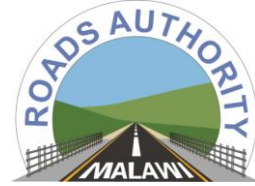




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CONSULTANCY SERVICES FOR THE PREPARATION OF AN ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT AND RESETTLEMENT ACTION PLAN FOR THE KARONGA TO SONGWE SECTION OF THE M1 ROAD

RESETTLEMENT ACTION PLAN



February 2015



MSV INTERNATIONAL, INC. USA



Ruo Consultants Ltd, Malawi

CONTENTS

LIST OF ACRONYMS / ABBREVIATIONS	iv
EXECUTIVE SUMMARY	v
1.0 CHAPTER ONE: PROJECT BACKGROUND	1
1.1 Introduction.....	1
1.2 Nature and scope of the proposed project.....	2
1.3 Project Location.....	3
1.4 Rationale for the project.....	4
1.5 Existing land use and land requirements for the project.....	4
1.6 Compensation for the PAPs	5
1.7 Objectives of the Resettlement Action Plan	5
1.8 Methodology for the preparation of the RAP	6
1.8.1 Site visits.....	6
1.8.2 Literature review	6
1.8.3 Consultation with stakeholders	6
1.8.4 Socio-Economic Survey.....	8
1.9 Institutional arrangement for the implementation of the RAP.....	8
2.0 CHAPTER TWO: POLICY AND LEGAL FRAMEWORK	11
2.1 The Constitution of Republic of Malawi (1995).....	11
2.2 The Malawi National Land Policy (2002)	11
2.3 Land Act (1969).....	11
2.4 Land Acquisition Act (1971)	12
2.5 Town and Country Planning Act (1988).....	12
2.6 Public Roads Act (1962).....	12
2.7 Monuments and Relics Act (1991)	13
2.8 Forest Act (1997)	13
2.9 World Bank Involuntary Resettlement Policy (OP/BP 4.12).....	13
2.10 Gap analysis between national law and the Bank's Policy	14
3.1 Potential impacts.....	17
3.2 Eligibility	18
3.3 Determining Criteria	19
3.4 Identifying the Eligible	20
3.5 Relocation and entitlements	20

3.6 Cut-off Date to Entitlements	20
3.7 Validation of affected assets	20
3.8 Principles of this RAP.....	24
3.8.1 Minimization of displacement	24
3.8.2 Livelihood restoration	24
4.0 CHAPTER FOUR: ENVIRONMENTAL AND SOCIAL BASELINE CONDITIONS FOR THE PROJECT AREA.....	26
4.1 Landforms	26
4.2 Soils	26
4.3 Climate.....	27
4.4 Hydrology and Drainage.....	27
4.5 Land cover and ecosystems.....	27
4.6 Demography and Settlement.....	28
4.7 Labour and Employment.....	28
4.8 Health.....	28
4.9 Water and Sanitation.....	29
4.10 Education	29
4.11 Agriculture Production.....	29
4.12 Irrigation	31
4.13 Livestock.....	31
4.14 Fishery.....	32
4.15 Mining.....	32
4.16 Commerce and Industry	32
4.17 Tourism.....	33
4.18 Roads	33
4.19 Power/Energy.....	34
5.0 CHAPTER FIVE: PROCEDURES FOR ACQUISITION AND NOTIFICATION	35
5.1 Land acquisition.....	35
5.2 Notification Procedures	36
6.0 CHAPTER SIX: PROCEDURES AND CONFLICT RESOLUTION AND RESETTLEMENT	37
6.1 Procedures negotiations and resolution of conflicts.....	37
6.2 Procedures for grievance redress	37
6.3 Grievance	37
6.4 Grievance redress principles	38

6.5 Grievance redress process	38
7.0 CHAPTER SEVEN: MONITORING AND EVALUATION	41
7.1 Indicators.....	41
7.2 Monitoring	45
7.3 Reporting.....	45
8.0 CHAPTER EIGHT:IMPLEMENTATION SCHEDULE.....	46
9.0 CHAPTER NINE: CONCLUSION AND RECOMMENDATIONS	48
REFERENCES	49
ANNEXES.....	51
Annex 1: List of stakeholders consulted	51
Annex 2: A report of public consultation meetings: A summary of issues/questions raised during public consultations	55
Annex 3: Preliminary Valuation	57
Annex 4: Expropriation of Properties buildings affected by Karonga-Songwe Road Resettlement	60
Annex 5: Expropriation of Properties plants and crops affected by Karonga-Songwe Road Resettlement.....	83
Annex 6: Karonga – Songwe ESIA Terms of Reference.....	86

LIST OF TABLES

Table 1: Project Major Potential Impacts	18
Table 2: Entitlement matrix	21
Table 3: Indicators and Variables to be monitored	42

