings. The idea came from the promoting community culture of saving their daily wages that they received from road works. 	<ul style="list-style-type: none"> ■ Any member of community who are proactive in engaging in business but lacking capital skills and knowledge.

10.8. Institutional Arrangement for LRP

According to the World Bank OP4.12, resettlement and development planning require specialised expertise. It is essential that the project sponsor engages the services of qualified and experienced personnel to design and implement livelihood restoration / resettlement plans. However, it is equally important that sponsors engage themselves in the LRP/RAP design process. Sponsor participation in the process is instrumental to coordinating resettlement activities with the project implementation schedule. With this in mind, various institutions are being involved in the planning, implementation and monitoring of the LRP.

i. MINISTRY OF AGRICULTURE, IRRIGATION & WATER DEVELOPMENT (MoAIWD)

MoAIWD is vested with the overall responsibility for the coordination, planning and implementation of the LRP, in consultation with the LRP Committee, and with the cooperation of government agencies at the district, regional and national levels. Ministry will deploy a multi-disciplinary team with directorate of Irrigation and Water Development as a lead agency. The other line ministries in the team would include but would not be limited to ministry of finance, office of president and cabinet, ministry of lands, ministry of local government, ministry of gender, Dedza district council, Lilongwe District council, department of antiquities and NGOs working in the area. This core team will manage the resettlement at the top. The team will assist in stakeholder engagement around the preparation and implementation the LRP.

ii. LRP PROJECTS MANAGEMENT TEAM

The LRP Team will consist of the project owner (MoAIWD), Consulting Engineer (its sociologists); LRP implementing agency/NGO and a team comprising of social scientists, stakeholder engagement specialists, livelihood experts, valuers, surveyors and data analysts.

iii. DAM DEVELOPMENT COMMITTEE(S)

The dam development committees on the ground will assume the roles of Livelihood Restoration (LR) Committee to facilitate and coordinate activities at the various levels of the compensation process. The mandate of the LR Committee is to negotiate fair and just compensation for project-affected persons. The Committee consists of project-affected persons (male and female), representatives of traditional leaders, representatives from government agencies, and representatives from non-governmental organizations.

However, this LRP is proposing a review of the composition of the DPCs to empower these committees in handling all various activities during the preparation, implementation and monitoring of the relocation and livelihood restoration plans, as shown in Table 36

Table 36: Proposed Composition for LRP Committee

	DESIGNATION / TITLE	FUNCTION
1.	District Planning Office	Advisor
2.	Lilongwe Water Board	Benefactor
3.	Traditional Authority	Chairperson
4.	Ward Councilor	Member
5.	Community Dev. Assistant	Coordinator/secretary
6.	Chief's Clerk	Recording grievances
7.	Group of Village Headmen	Leaders of the project affected and Host villages
8.	Agriculture	Subject matter specialist
9.	Health	Subject matter specialist

	DESIGNATION / TITLE	FUNCTION
10.	Non -Governmental Org.	Capacity Building
11.	Non- Governmental Org	Gender Based Violence
12.	PAP Opted members	Representatives of economic affected groups
13.	Opted members	Representatives of culturally affected groups
14.	Opted members	Representatives of religious domains.

iv. PROJECT-AFFECTED COMMUNITIES

The role of the community is to:

- Cooperate with the survey / valuation team by carefully checking and signing off their affected lands and other assets as well as their entitlements;
- Participate in all phases of LRP preparation and implementation;
- Provide feedback on improving the quality of the LRP and suggesting solutions for its effective implementation;
- Channel grievances through appropriate quarters for redress; and
- Vacate old site and moving to new sites in a timely manner after receiving full entitlements.

v. LAND ACCESS AND ALLOCATION COMMITTEE (LAAC)

The VDCs on the ground will assume a specific roles and establish a Land Access Allocation Committee (LAAC) as part of the Agricultural Assistance Program (AAP) to ensure community participation and feedback in the assessment process. Members shall include representatives from the following:

- The Traditional Authorities (TAs);
- GVHs;
- VHs;
- Representatives from various economic groups;
- District Council/MWIAD;
- LWB; and
- LRP NGO/Consultant.

It will be the responsibility of the LAAC to ensure that qualified farmers receive agricultural inputs. Other responsibilities and tasks of LAAC will be:

- Gathering information for identification of land access and tenure status;
- Verifying land access status of farmers;
- Approving appropriate agricultural assistance; and
- Verifying location of land.

vi. NGO/CONSULTANT

An NGO or private consulting firm with relevant knowledge and experience in managing Livelihood Restoration Programs will provide advice to MoAIWD on the implementation and oversight plans for specific programs.

vii. MINISTRY OF AGRICULTURE

The MOA will provide agricultural extension services for various assistance offered in the agricultural and fisheries assistance packages. Officers from the Dedza and Lilongwe Districts Directorate of Agriculture will provide part-time services towards effective distribution of inputs and improved farming techniques.

viii. TRADITIONAL AUTHORITY

The Traditional Authorities or their representative will assist in facilitating the acquisition and allocation of land to eligible farmers who do not have access to land to continue farming.

ix. MICROFINANCE INSTITUTIONS (MFIs)

Microfinance institutions (MFIs) operating in the Project area are Lower Finca, Village Savings and Loan programs, Community savings and investment Program (COMSIP). MoAIWD will explore the possibility of collaborating with these MFIs to provide cost-effective credit facilities and financial training programs to PAP.

x. TECHNICAL AND VOCATIONAL TRAINING INSTITUTIONS

The Malawi College of Forestry (Dedza), SOS Village Technical College (Lilongwe), Lilongwe Technical College, Don Bosco Technical College are potential institutes to provide technical and vocation training for skilled and semi-skilled youths in the Project area. Courses taught in these institutions include welding and fabrication, block laying and concreting, electrical installation, plumbing and pipe fitting, catering, typing/secretarial works.

xi. DEPARTMENT OF SOCIAL WELFARE (DSW)

The Department of Social Welfare (DSW) is the government department that promotes and protects the rights of children, ensures justice and administration of child related issues and provides community care (for disabled and needy adults). MoAIWD will liaise with DSW in respect of its vulnerable assistance programs. The department will draw on the experience gained in the implementation its Livelihood Empowerment Against Poverty (LEAP) program, which is a social cash transfer program providing cash and health insurance to extremely poor households across Ghana to alleviate short-term poverty and encourage long-term human capital development. The Livelihoods Team will include the key partners needed to administer and monitor the program, and will meet initially with households to determine the specific assistance required for each household, and subsequently to monitor household progress, and continually assess the period for which assistance is required. It should be noted that assistance to vulnerable people is not intended to provide additional benefits, but rather to assure equitable access to benefits provided to all PAP; access that may be otherwise constrained by their lack of equal capacity.

xii. DEDZA AND LILONGWE DISTRICT COUNCIL

The Councils will play a facilitating role by coordinating the efforts of its agencies (e.g. MSMEs, Ministry of Agriculture, and Department of Social Welfare, Ministry of Trade and Industry and ensuring that the Program is implemented within the district's development plans. The National Board for Small Scale Industries (NBSSI) from the Dedza and Lilongwe District Council is responsible for the promotion and development of the MSME at the district level. MoAIWD will collaborate with the Ministry of Trades and Industry to provide relevant information, training and guidance to individuals and MSMEs to become viable and competitive.

11. Conflict Management Plan

11.1. Conflict Conceptualization

Conflict is natural, inevitable and part of the group dynamics even in the most solid societies. People often have different viewpoints about resettlement and compensations and will try to convince the other person to think as they do. As a result, conflict frequently begins when there are barriers to open communication; when people feel a threat, perceived or real, to their relocation status; or when at least one person is not able to meet his or her expectations after receiving compensation money. Conflict becomes destructive when it is unmanaged and then it can have a significant negative impact during the subsequent stages of implementation of the project as well as on the sustainability of the infrastructures. The problem isn't that there's conflict—the problem is how the responsible parties handle it. In that context, good understanding of the causes and the proper response to conflict situations at the preparation stage of RAP, are fundamental towards successful managing conflict in any project.

Conflict management involves helping people to recognize ways of making their behavior helpful to resolving their perceived differences. Part of the task of conflict management is helping people to deal with or overcome these emotions, so that they are better prepared to address the problems at the heart of the conflict. Similarly, there is an important behavioral or action component in conflicts. In Resettlement Action Plans, managing conflict offers a set of principles and tools for transforming conflict into a force that promotes smooth implementation of the project and subsequently sustainable infrastructures. In particular, such principles and tools can be used to strengthen the existing customary and legal mechanism for managing conflict. The objective of this section is to equip RAP/LRP implementers (RLIA and the MoAIWD) to manage tensions as and when they arise.

11.2. Different options and approaches to conflict management

Negotiation is a bargaining relationship among the opposing parties. Negotiations are voluntary and require that all parties are willing to consider the others' interests and needs. If negotiations are hard to start or have reached an impasse, the conflict parties may need assistance from a third party.