LIST OF FIGURES

Figure 1: Sketchy Location of the Project in Karonga District Road Network	3
Figure 2: Some sections of the road which are in bad shape	4
Figure 3: Interactions for implementation of the resettlement Action Plan.....	9
Figure 4: Grievance Redress pathways.....	40
Figure 5: Implementation Schedule	47

LIST OF ACRONYMS / ABBREVIATIONS

ADC	Area Development Committee
ADD	Agricultural Development Division
CBO	Community Based Organization
CBR	Crude Birth Rate
CDR	Crude Death Rate
COMESA	Common Market for Eastern and Southern Africa
DADO	District Agriculture Development Office
EPA	Extension Planning Area
ESCOM	Electricity Supply Commission of Malawi
ESIA	Environmental and Social Impact Assessment
FGD	Focus Group Discussion
GoM	Government of Malawi
MoAWD	Ministry of Agriculture and Water Development
MoH	Ministry of Health
NGO	Non Governmental Organization
NSO	National Statistical Office
PAP	Project Affected People
RA	Roads Authority
RAP	Resettlement Action Plan
RWG	Resettlement Working Group
STI	Sexually Transmitted Infections
TA	Traditional Authority
TOR	Terms of Reference
USA	United States of America
VDC	Village Development Committee
VSL	Village Savings and Loan

EXECUTIVE SUMMARY

Introduction

Malawi Government, through the Roads Authority with funds from the World Bank intends to rehabilitate 45.9 Km of the M1 Road from Karonga to Songwe. The road links Malawi to Tanzania and the important port of Dar es Salaam and as such forms a vital link for the importation of strategic goods. The road forms part of the Common Market of Eastern Africa (COMESA) North South Corridor and it is an alternative link to the port for Zambia. The road will have a carriageway of 7 meters and 1 meter width sealed shoulders on either side and will have a 200 mm base of crushed stone, 150 mm sub base and 40mm asphalt surfacing. This will provide low maintenance cost over a period of more than 20 years of the design life of the road. The road surface will be smoother resulting in lower vehicle maintenance costs. General speed restriction of 100km/hr for non built up areas and 50 km / hr in trading centres will be imposed. The rehabilitation works will take 30 months.

The proposed road project is in Karonga District in the Northern Region of Malawi passing through Traditional Authorities Kyungu and Mwakaboko. Specifically the road starts from Karonga M1 Roundabout to the expansion joint at the south end of the Songwe River Bridge at Malawi-Tanzania

Because of the scope and nature of works that will be undertaken before, during and after construction, the road project received an environmental classification of Category 1. The classification of category 1 means that there is need to carry out an Environmental and Social Impact Assessment (ESIA) and develop a Resettlement Action Plan (RAP) as required by the Environmental Management Act (1996), Environmental Social Impact Assessment Guidelines and the World Bank's Environmental Safeguard policies and in line with the Roads Authority Environmental and Social Management Guidelines for the Road sector.

The project is estimated to cost USD 151,656,854.00 and has an economic design life of 20 years and a construction period of 30 months. It is expected that a total of 3000 people shall be employed.

The Roads Authority awarded a contract to MSV International Inc, USA in association with Ruo Consultants Ltd Malawi for the preparation of the RAP.

Rationale for the project

The upgrading of the proposed road is aimed at providing a reliable and durable bituminous road and concrete deck bridges, which will enhance the usage of the road network. The existing road has outlived its life span. The road has developed a number of potholes and cracks in many places making passage of vehicles extremely difficult. Current efforts to maintain the proposed road by carrying out routine maintenance in the form of patching, reconstruction of washed away sections and drainage improvement have proved ineffective and costly.

Project activities

The proposed project will upgrade the existing road through strengthening of pavement structure, widening and surfacing the main carriage way. A number of activities will be carried out to accomplish the rehabilitation exercise. The activities shall be implemented under four major phases namely planning, construction, demobilization, and operation and maintenance phases.

Activities under planning phase shall include surveying the road, identification of borrow pits, geometric design of the road, earthworks design, bridge and culvert designs, road pavement design, feasibility studies including economic analysis, ESIA and RAP preparation and budget calculations.

Activities under construction phase shall include site establishment and mobilization including construction of camps, construction of diversions, site clearance, maintenance of bridges and culverts, construction of earthworks, construction of pavement layers (gravel and crushed stone materials), asphalt surfacing, construction of ancillary works such as bus bays, marker and kilometre posts, guardrails, road marking and landscaping.

Activities under demobilization will include making safe components of the project, and this will include restoring the areas occupied by the project to other beneficial uses.

Activities during operation and maintenance phase of the road will include commissioning of the road for use. As the road will be used, with time, some sections will be damaged and will be in need of maintenance.

Aim and objectives of the Resettlement Action Plan

The overall aim of this preliminary resettlement action plan (RAP) is to:

- a) Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project;
- b) Set out strategies to mitigate against adverse effects suffered by the PAPs including provision of channels and platforms for negotiations;
- c) Assess the potential extent of involuntary resettlement relating to the Project;
- d) Identify the possible impacts of such resettlement;
- e) Identify different categories of Project Affected Persons (PAPs) who will require some form of assistance, compensation, rehabilitation or relocation;
- f) Quantify different categories of Project Affected Persons (PAPs) who will require some form of assistance, compensation, rehabilitation or relocation;
- g) Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project; and
- h) Estimate the costs necessary for resettlement and compensation.

The preliminary RAP is based on different international and national laws, policies and procedures related to involuntary resettlement. The resettlement scoping included the following sub-activities:

- i) A socio-economic baseline survey of affected persons and their assets; and
- ii) Consultations with persons potentially affected by the project, to inform them of project activities, the likely time frame, and the type compensation likely to be effected;

Methodology for the preparation of the RAP

Information for the preparation of this preliminary RAP was collected through primary and secondary sources. Major steps used for this study included:

- a) Observation from site visits;
- b) A desktop review of documents and other secondary data;
- c) Review of the existing conditions of some of the project impact areas;
- d) Review of typical implementation approaches and processes for the road rehabilitation works;
- e) A desktop review of documents and other secondary data;
- f) Interviews with government authorities and local government officials; and
- g) Socio economic survey, community meetings and focus group discussions with communities.

Compensation Entitlement

The losses that the Project Affected People (PAP) s shall suffer will include temporary loss of access to agricultural land, income, housing, proximity to utilities and social amenities. The identification of persons eligible for compensation and resettlement in the project area will be based on the following criteria:

- a) Persons losing land with or without legal title;
- b) Persons losing temporary or permanent access or rights to services;
- c) Persons losing business or residential property;
- d) Person with homes, farmland, structures or other assets affected by construction-related activities;
- e) Vulnerable individuals who may be too old or ill to fend for themselves. These PAPs shall receive additional assistance;
- f) Members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood;
- g) Members of the household who may not eat together but provide housekeeping or reproductive services, critical to the family's maintenance;
- h) Persons that incur losses whether partial or total and whether they have their own land or;
- i) Rented land, including those that rent or occupy buildings individually or as a group for business or as households.

The laws and policies of Malawi consider all titled landowners, customary landowners, encroachers (who have settled before the cut-off date), persons affected by loss of access to sources of income and persons affected by loss of access to natural resources (water, wood,

grazing areas etc.), as PAPs. Therefore, PAPs will be entitled to compensation based on the status of their occupation of the affected areas.

Land for land compensation is considered to be appropriate for people whose livelihoods are land based. However, the project impact area does not have any idle land for the traditional leaders to distribute to their subjects. Cash compensation will therefore be considered.

Institutional and Organizational Framework

The Roads Authority will have the overall responsibility for coordinating and monitoring implementation of the RAP. The Karonga District Council in adherence to the Constitution of the Republic of Malawi which provides fundamental rights in land entitlement to the citizens, shall make every effort to ensure that no land is acquired against the will of any person(s), exercising rights over their land.

District Councils and Local Leaders/Chiefs will have the role to interface the PAPs with the RAP implementing authorities. The Roads Authority will oversee the progress of land acquisition through the Karonga District Council. The Council will initiate land acquisition, secure replacement of land and prepare and maintain records for the PAPs. The Village Development Councils will work together with the District Councils to implement the resettlement and rehabilitation activities, among other activities.

Participation and Public Consultation

A comprehensive public consultation program was undertaken to ensure that all of the information pertaining to the project and its likely impacts is disseminated, in order to implement it in a transparent manner. Particular focus was given to the issues related to involuntary resettlement. In line with the above, the Consultants held a number of meetings in the different traditional authorities, the Project Affected Persons through household interviews and group discussions along the proposed road project. The meetings were well attended by different interested parties in the potentially affected project area, and the PAPs were accorded special attention.

The consultation process provided an opportunity for stakeholders, and particularly the PAPs to express their views and opinions on the project and to raise issues of concern relating to the Project. Major issues discussed during consultations included:

- a) Expected benefits from the project which shall include short term employment during the construction period, which the people welcomed;
- b) Loss of land, which called for discussion on compensation amounts, participation of the community in valuation, the assessment of different crops, and compensation for dual seasonal planting;
- c) Involvement of women and youth in the project which will include employment opportunities, position of women and youth around landholding tenure and farming; and
- d) Health concerns, which will involve the spread of Sexually Transmitted Infections (STI)s, particularly HIV/AIDS, an increase in water-borne diseases particularly malaria.

The Consultant also held meetings with officials from the Project impact areas. The discussions mainly covered: importance of the proposed road, impacts of the rehabilitation works for the project, loss of land and property close to the road project, handling of disputes, grievance handling in case of damage of property along the proposed road.