Mediation is the process whereby an acceptable third party who has limited or no authoritative decision-making power assists the principle parties in a conflict to resolve their dispute through promoting conciliation and facilitating negotiations. As with negotiation, mediation leaves the decision-making power primarily in the hands of the conflict parties. They enter into a voluntary agreement, which they themselves, and not the mediator, implement.

Negotiation and mediation can be found in all cultures' conflict management processes. However, different cultures approach conflict and conflict management in different ways. For the purposes of this RAP/LRP, a mix of approaches of dealing with conflict will be applied: direct system which is associated with formal and informal which is holding the traditional systems of handling conflicts. Although formal and informal dealing cultures are only two idealized categories, they are fundamental to provide basic ideas of what a third party (legal framework) needs to consider when mediating in different cultural settings.

- Members of *formal* cultures value face-to-face interactions, accept conflict as normal, and are generally not uncomfortable with directly confronting those with whom they disagree. They are at ease with direct dialogue, debate and negotiations.
- Members of *informal* cultures try to avoid overt conflict, strive to preserve face for themselves and others, and use both informal and formal intermediaries extensively.

In practice, the two cultural approaches (formal and informal) differ in some core assumptions about how to manage a conflict. For example, informal deal within the principle of keeping human relations (the relational level) and problems (the factual level) separate, as is suggested by the concept of consensual negotiations. On the other hand, the formal structures presume that conflict is manageable and solutions

can be found for problems on the factual level, even when human relations are disturbed. RAP/LRP development consultant realizes that both the relational and factual levels are important to both direct and non-direct dealers. Informal structures may not negotiate primarily on the factual level. They count mostly the human relations. Conflict resolution needs to ensure that human relations are restored and the "good name" of the conflict stakeholders is preserved. The difference between formal and Informal conflict management structures (CMS) is shown in the following matrix in Table 37.

Table 37 Difference between formal and informal CMS

Formal	Informal (Traditional structures)
<p>Mediation is a formal process with specialist roles.</p> <p>A clear, formal structure for discussing issues provides security and stability.</p> <p>Time and space (schedule and setting) are clearly defined.</p>	<p>Mediation is a communal process that involves trusted leadership.</p> <p>The normal structures for data flow and conflict management are trusted (contextualization).</p> <p>The pathways familiar to participants, the time frame preferred by them.</p>
<p>Direct confrontation and communication are desirable to both mediator and participants.</p> <p>The mediator's opening statement establishes "the rules of speaking" that will govern the session; the ongoing mediation controls and directs communication flow.</p>	<p>The indirect, triangular processes of a go-between are more desirable to save face, reduce threat, balance power differentials and equalize verbal or argumentative abilities.</p> <p>Communication is through others; demands are carried by advocates; and agreements are suggested by multiple participants.</p>
<p>Time is linear ("one thing at a time"), controlled in discrete sessions, and managed by a rapid schedule of self-disclosure and statement of demands and counter demands.</p>	<p>Time is relational (multiple relationships and issues are interwoven). Tasks and schedules are secondary to relationships, so self-disclosure follows social rituals, personal agendas and communal concerns.</p>
<p>Process is structured, task-oriented and goal-directed towards reaching agreement on issues.</p> <p>The autonomy and individualism of disputants' choices, goals and satisfactions are central.</p>	<p>Process is dynamic, rationally oriented and directed towards resolving tension in networks and the community.</p> <p>Disputants' responsibility to their wider context and the reconciliation of injured parties are central.</p>
<p>The mediator is a technical specialist, with a professional, anonymous and impersonal relationship to the disputants.</p> <p>A written contract is facilitated, and the mediator is out of their lives.</p>	<p>Mediators are recognised communal leaders or trusted go-betweens from the social context. They are personally embedded in the social networks and remain in relationship with parties in the conflict, both during and after the agreement.</p>

In grievance management, formal structures and informal structures may find it difficult to work together. Informal structures may feel that formal structures lack subtlety and finesse and are rushing into matters that should be explored slowly after basic, trustful relations are established. Formal dealers may perceive informal structures as being mysterious or not negotiating in good faith because they do not state clearly what is important to them. The RAP/LRP took all these different orientations into account and proposes a mechanism in which both systems will be engaged in addressing conflicts or grievances emanating from the compensations. The following processes were conducted:

i. **Assessment of the existing formal and informal conflict management structures and mechanisms**

Within that assessment, it was noted that both informal and formal systems are relevant for handling grievances emanating from the compensations. For instance, in rural areas where traditional systems exist under local government framework there are informal grievance handling systems that begin from the

community at custom mediators for land disputes and the *ankhoswe* (marriage counsellors) for intra-household disparities. Most of the issues are resolved at this level, however, when issues cannot be handled at the VH level they are escalated to the TA level – this is literary an upper level of local government and it forms a confluence of the informal and formal structures. Most of the disputes find solutions at this stage. However, if the matter is complicated it can be escalated to the district commissioner and subsequently to the court of law (as third part).

In regard to the Diamphwe dam resettlement process, the District Councils of Dedza and Lilongwe conducted consultations with the communities that lead to establishment of Dam Project Committees (DPC) at TA levels. The committees were comprised of 9 to 12 members. The major function of the DPC was limited to addressing issues related to resettlement. The composition of the DPC members varied from one district to another. The committees in Dedza were composed of the Chairperson, Vice Chairperson, a secretary, Vice secretary, a treasurer and 4 members. While in Lilongwe district the committees consisted of Chair person, Vice Chairperson, Secretary, Vice Secretary, Treasure and 7 Members. The committees worked hand in hand with the traditional structures of conflict management. RAP team assessed the two structures to identify the capacity gaps and recommend alternative framework of grievance management that puts together the two structures..

ii. **Identification of the likely nature of the conflicts**

Types of grievances that could occur/have already occurred during the preconstruction i.e. survey stage and those likely to occur during the RAP/LRP implementation followed by construction stage are listed in a matrix in Table 38 below:

Table 38 Nature of grievances

Stage	Types of grievances (indicative)
<p>Planning and Pre-construction</p>	<ul style="list-style-type: none"> ▪ Lack of awareness of the project area deramcations; ▪ Missing of parcel, error in identification and/or incorrect measurement (or perceptions over incorrect measurement) of affected assets; ▪ Disagreement regarding inheritance or ownership of assets and fearing loss of compensation; ▪ Lack of adequate communication on the project developments, not enough consultation/sensitization; ▪ Disagreement over the rates utilized valuation of affected assets; and ▪ Mistakes in the formulation of compensation agreement documents;
<p>RAP/LRP Implementation followed by Construction</p>	<ul style="list-style-type: none"> • non-payment for improvements carried out to structures post survey and valuation but prior to compensation payments; • mode of payment of compensation and time delays; • not enough work during construction stage / dissatisfaction over wages given; • wrong identification of livelihood restoration schemes, their inadequacy, training support and lack of necessary assistances; • increased cases of HIV/AIDS due to in-migration; • likelihood of increase in Gender Based Violence (GBV); • Damage to crops and other assets outside the way-leave caused due by ongoing construction work e.g. excavation of the pipeline trench.

Stage	Types of grievances (indicative)
Post Construction Phase	<ul style="list-style-type: none"> • loss of property due to theft allegedly by construction personnel; • It is anticipated that people no compensation will be made to the people that may encroach the way-leave after the construction. The damage to crops and other assets and within the way-leave due to the maintenance work e.g. Replacement of the pipeline, and routine control of the vegetation and other development will not be paid. • Damages on structure foundations due to underground leakages of the pipelines.

From Table 26 above it is obvious that the likely nature of grievances can be categorized into three groups, namely: inadequate capacity, lack of empowerment and unfulfilled expectations. Within those categorizations the following are recommended:

v. Capacity building

Given that capacity building is the transfer of knowledge to individuals or groups to help enable them to carry out certain activities. It includes awareness raising, training and other forms of human resource development. It is recommended that continuous sensitization should be conducted throughout the project implementation stages. The aim is to: educate the PAP on the processes and procedures for the compensation and land appropriations; to create awareness on the appropriate use of the compensation money; safety of their compensation money through operating the bank accounts.

vi. Empowerment

Since empowerment occurs in the context of a specific social system. Empowerment increases the relative power and ability of disadvantaged group's *vis-à-vis* more powerful ones. Strategies should be developed towards addressing the needs of the individuals and groups that are to be empowered, as well as addressing the more powerful groups that dominate and determine the "rules of the game". Effective empowerment of vulnerable, disadvantaged groups can occur only if two processes take place: capacity building of the disadvantaged, and the reform of oppressive rules and practices. In this context it is recommended that PAP should be educated on their land rights and other rights; be given education on prevention and treatment of HIV/AIDS; and campaign against gender-based violence.

vii. Consensus, Negotiations and Conflict Resolution

Consensus and negotiation are central and pivotal to addressing grievances. Generally, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. For implementing the RAP/LRP, it is essential to go for consensus and negotiations to avoid generating grievance in the minds of the PAP.

In consideration of the principle of subsidiary which states that "conflicts should always be managed at the lowest possible level or closest to where they will have the most effect (locally, rather than regionally or nationally)." RAP/LRP consultant is proposing the following grievance management framework.

11.3. Grievance Handling Framework

The grievance handling framework is for dealing with complaints and queries from PAP in an efficient and timely manner. The framework provides the key elements of the process that interact together to bring about the intended solutions for the grieved PAP. The aggrieved party would have the provision of referring the matter to the formal court system prevailing in the country after exhausting all available mechanisms and opportunities for resolving matters amicably. These mechanisms and opportunities must be provided for in the administrative process. Usually, the first attempt to resolve grievances raised by PAP is made during assessment or negotiation stage of the compensation process. During these stages, the PAP can

express dissatisfaction or present correct facts and expectations pertaining to their property which can eliminate or minimize further grievances. Subsequent stages involve local structures and other designated institutions or committees. PAP and households will be informed of the process for expressing dissatisfaction or complaints, if any and how to seek redress. The grievance procedure is simple and will be administered to the highest extent possible at local level using local institutions to facilitate access by PAP, flexibility, fairness and openness of the redress process, taking into account that most of the PAP may be poor and illiterate.

11.4. Grievance Redress Mechanism

Grievances are actual or perceived problems that might give grounds for complaints. As a general policy, PO in association with ESHSU will work proactively towards preventing grievances through the implementation of impact mitigation measures and community liaison activities that anticipate and address potential issues before they become grievances. A project level grievance redress committee (GRC) will be established for the project with head of ESHSU as the convener and DC's Representative as the member secretary.

The project proponent as a client has to be involved in all claims and disputes as the client is the one who will be receiving and handling them. However, being an interested party to the contracts, the client should not be involved in the final ruling on disputes arising from compensation and resettlement arrangements. There is a need to identify and describe at the onset of the process, procedures and mechanisms for settling such disputes and grievances. Affected individuals and households should be informed about the existence of a grievance redress mechanism. General information regarding the existence of such mechanism should be made public through community consultations.

The claims and complaints regarding compensation and resettlement issues will need to be brought to the attention of the village Head first. They will then forward grievances concerning the non-fulfillment of entitlement contracts, levels of compensation or seizure of land and assets without compensation, or temporary loss to the higher levels of authorities as desired. The Grievance Redress Mechanism is expected to have two interrelated tiers: i) lower level at community and ii) district level.

11.4.1. Community level Grievance Redress Committees

As indicated in the contextual section RAP/LRP combines the existing formal and informal structures of the grievance handling mechanism. The capacity building for the grievance handling structures is discussed in section below of this chapter.

At the community level, the Resettlement and Grievances Management Committee will be at GVH clusters depending on numbers of PAP in a particular area. The committee may at any time co-opt any member to help in resolving grievances if it deems necessary. Composition of the committee as formed is presented below:

- VDC Chairperson
- Elected PAP representative
- Women representative
- Community Development Assistant
- NGO representative (responsible for Gender based violence, HIV/AIDs/ empowerment)

Modus operandi for the VGRC: Details on system of operation will be determined by the committee members and this can be case by case. However, the following key issues should be considered by each committee. The summary presented in Table 39.

Table 39 VGS operating systems

TIPS OF VGC OPERATION SYSTEMS	
Meeting schedule:	Determine frequency and period of meetings
Committee Meeting Procedures	To elect Chair and Secretary
Training	Once formed, Training would be imparted to the members of the Committees
Dissemination of Committee's Resolution:	The Committee's should decide the time frame for communicating with the PAP on resolution status. It is proposed in this RAP/LRP report that for any claimant within 5 working days of the Committee's decision. However, committee have a mandate to change for lesser number of days.
Program Reporting Requirement:	The VGRCs will report to the District Resettlement and Grievance Management Committee and water Board on all matters arising and progress.
Location and Period of Execution:	The VGRCs will be meeting at Teacher Development Centres or nearest Primary Schools that exist within their existing communities and travel to project sites as necessary
Operational duration:	<p>The committees would need to operate till the project continues to have an interface with affected communities. It should remain operational even after end of the construction period as it is likely that there could be issues relating to the operational phase.</p> <p>In terms of duration, the following shall be the key considerations:</p> <p>The duration till when such a grievance redressal system needs to be maintained post construction can be determined and can be mutually agreed upon by the Water Board and District councils by review of suitable indicators such as :</p> <ul style="list-style-type: none"> • nature and type of grievances received, addressed; • Pending resolution; and referred for arbitration/ court.

11.4.2. District level Resettlement and Grievance Management Committees

Lilongwe Water Board will be responsible for operationalizing the DGRCs by providing them with specific TORs for the execution of required work, commensurate training and resources.

11.4.3. Roles of the DGRCs

The committee will:

- Represent the interests of PAP and communities in the district.
- Support the project in identification of PAP and envisaged land, enterprise or livelihood losses.
- Act as an appeal and exit point for all grievances lodged by Complainants arising from resettlement activities
- Ensure transparency and accountability during property valuation and loss of livelihood claims through public participation.
- Act as MoAIWD's local monitoring and oversight committee on encroachment and water lines infrastructure vandalism.

Monitor safety standards, labour requirements and community health issues during construction works and report to MoAIWD. Prepare progress reports and present them to the District Executive committee (DEC) during monthly meetings.

11.4.4. Composition of DRGMCs

At the District level, the composition of the committee will include a mix of representatives from within and outside the district administration. It will include the TA Chiefs as they preside over the Area Development Committee and are widely respected within their areas. The composition of the Committee will be as shown in Table 40.

Table 40 District Grievance redress committee

COMPOSITION OF DISTRICT GRIEVANCE REDRESS COMMITTEES	
Representative	Position
ESHS Unit Officer	Convenor
DC's Representative	Member Secretary
Community Representative(s) ³⁸	Member(s)
TA's Representative	Member
Group Village Head	Member
Village Head	Member
RLIA Representative	Member

Functioning: The DGRC shall decide once formed on the number of meetings and schedules as will be appropriately aligned with their other routine works as well as the magnitude of the problems. The following are some of the key guiding points for the procedures, requisite refresh workshop and other aspects Table 41.

Table 41 Guiding points for DGRC operations

GUIDING POINTS FOR DGRC OPERATIONS	
Meeting Schedule:	The DGRC will decide on the frequencies of the periodical meetings.
Committee Meeting Procedures	The DGRC will elect some of the members to lead the committee at the position of Chairperson and a secretary. The DGRC will set their rules for the meeting quorum and roles and responsibility of each member by virtue of their position.
Refresher Training or workshop	In regard of the position and statuses of the committee members, once formed, the MoAIWD will organize a training workshop for the committee. The aim is to share experiences gained by various members in forming a workable mechanism in addressing the grievances at optimal maximization. These will include but not limited to: <i>Dissemination of Committee's Resolution, Program Reporting Requirement, Operational duration etc.</i>

³⁸ This member of DPC

GUIDING POINTS FOR DGRC OPERATIONS

Location:	The DGRC will decide the meeting place and sort out issues if they require office bearer/clerical person who will be receiving the grievances on daily basis.
------------------	---

Role of MoAIWD: MoAIWD, being an implementing Agency, will not handle and resolve disputes. A MoAIWD representative will be a member of the Grievance Redress Committee at the GVH and DC Committee level. MoAIWD is a long-time player in the water supply sector in the country, and in certain instances the complainants may report the dispute to a MoAIWD office/officer. In such cases, MoAIWD will refer the matter to the Grievance Redress Committee at the GVH and District Committee level (of which MoAIWD is a member) for next steps.

11.5. Redressed Procedure

Every attempt will be made to settle all grievances concerning resettlement. The grievance procedures will be simple and administered as far as possible at the local level to facilitate access, flexibility and the open participation of witnesses. The grievance redress procedure includes consultations with RLIA, and MoAIWD and the use of records to determine the validity of claims. The process is transparent and generates no major costs for the aggrieved person. By the time the resettlement and compensation plans are approved and individual compensation contracts are signed, PAP will have been informed of the process for expressing dissatisfaction and how to seek redress. Considering the complexity of resolving disputes and grievances, all grievances will be addressed through mediations at the lower level of Government and through existing committees. This will ensure that the PAP does not travel long distances or incur advocacy costs. RLIA can be involved in assisting mediation of disputes, where appropriate.

Mediations at the Lower Level Offices and Existing Committees: The Grievance redressal procedure aims to take into use the existing traditional structures. However, the PAP shall have the option of directly reporting the grievance to the District level GRM, if s/he so desires. Those seeking redress will report to their village headmen with the support of RLIA. The matter will follow procedures outlined in Table 42.

If a complaint pattern emerges involving several PAP or whole communities, the District Commissioner/Grievance Redress Committee and MoAIWD will discuss possible remediation. The lower Government and community leaders (Chairpersons) will be required to give advice concerning the need for revisions. Once the District-level leader and MoAIWD agree on necessary and appropriate changes, they will be communicated to the PAP in writing.

Appeal through Land Tribunals and/or Court System

If all avenues have been exhausted without success, i.e. the complainant's claim is rejected/not resolved by the Grievance Redress Committees (GRCs), and then the matter will be brought before the existing District structures or the local court system for the administration of justice. All such decisions must be reached within four months, or a full growing season in agricultural areas, from the period the complaint is lodged. If the local courts and Land Tribunals cannot settle the matter, it will go to the High Court for resolution. MoAIWD will handle such appeals even after the RAP implementation period has ended.

11.6. Communication of Grievance Procedures to PAP

PAP will be told about the grievance procedures when consulted about compensation procedures. The procedure will be translated into Chichewa and written copies will be distributed to local leaders and PAP. RLIA will assist them to prepare and present grievances through agreed upon channels.

Table 42 Grievance redress process

Step	Reporting committee	Committee members	Time frame to redress	Grievance redressed	Grievance not redressed
1	PAP shall submit grievance in writing to the VH and receive an acknowledgement from the VH as proof. If the PAP is unable to write, MoAIWD or the local government shall record the same on behalf of PAP.	1- VH or GVH 2- Representative of MoAIWD and BDC	Upon receipt of grievance, the village head with the help of BDC, shall try to resolve the grievance amicably with the active participation of the aggrieved party within 5 working days from the date of the filing of the grievance.	If the grievance is resolved and the PAP is satisfied with the local VH decision, a report of the same shall be prepared by BDC. A copy of the report shall be handed over to the PAP for the record and a copy submitted to MoAIWD for the record. Case closed.	If the grievance is not resolved, go to Step 2.
2	If PAP is not satisfied with the Step 1 decision, the case shall be forwarded to the GVH (village Grievance Redress Committees) with a preliminary report prepared by BDC. The report should have the details of the grievance, a preliminary assessment by MoAIWD and GRC, a hearing date and the decision of local government.	The members of this committee shall be: 1) members of GVH/TA 2) representative of MoAIWD 3) PAP representative 4) Representative of MoAIWD	Upon receipt of grievance, the VGRC, if desired, may direct BDC to collect further information related to the grievance and submit the same to the committee for its use while hearing the grievance. The hearing shall be completed within 10 working days of the date of case referral. The date, time and venue of the hearing shall be communicated to the PAP at least 5 days in advance by MoAIWD.	If the grievance is resolved and the PAP is satisfied with the VGRC decision, a report of the same shall be prepared by BDC. A copy of the report shall be handed over to the PAP for the record and a copy submitted to MoAIWD for the record, Case closed.	If the grievance is not resolved, go to Step 3.
4	It is assumed that all the cases shall be solved at VGRC level. If not, the PAP shall have the option to refer his/her case to appropriate court.	Court of Law for arbitration	A decision of any complaint from step1-3 must be reached within three months, from the day the complaint is lodged by PAP to a grievance redress system.	The court of the law is final	

GRIEVANCE REDRESS FORM	
Case No.:	
Name of the applicant:	
Date:	
Address:	
ID No. (if any):	
Date and time of meeting:	
Name and signature of Implementing Team representative:	
RLIA's comments about the grievance:	
Decision of respective committee:	

GRIEVANCE REDRESS FORM	
Signature of the committee members:	
Decision acceptable to party (if yes, signature):	
Case referred to:	

12. RAP/LRP Implementation Arrangements

The compensation payment process and RAP/LRP implementation arrangements envisaged for the reservoir and the associated infrastructure have several steps involving individual PAP, affected communities, respective traditional Leaders, Lilongwe /Dedza District Council and, MoAIWD. The overall responsibility for resettlement lies with the Water Board through the Lilongwe District Council, who will affect the payments. Traditional leaders are responsible for day-to-day administration activities within their areas of jurisdictions. Apart from carrying out their normal duties, they are expected to carry out activities related to resettlement.

Of critical importance in this process will be the MoAIWD and the District council. The District council will execute all the activities that involve local authorities; facilitate demolition of PAP structures, removal of permanent crops, harvesting of seasonal crops; and oversee the process of PAP vacating the premise in consistent with the timeline for the start of work. The District council will provide financial literacy that aims at guiding the PAP on the recommended use of money for re-establishing their homes and businesses that have been demolished. For example, PAP will be advised and encouraged to withdraw their money in instalments so that their money is not lost through mismanagement or the exigencies of life at the margin that can all too often force people to spend available cash for food and consumption requirements, leaving them without the funds to rebuild physical assets or restore their livelihoods.

As the RAP implementation schedule needs to be aligned with the construction schedule, this chapter presents sequence of activities to be done prior to construction works. Some of the activities will be done parallel to the construction works.

12.1. Institutional/organizational Arrangements

12.1.1. Ministry of Agriculture, Irrigation & Water Development

The Ministry will be the main implementing agency and would be responsible for project. It shall be in charge of all activities relating to resettlement (compensation payment, implementation of livelihood programs, grievance redressal), procurement, construction works, etc. MoAIWD and Dedza District Council, Lilongwe District Council will form the Project Owner team.

12.1.2. Inter-ministerial/departmental Technical Task Force (Core team)

As the RAP/LRP implementation activities are varied, there will be involvement of different departments within the Ministry of Water and the other line Ministries particularly the Ministry of Finance, Office of President and Cabinet, Ministry of Lands, Ministry of Local Government, Ministry of Gender, Department of Antiquities. This forms the High Level Technical Advice Team that will manage the resettlement at the top.

12.1.3. District Task Force

At district level there will be district task force. The task force at district level will be composed by subject matter specialists for: Community development, Social welfare, Agriculture, Forestry, Fisheries, Trade, Health, Gender and NGOs working in the area.

The District Task Forces act as implementing bodies for RAP related activities on the district level, in Lilongwe and Dedza Districts. They operate as direct partners to the PIU. District subject matter specialists shall contribute with their expertise, their capacity and competence to the implementation of the RAP/LRP, corresponding to the different technical areas they represent (i.e. agriculture, social assistance, Forestry etc).

12.1.4. Resettlement Committees

The resettlement committees are partners on the local level for RAP implementation, especially for

- Compensation process
- PAP relocation
- LRPs implementation and
- Grievance Management

The RAP/LRP organizational arrangement is summarized in Figure 16.

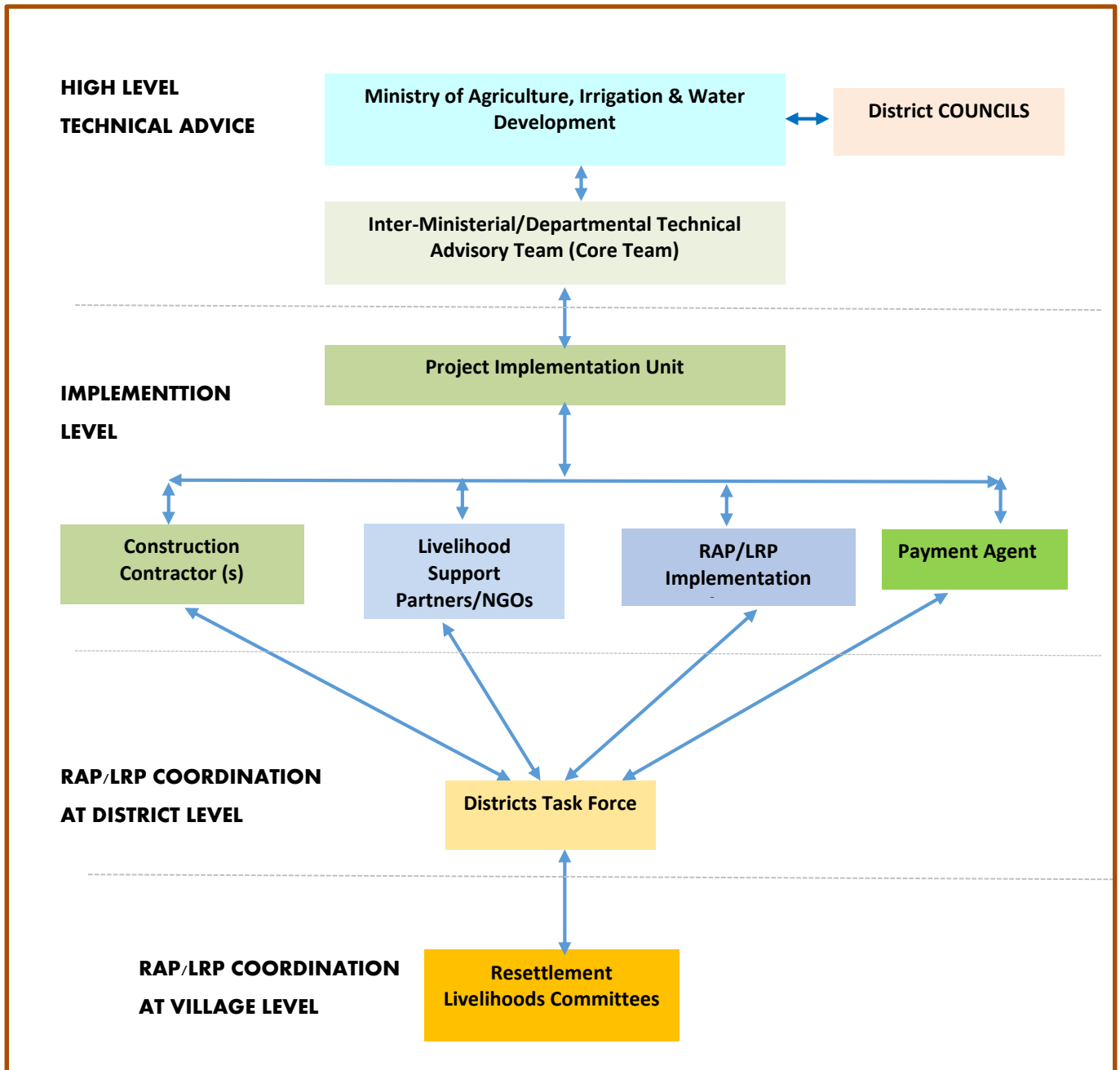


Figure 16 RAP/LRP organizational arrangement

12.2. Key Implementation Activities

The key activities in RAP implementation are categorized into activities that are to be completed at different stages. These are categorized by activities to be completed:

- prior to commencement of compensation and other payments;

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

These are presented below:

12.2.1. Activities to be completed prior to commencement of Compensation Payment

- i. **Exit Survey:** Prior to the start of the compensation payment process, compensation agreements with affected people will be set up and signed. This will be done through an exit survey, to be carried out by the official valuers of the Central Regional Land Office. The exit survey is to confirm the results of the surveys for validation of losses carried out October 2015 – February 2016 through the performance of the respective legal procedure.
- ii. **Operationalize Grievance Redressal Mechanisms:** Proposed GRMs at Village/Community level and District level would be operationalized following provision of: a) TORs for the committee at each level and b) commensurate training and resources to enable effective functioning.
- iii. **Operationalize LRP implementation Mechanisms:** Proposed DPCs at Village/Community level and District level would be operationalized following provision of: a) TORs for the committee at each level and b) commensurate training and resources to enable effective functioning.
- iv. **Finalize Contracts with Support Agencies for RAP Implementation:** Contracts with the following agencies would be finalized.
 - a) RAP Payment Agent;
 - b) Construction Contractor to construct Replacement Houses;
 - c) RAP Implementation Agency; and
 - d) Additional Outreach and Financial Literacy activities
- i. **RAP approval and Public disclosure-cum-Launch Workshop:** A Public consultation-cum-Disclosure workshop would be conducted at locations in each of the Project Districts to launch the RAP implementation. The workshop will have participation from representatives of the affected people, other stakeholders/partner agencies and District Officials. The objective of the workshop will be to:
 - Create awareness on the overall features of project
 - Contents of the RAP particularly with respect to applicable entitlements process; and
 - Provide information on mechanisms and processes for sensitization, participation and consultation and grievance redressal for compensation and LRP.
- ii. **Undertake Financial Literacy awareness programs:** Financial Literacy awareness trainings would be undertaken with all PAP prior to payment of compensation.
- iii. **Other Activities during Financial Literacy Awareness Program:** As it would be last stage of interaction by the RAP Implementation Agency with the PAP prior to issuance of Compensation Payments, the following activities would be additionally undertaken:
 - a. *Issuance of PAP Identity Cards:* PAP ID cards duly signed by the District Magistrate would be issued and issued to the respective PAP.
 - b. *Recording any changes to option on in kind compensation:* During the training if any PAP (losing main dwelling structure) indicates change to the previous option i.e. prefers cash now rather than replacement house as chosen earlier, it shall be shall be duly recorded

and conveyed to MoAIWD. The Compensation Agreement Form would be revised and PAP would be required to duly sign the form indicating the revised option. The RAP Database would be updated to reflect the change.

- c. *Preference in type of training programs:* As capacity building form part of the LRP entitlements and would need to be planned for subsequent provided to the interested /relevant members. PAP would be required to indicate the type of trainings they wish to attend as towards restoration of their affected livelihoods.
- d. *Price check with District Offices and other trainings providers and set the mode of operandi.*

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

Updating and finalization of RAP database: All information regarding PAP – asset details, household level details, changes to preferences will be updated for provision to MoAIWD and thereon to the Payment Agent, Construction Contractor for Replacement House Structures.

Provision of Training Report: The IEC Consultant will provide a training report that will cover the number of PAP that attended the specific training module.

Internal Monitoring: Internal monitoring by MoAIWD will commence soon after RAP approval which would specifically record:

- a) project inputs including readiness of institutions such as GRMs, contracting of Payment Agent,
- b) project outputs including number of persons affected and compensated, LRM provided; and
- c) Measure overall physical and financial progress to assess readiness with respect to site handing over and commencement of construction.

The above would be carried out based on reviews of reports produced by RAP Implementation Agency, supplemented with field visits to project areas as deemed necessary and regular updation of RAP Database. It would produce fortnightly reports for usage within MoAIWD and other relevant government structures. The activity would continue across subsequent stages and till the end of the Compact or up to a desired period as deemed necessary based on review of progress/completion of activities.

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

- i) **Opening of Bank accounts for PAP:** RAP Implementation Agency would counsel all PAP due to receive compensation amounts above the agreed threshold and provide necessary information to open Bank accounts or provide account details if they already have bank accounts.
- ii) **Provision of capacity building trainings:** MoAIWD will make arrangements for provision of various programs geared to restore PAP' livelihoods as part of the compensation.
- iii) **Commence Additional Outreach Activities:** All outreach activities proposed such as production of radio programs, jingles, posters, etc. for effective dissemination and outreach will be developed and commenced.
- iv) **Hold GVH level meetings to counsel the PAP:** GVH level meetings would be held to inform PAP about the processes and agencies involved in compensation payment, RAP

implementation and civil works commencement. Such meetings would be organized by the RAP/LRP Implementation Agency.

- v) **Payment of compensation and vacation of land:** PA will make the Compensation payments as per the amounts due to each PAP either in cash, or by cheque or direct to the Bank and against provision of PAP ID card or government issued ID Card. The PA would follow the following thresholds set for payment of compensation.

PAYMENT MODES BY THRESHOLD AMOUNTS	
Amounts payable (in Malawi Kwacha)	Payment Modes/Options
Up to 50000	cash or cheque, or bank account
Over 50000 to 200000	cheque or bank account
Above 200000	only bank

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

- vi) **Dismantling of structures and Relocation of PAP to new location:** Once the construction of the Replacement Houses is complete, all PAP will be informed to relocate to their new houses and dismantle their old dwelling structures and salvage any material if they wish to.
- vii) **Handover of site for construction:** Once all property on the stated land is vacated, the site will be considered as free from encumbrances to handover to the Contractor for commencing construction related activities.

12.2.3. Activities to be completed for completion of all activities under RAP/LRP

- i. **Identification of PAP affected by construction works and Payment of Compensation:** Once the Civil Works Contractor has identified the number and locations of various structures, RAP Implementation Agency will enumerate the PAP and record the affected assets on the parcel of land to compute compensation payable. It will inform MoAIWD for its approval, provide details of the PAP, to MoAIWD for onward transmission to the PAP for payment.
- ii. **Administration of HIV/AIDS awareness campaigns:** RAP Implementation Agency will be responsible for organizing the HIV/AIDS awareness campaigns for the benefit of the communities, while Contractor shall be responsible for organizing the same for the worker personnel. The RAP Implementation Agency will undertake the preparation of a combined report on these activities as part of its monthly report to MoAIWD with respect to progress on the activities on the ground.
- iii. **Preparation of Periodic Internal Monitoring Reports:** Internal Monitoring Reports will be produced periodically and shared internally and with external stakeholders.
- iv. **Implementation Completion Audit:** As all activities relating to RAP/LRP implementation are expected to be completed in less than 1 year, Implementation Completion Audit would be carried at the end of Year 1 from the start date of RAP implementation to assess whether the project has met with the RAP objectives as a whole.
- v. **Annual Project Review Workshop:** Review of RAP implementation at Annual Workshop would be carried in the first quarter of next year soon after findings of Implementation Completion Audit are available.
- vi. **Submission of RAP Implementation Completion Report:** Upon completion of all

Implementation activities, the contracted RAP/LRP Implementation Agency and Payment Agent (PA) shall separately produce Implementation Completion Report for submission to MoAIWD for its review. MoAIWD will compile and collate the findings along with its findings internal monitoring and submit a Consolidated Implementation Completion Report same to World Bank.

12.3. Compensation Delivery Process

The time period for implementation of activities to this RAP would be for twelve (12) months. It will start three months prior to construction works roll out. Table 17.1 provides the month-wise activity schedule for RAP Implementation that includes: activities prior to commencement of RAP implementation and concludes with the activities post RAP implementation such as Implementation Completion Audit.

Given that all PAP have opted for the cash compensation, the overall process and procedures for the delivery of entitlements are as follows:

12.3.1. Continued Public Consultations

A formal communication strategy is prepared for the project to lay out various communication needs and outreach tools and explain the responsibility of PO to convey the awareness of the project impacts and its impacts to various stakeholders. A key aspect of this strategy shall be the communication of any project related impacts. The objectives of this communication strategy have been envisaged as follows:

- i. To create project awareness among affected population.
- ii. To provide information to PAP about the adverse impacts on private properties, economic resources and livelihoods and mitigation measures considered in the RAP/LRP.
- iii. To take cognizance of PAP's views, grievance redress, etc. to act on the desired lines of minimizing impacts creating a congenial environment for the implementation of the project.

The project affected people of the region need to be taken into confidence through a sort of dialogue and that can be best done through adopting a planned communication strategy. Public / community consultation, focus group discussion, usage of TV, radio and other electronic communication means are required to be taken up for this wider appreciation of the project. This is necessary for smooth implementation of the project.

The scope of work includes the following:

- i. The RAP/LRP Implementation Agency (RLIA) to put in place the communication strategy for this purpose of creating project awareness.
- ii. Partnering with Agency in carrying out communication on general project information, project impacts, mitigation measures, grievance redress mechanism, project entitlements, etc. to project affected population.
- iii. Agency to ensure smooth running of project implementation bringing the PAP and the MoAIWD on the same platform with the help of communication strategy adopted for the project.
- iv. With the help of a communication plan developed for this purpose, meeting the targets of project implementation.

Materials: The RLIA in consultation with MoAIWD will prepare materials for communication befitting the needs of different means of communication, such as information brochures and hand-outs, radio jingles, TV advertisements, etc.

Communication Plan: A communication plan has been prepared and presented in Table 43. While carrying out the communication plan modifications of process and planning may be done as per the projects requirement.

Table 43 Communication plan

Stakeholder	Information/Message	Communication Means	Timing/Frequency	Responsibility
PAP	Project awareness (general information, implementation, etc.)	Consultations	Immediately after Draft RAP/LRP is approved by MoAIWD.	Project Office (PO), MoAIWD
	Employment opportunities	SMS, TV, radio, newspaper (English / Chichewa)	2 weeks before recruitment / job opening	ESHSU-MoAIWD
	Implementation of RAP/LRP	Consultations	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD
Land owners affected by land acquisition	Project information & RAP/LRP enforcement (legal in implementation)	Consultations, meetings, project brochures, copies of legal notices (English / Chichewa)	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD
Structure owners affected by land acquisition	Project information & RAP/LRP enforcement (legal in implementation)	Consultations, meetings, project brochures, copies of legal notices (English / Chichewa)	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD

Stakeholder	Information/Message	Communication Means	Timing/Frequency	Responsibility
Tree owners affected by land acquisition	Project information & RAP/LRP enforcement (legal implementation)	Consultations, meetings, project brochures, copies of legal notices (English / Chichewa)	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD LWB
Farmers losing livelihoods resources	Project information & RAP/LRP enforcement (legal implementation)	Consultations, brochures, TV, radio, newspaper (English / Chichewa)	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD LWB
	Employment opportunities	TV, radio, newspaper (English / Chichewa)	2 weeks before opening	RLIA, supervised by ESHSU-MoAIWD LWB
Commercial Structure owners losing livelihoods	Project information & RAP/LRP enforcement (legal implementation)	Consultations, brochures, TV, radio, newspaper (English / Chichewa)	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD LWB
	Employment opportunities	TV, radio, newspaper (English / Chichewa)	2 weeks before opening	RLIA, supervised by ESHSU-MoAIWD LWB
Women and Vulnerable households	Project awareness (general information, canal closure, RAP/LRP, etc.)	Consultations, TV, radio (English / Chichewa), brochures with pictorial messages	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD LWB

Stakeholder	Information/Message	Communication Means	Timing/Frequency	Responsibility
	RAP/LRP Cut-off date, Entitlement, grievance redress mechanism, etc.	Consultations	At the start of RAP/LRP implementation	RLIA, supervised by ESHSU-MoAIWD LWB
General population (local)	Project awareness/information (colony location, access, project benefits, etc.)	TV, radio, newspaper ((English / Chichewa)	Regularly	RLIA, supervised by ESHSU-MoAIWD LWB
	Traffic management (including maps of alternative routes)	TV, radio, newspaper, SMS for subscribers (English / Chichewa)	Daily (when there is traffic disruption)	RLIA, supervised by ESHSU-MoAIWD LWB
	Unskilled and semi-skilled employment opportunities	TV, radio, newspaper ((English / Chichewa)	One month before recruitment/job opening	RLIA, supervised by ESHSU-MoAIWD LWB

12.3.2. Finalization of CAF Signing

In compliance with World Bank procedures, the district will actively continue to look for the absentee PAP and those unknown by the community leadership. Consultations with family members, friends, and village leaders will guide efforts. Contact information for absentee PAP will be collected from family members, relatives, neighbours, employers (if any) and local community leaders. In addition, it will prepare and post notices on public notice boards located in local community institutions, and will produce radio announcements and local newspaper advertisements to get the word out regarding compensation processes. At the end of the three month RAP/LRP implementation period, the district council will submit the complete set of documents and files of unresolved cases to MoAIWD for follow-up actions. MoAIWD will be required to establish resettlement contingency funds to cover the costs of these cases, should they be resolved in the future.

12.3.3. Use and Application of Entitlements

Given that prior to compensation payments the district council will ensure that the bank(s) eligible for compensation payment provide basics of financial literacy sessions with individual PAP to use various

banking systems, including depositing and drawing money, use of Automated Teller Machines and mobile banking. A sociological approach based on Social Learning and Appreciative Planning and Action will be used to build trust, create friendships, and mobilize community and family support. This approach will also be used for counselling and guiding the PAP to use the money for the purposes of re-establishing their homes and businesses.

Once compensation payments have been made to PAP, the district council has a critical role to play to ensure that PAP are using their entitlements for the purpose of relocation consistent with the timing in the vacating agreements described below (evacuation timing). To facilitate this process:

- PAP will be notified immediately after receiving their compensation packages to begin the process of salvaging any materials from demolished structures such as metal/wooden frames, glass, roofing iron sheets and bricks.
- Farmers will be given notice to harvest their crops before the end of the full growing season.
- The district will actively ensure that PAP vacate their sites within the time frame agreed including working with MoAIWD and GVHs and VHs to provide notices and necessary action.
- The demolition team will demolish and remove any remaining un-cleared structures and construction works through the services of the designated construction Contractor.

In addition to these activities, the district shall work with communities to ensure effective restoration of pre-project levels of well-being. This may include any number of the following interventions:

- Coordinating with project contractors to determine if service provision jobs to support construction works, such as security or food preparation, are available for PAP.
- Identifying opportunities for training/skills development for employment in both the formal and informal sector that may be available in the area with its well-developed educational systems including, masonry, carpentry, plumbing, electrical, and motor vehicle repair skills
- Connecting PAP to existing local projects or interventions designed to establish new income-generating activities such as trading, adding value to crops, vegetable gardening, high-value and off-season horticulture, livestock, poultry, and egg production.
- Assisting PAP to obtain legal land ownership and title within local land development schemes in cases where PAP choose in-kind compensation.

12.3.4. PAP Evacuation Timing

To ensure timely completion of resettlement activities, the district council will facilitate the resettlement process. During the Second Round Consultation, PAP signed compensation agreements to indicate their willingness to move within one month upon receiving their compensations. PAP should demolish their structures to salvage useful building materials, such as bricks and roofing, harvest their crops and cut down their trees from the project areas. The construction contractor will clear the debris from the construction site. The district council will notify PAP of the demolition exercise through their community leaders and meetings, public notice boards and local radio. The district council will also take into consideration assistance to vulnerable persons such as arranging for transport and other appropriate assistance when providing compensation and transferring to host area. The most critical issue to resolve during the PAP relocation period is the identification of relocation sites for PAP who need to completely abandon their existing plots, as they are primarily located in the RoW and the remaining land is not feasible for habitation. This is particularly crucial for PAP who do not currently have a formal or informal legal right to their land, so are not eligible for compensation for their land. In these cases, the district council will need to work closely with village leaders and Local Authorities during the resettlement implementation process to identify suitable sites for PAP relocation in a timely fashion.

12.3.5. Submission of RAP/LRP Implementation Completion Report

Upon completion of all Implementation activities, the contracted RAP/LRP Implementation Team and Payment Agent (Lilongwe District Council) shall separately produce Implementation Completion Report for submission to MoAIWD for its review. MoAIWD will compile and collate the findings along with the monitoring findings and prepare a Consolidated RAP/LRP Implementation Completion Report for its records.

12.4. Implementation Schedule

The time period for implementation of activities for the dam and its associated infrastructure is estimated to take 12 months.

Table 44 provides the month-wise activity schedule for RAP/LRP Implementation that includes: activities prior to commencement of RAP/LRP implementation and concludes with the activities post RAP/LRP implementation such as Implementation Completion Audit.

Table 44 RAP/LRP implementation schedule

No.	ACTIVITY	MONTHS												
		1	2	3	4	5	6	7	8	9	10	11	12	42
A 0	Activities to be implemented prior RAP													
0.1	Exit Survey	█												
0.2	Operationalise Grievance Mechanism	█												
0.3	Finalise contract with support Agencies	█												
0.4	Approval of Public Disclosure	█												
A1	Activities to be implemented Prior Construct Works													
1.2	Sign compensation agreements with any newly identified PAPs													
1.3	Grouping of the PAPs for in-kind and cash compensations		█											
1.4	Finalize schedules for the Inkind vscash as per thePaying Agent requirement		█	█										
1.5	Compile compensation schedules for the PAPs with In kind structures		█											
1.6	Submit the updated compensation schedules for LWB Approval.		█											
A2	Confirm that PAPs have received financial literacy training													
2.1	Conduct meetings of PAPs to notify RAP implementation processes		█											
2.2	Providing the DCs with lists of PAPs for the financial literacy trainings		█											
2.3	Following up with DCs to confirm which PAPs have/have not attended training		█											
2.4	Ensure that PAPs have got their IDs		█											
A3	Support the Paying Agent's provision of Compensation through bank accounts													
3.1	Facilitation of the PAP meetings to open Bank Accounts			█										
3.2	Verify existing Bank Accounts			█										
3.3	Facilitation provision of Checques (verification of PAP documents for cheque payments)			█										
3.4	Confirm transfer of funds and inform PAPs accordingly			█										
A4	Support and facilitate the Paying Agent's provision of compensation in cash amounts <50,000MK													
4.1	Organize village meetings for distribution of cash.				█									
4.2	Facilitate Copensation payment Verification meetings				█									
4.4	Assist vulnerable PAPs Payments				█									
4.5	Update the Database for the paid PAPs				█									
4.6	Mobilize PAPs who have received their money to get ready for vacation				█									
A5	Assistance to PAPs Losing Structure													
5.1	Help identify alternate land and facilitate its acquisition.						█							
5.2	Note all complaints of the PAPs on relocated areas						█							
5.3	Keep track of the new locations of affected parties who have moved out of the site.						█	█	█	█	█	█	█	█
5.4	Recording each PAP losing dwelling struture/land and the relocation village						█	█	█	█	█	█	█	█
5.5	Facilitate the initial process of tile application of titles at Chiefs and DCs levels						█	█	█	█	█	█	█	█
5.6	Followup within the Ministry of Lands to obtain land tiling						█	█	█	█	█	█	█	█
A6	Community Preparation for evacuating													
6.1	Mark the paid structures and mobilize PAPs to get ready for vacation									█				
6.2	To promote self-demolition of their structures									█				
6.3	Consultations with the communities to ensure they evacuate from the project site								█	█	█	█	█	█
6.4	Consultations with the communities to confirm they have evacuated from the project site and present a clearance report to client								█	█	█	█	█	█
A7	Assist in Grievance Redress Process													
7.1	Inform all PAPs of the grievance redress mechanism			█										
7.2	Monitoring the grievance handling procedures and provide the details in the progress reports			█	█	█	█	█	█	█	█	█	█	█
A8	Facilitating Livelihood Restoration activities													
8.1	Review the RAP baseline and list of families potentiallyrequiring livelihood restoration	█												
8.2	Develop specific plans targeted at individual PAPs or families of PAPs.	█												
8.3	Prepare tailored skill training and other livelihood support for the families requiring livelihood restoration.		█											
8.4	Liaise with formal and informal vocational training institutes		█	█										
8.5	Inform the community on the available oppornites		█											
8.6	Follow up various skill based trainings		█	█	█	█	█	█	█	█	█	█	█	█
8.7	Tracking benefits of changes		█	█	█	█	█	█	█	█	█	█	█	█
A9	Preparation of the RAP /LRPcompletion reports													
CONTRACTORS SCHEDULE														
C1	Contractor mobilization													
C2	Roads and Camps													
C3	Diersion Works													
C4	Dam Activites													
TOTAL RAP DURATION														

13. Monitoring & Evaluation

13.1. Need for Monitoring and Completion Audit

Implementation of RAP/LRP activities has two major challenges which include the following:

- Large number of Project Affected Persons
- Geographically widespread locations involving jurisdiction of different TAs, GVHs and VHS requires involving multiple stakeholders who will be responsible for RAP/LRP Implementation, Compensation Payment and Grievance Handling. These stakeholders will be interacting with other project implementers such as the Civil Works Contractor and Design Engineer and etc.

It necessitates the need for a robust mechanism that enables to track progress, helps highlight bottlenecks, and redresses the issues effectively and in a timely manner. It also requires that an exercise be carried out at the end of RAP/LRP implementation period to ascertain if, indeed, the planned activities did enable achievement of the originally set objectives i.e. whether RAP/LRP objectives were met i.e. livelihoods and living standards of PAP were restored to pre-project status or enhanced.

For this purpose, MoAIWD will undertake Internal Concurrent Monitoring and Implementation Completion Audit of RAP/LRP for the Main pipeline, reservoir sites and the connecting lines. Similarly, Environmental Affairs department will have the mandate to make follow up on issues of livelihood restoration beyond the compensation as guided by the ESMP.

13.2. Internal Monitoring by M&E, MoAIWD

Internal Concurrent would comprise Process and Performance Monitoring and enable to provide information on the progress on RAP/LRP implementation on a regular basis. While Process monitoring would enable the project authority to assess whether the due processes are being followed or not, Performance monitoring would mainly relate to achievement in measurable terms against the set targets. Details are provided below:

Purpose and contents: Performance Monitoring shall cover aspects such as continuity of staff involved in RAP/LRP implementation, timeliness of implementation of proposed activities. Key parameters, timelines and frequency of monitoring are as indicated in Table 45 below.

Table 45: Performance Indicators for RAP/LRP implementation

Indicator/Parameter	Timeline (month)	Frequency
Variation in final number of PAP vis a vis the numbers given in the final RAP/LRP	1-2 Months	One time
Undertaking of listed RAP/LRP activities with respect to proposed schedule: <ul style="list-style-type: none"> i. Operationalizing of GRM, payment of compensation, provision of financial literacy ii. opening of bank accounts (wherever applicable) 	1-4	Monthly
Variation in budget allocated in RAP/LRP estimate versus actual disbursed amount	3,6,9	Quarterly
Payment of compensation prior to issuing notice for vacation of lands and commencement of construction works	3,6	Monthly
Continuity of Personnel in RAP/LRP as per institutional arrangement	2,4,6,8,10,12	Bi-monthly

Process Monitoring would involve the concurrent checking of implementation activities to ascertain whether these are being implemented in accordance with the RAP/LRP and thereby enable MoAIWD authorities to take appropriate action to address any gaps, deviations, etc. It would be one continuous and routine process of tracking and reporting on activities and outputs associated with

use of project resources. It would include collection, analysis, reporting and use of information about the progress against a time-bound implementation schedule indicated in the RAP/LRP. Quantitative indicators that focus on physical and financial targets and delivery of entitlements to PAP will provide an efficient tool to supplement qualitative assessment that shall be carried out in the case of socio-economic impacts.

Process Monitoring indicators: These have been devised along following parameters to measure progress of various activities:

- Physical (land, infrastructure)
- Financial (compensation/establishment)
- Resettlement and rehabilitation (host area monitoring)
- Public facility
- Social (Culture, Education and Health)
- Implementation Processes
- Institutional (including Grievance redressal)

Activities to be undertaken: MoAIWD will undertake the following activities:

- Hold monthly meetings on a specified date with all stakeholders with the Lilongwe District (Payment Agent) and Construction Contractor to review progress and other issues.
- It will also hold fortnightly meetings with other District Authorities on the issues to be addressed to enable timely completion of planned activities; and
- Undertaken joint visits to project sites to enable on-site assessment of progress achieved.

Composition of Concurrent Monitoring Team at MoAIWD: These activities will be undertaken primarily by the EAD and MoAIWD with a team comprising representatives from the following departments:

- Environment and Social Performance Directorate
- Infrastructure Development Team
- Social Impact Directorate (the RAP/LRP Counterpart section)
- Monitoring and Evaluation Directorate

Documentation: Minutes of the meeting will be taken and kept as part of the project files. Any decisions taken would be communicated to the concerned stakeholder such as RAP/LRP Payment Agent in written form with a specified date by when the action needs to be completed.

13.3. Donor Agency (Financier of the Project)

The project donor (World Bank) through its Environmental and Social Performance Department will monitor MoAIWD progress in RAP/LRP implementation in context of the overall project progress. Specifically, it would undertake the following actions with respect to monitoring

- To hold weekly 'virtual' meeting with MoAIWD team to review the progress, ascertain the bottlenecks if any, provide advice and propose solutions.
- Undertake a detailed review of the project implementation as part of the Quarterly Disbursement Review with a specific focus on RAP/LRP implementation
- Review Progress Reports submitted by Lilongwe District (RAP/LRP Payment Agent) – with respect to disbursement of compensation payments
- Undertake periodic site visits to ascertain progress on implementation of RAP/LRP;
- Participate in Launch and Annual Review Workshops and other interim events as might be required and organized.

- Review the RAP/LRP Implementation Completion Report at the end of the Project.

13.4. Implementation Completion Audit of RAP/LRP implementation

An Implementation Completion Audit of RAP/LRP would be carried out at the end to: identify any gaps or outstanding issues; if identified, then propose a time bound Corrective Action Plan with Key Actions, dedicated Human Resources, propose Timeline for close-out and Budget.

It would draw upon information gathered from routine monitoring, supplemented by information from surveys/ studies, including baseline and follow-up studies and other sources. The exercise would help gain a deeper understanding and perspective of project outcomes and impacts. The exercise carried out by an Environmental Affairs Department at the end of one year from the start date of RAP/LRP implementation. However, in case there are any outstanding issues that require attention, administering of additional measures for resolution, the exercise would continue till the time:

Either the RAP/LRP objectives are fully achieved; OR

Till they are deemed to be substantially achieved with systems and processes in place that are adequate to complete pending actions.

As the number of PAP is manageable, the Audit exercise would be undertaken to the total. Key considerations would include:

- It should consider each TA, GVH and VH
- It should cover all types of PAP, nature impacts and mitigation measures administered;
- Rate of annual inflation will be considered to ascertain percentage of change (negative/ Positive) in absolute and real terms in respect to income and expenditure figure.
- It would prepare specific case studies to enable deeper appreciation of the mitigation measures.

It should measure the levels of satisfaction towards implementation arrangements, grievances resolution and performance of stakeholder / partner institutions.

14. RAP/LRP Budget

The implementation of this RAP/LRP will require a budget for carrying out the action plan. For paying the compensation amounts to PAP for losses of properties incurred upon them due to the project in one hand and also for engaging RLIA and MEC on the other hand are required to be costed for arriving at the final budget of the RAP/LRP. The cost of implementation of the HIV Program has also been estimated and considered under the RAP/LRP budget. The total cost of implementing the RAP/LRP has been provided below in Table 46. The break -down of the administrative costs presented in the validity period of the RAP budget will be six months. The inflation rate should be considered to the PAP incase the implementation will be done after six months from the date of submission/approval of this RAP.

Table 46 Estimated budget for implementation

Item	Quantity	Cost (Mkw)	Costs (USD)
Compensation Base			
Total Land (ha.)	2,377.14	6,958,163,100.28	9,597,466.35
<i>Reservoir</i>	2,251.88	6,659,459,251.28	9,185,461.04
<i>Infrastructure</i>	76.65	260,285,089.00	359,013.92
<i>Pipeline</i>	48.61	38,418,760.00	52,991.39
Total Number of Trees	143,336	1,355,979,192.77	1,870,316.13
<i>Indigenous</i>	46581	179,273,407.09	247,273.66
<i>Exotic</i>	67024	496,272,985.68	684,514.46
<i>Fruits</i>	29731	680,432,800.00	938,528.00
Total Buildings/structures (Nos.)	2,912	566,794,778.62	781,785.90
<i>Dedza</i>	1,038	149,115,287.74	205,676.26
<i>Lilongwe</i>	1,874	417,679,490.88	576,109.64
Total Compensation Base		8,880,937,071.67	12,249,568.37
Topping Up Allowances			
<i>Disturbance Allowances (%)</i>	30	2,257,487,363.67	3,113,775.67
<i>Shifting Allowance to the PAP losing buildings (%)</i>	10	56,679,477.86	78,178.59
<i>Assistance to the vulnerable households (%)</i>	20	424,509,555.95	585,530.42
<i>Labor for PAP losing Land (%)</i>	10	709,075,586.13	978,035.29
		3,447,751,983.61	4,755,519.98
Total Compensation Base and allowances		12,328,689,055.28	17,005,088.35
Contingencies to meet any unforeseen impacts costs% of compensation base and allowances	10	1,232,868,905.53	1,700,508.84
A. Total Compensations		13,561,557,960.81	18,705,597.19
Administration Costs			
RAP/LRP implementation Agency		345,462,500.00	476,500.00
Monitoring Agency		177,987,500.00	245,500.00
Total Administration costs		523,450,000.00	722,000.00
B. Total Compensation and Administration costs		14,085,007,960.81	19,427,597.19
Costs for Implementation of LRPs (5%) of B			
<i>Financial Literacy Trainings (%)</i>	40	281,700,159.22	388,551.94

Item	Quantity	Cost (Mkw)	Costs (USD)
<i>Agriculture Assistance programs (%)</i>	25	176,062,599.51	242,844.96
<i>Entrepreneurship Development (%)</i>	10	70,425,039.80	97,137.99
Promoting MSME Registration	5	35,212,519.90	48,568.99
Skills and Employment program	5	35,212,519.90	48,568.99
<i>Fishers Development Programs</i>	5	35,212,519.90	48,568.99
<i>Vulnerability and GBV campaigns</i>	10	70,425,039.80	97,137.99
C. Total LRP Costs		704,250,398.04	971,379.86
Heritage Resources			
Personnel (professional and unskilled labour)		75,090,000.00	103,572.41
Materials (coffins, bricks, protective gears)		76,345,000.00	105,303.45
Transportation (car hiring, fuel and lubricants)		8,400,000.00	11,586.21
Other Costs (communication)		800,000.00	1,103.45
D. Total costs for relocating Graveyards		160,635,000.00	221,565.52
Total RAP implementation Budget (B+C+D)		14,949,893,358.85	20,620,542.56

15. Conclusion & Recommendations

This chapter presents the key conclusions and recommendations relating to the approach for RAP implementation. Besides, it recommends certain activity specific recommendations.

The RAP implementation of the proposed intake and the Main pipeline presents a serious implementation challenge for the following reasons:

- Traverses across thirty villages with four separate administrative divisions of Traditional Authorities;
- Comprises multiple stakeholders – large number of PAP in remote locations and urban areas (residential and commercial areas) of Lilongwe,
- Different implementation agencies such as Contractors for the Dam and associated structures, water pipelines, RAP Payment Agent and RAP implementation agency;
- GRM to enable resolve grievances in a time-bound manner;
- Finally, a time-bound implementation schedule for all RAP activities to enable: i) timely access to site for the Contractor; and ii) completion of RAP activities as agreed to achieve the intended outcome.

The above necessitates the following:

- Immediate full operationalisation of the GRM by providing all requisite training and informing the presence of these committees to the project communities. Specifically the training should involve:
 - key topics such as Entitlement provisions to various categories of PAP;
 - approach to mitigation of other construction impacts; and
 - stakeholders' involved in RAP implementation along with their roles and responsibilities.
- Effective coordination by MoAIWD of all agencies involved with their roles clearly defined and understood roles and responsibilities;
- Continuous and robust monitoring of activities and coordination by MoAIWD with timely decisions and resolution of issues.

In light of the above, the following actions are recommended:

- *Constituting a Core Team:* A Core Implementation Coordination Team (CICT) comprising of representatives from within MoAIWD and implementation partners would need to be constituted. The team would be responsible for effective coordination of the project activities, holding of regular meetings and timely reporting, thereby enabling effective monitoring;
- *Orientation:* Orientation to all partners on the messages previously given to communities are to be subsequently given during implementation. This would include a clear written communication – A Project Dissemination Brief that needs to be used for all subsequent communication by all involved implementation partners/agencies and
- *Usage of Database:* Continuous updating of Database to indicate milestones achieved against those specified.