Gender Concerns

Vulnerable groups, especially women-headed households, will obtain benefits equal to men in the project. Further, in some mitigation measures, they will be better placed with a view to enhance their economic and social wellbeing. A number of meetings were held with the women groups, who brought out issues like the equal role of men and women, project benefits to women groups, raising awareness level among the women groups, opportunities for women during the RAP implementation and gender sensitive positive project monitoring and evaluation for consideration of the project proponents.

Monitoring and Evaluation

Monitoring and evaluation will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of the project, measuring the extent to which the goals of the RAP have been achieved and the effectiveness of mitigation measures.

Indicators and targets will be established for the project as a whole, in consultation with representatives of the affected communities and other key stakeholders. Indicators are usually grouped into the categories as spelt out in the RAP including: input indicators, output indicators, outcome indicators, impact indicator and performance indicators. This RAP also details out the performance monitoring, impact monitoring and qualitative monitoring.

Grievance Procedures

The procedure for handling grievances will be as follows:

- a) The affected person should file her/his grievance in writing (in English or the local language that s/he is conversant with), to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the PAP is unable to write, he should obtain assistance to write the note and emboss the letter with his thumb print.
- b) The Local Leader should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader that his/her complaint is being considered. If the local leader cannot provide an appropriate solution to the problem, the problem will be referred to the RGW to use established mechanisms of grievance redress, which may include the presence of peers of the PAP and other local leaders.
- c) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time (s)he must lodge his grievance to the District Council and the District Council must inform Government of the complaint

- d) The Council will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law.

Resettlement Costs

It is estimated that a total of MWK 353,524,000.00 will be required to compensate the affected people. This amount is a preliminary estimate and may change during the verification exercise of the PAPs.

Conclusion

The Project's major disadvantage is the displacement and relocation of both people and businesses. However if this RAP is followed then the people displaced will suffer minimum inconvenience. This will be done under the RAP:

- a) The institutions recommended for negotiations and RAP implementation should be set up as soon as approval of the project is given;
- b) The RAP should be modified in line with situations experienced when the actual resettlement begins. In particular the monitored indicators should be discussed at least quarterly so that appropriate measures and readjustments can be made; and
- c) Conduct awareness campaigns to restrain people from encroaching the road reserve.

1.0 CHAPTER ONE: PROJECT BACKGROUND

1.1 Introduction

The Government of Malawi, through the Roads Authority (RA) with funds from the World Bank intends to rehabilitate 45.9 Km of the M1 Road from Karonga to Songwe . The road links Malawi to Tanzania and the important port of Dar es Salaam and as such forms a vital link for the importation of strategic goods. The road forms part of the Common Market of Eastern Africa (COMESA) North South Corridor and it's an alternative link to the port for Zambia.

The road will have a carriageway of 7 meters and 1 meter width sealed shoulders on either side and will have a 200 mm base of crushed stone, 150 mm sub base and 40mm asphalt surfacing. This will provide low maintenance cost over a period of more than 20 years of the design life of the road. The road surface will be smoother resulting in lower vehicle maintenance costs. General speed restriction of 100km/hr in non built up areas and 50 km / hr in trading centres will be imposed. The rehabilitation works will take 30 months.

Because of the scope and nature of works that will be undertaken before, during and after construction, the road project received an environmental classification of Category 1. The classification of category 1 means that there is need to carry out an environmental and social impact assessment (ESIA) and develop a resettlement action plan as required by the Environmental Management Act (1996), Environmental Social Impact Assessment Guidelines and the World Bank's Environmental Safeguard policies and in line with the Roads Authority Environmental and Social Management guidelines for the Road sector. Through the application of the Resettlement/Compensation Screening Form under the Bank's Safeguards, the project was categorised as 'HIGH Risk' with significant resettlement impacts and hence a Resettlement Action Plan is required.

The project is estimated to cost USD 151,656,854.00 and has an economic design life of 20 years and a construction period of 30 months. It is expected that a total of 3000 people shall be employed.

The Roads Authority awarded a contract to MSV International Inc, USA in association with Ruo Consultants Ltd Malawi for the preparation of the RAP for the project. The project proponent is Government of Malawi through the Roads Authority. Details of the project proponent are as follows:

Proponent Name : Roads Authority

Postal Address: Private Bag B 346, Lilongwe 3, Malawi

Physical Address : Functional Building, Off-Paul Kagame Road, Lilongwe

Contact Person : The Chief Executive

1.2 Nature and scope of the proposed project

The activities shall be implemented in four phases namely planning, construction, demobilization, and operation and maintenance phases. Activities under planning phase shall include surveying the road, identification of borrow pits, geometric design of the road, earthworks design, bridge and culvert designs, road pavement design, feasibility studies, economic analysis, ESIA and RAP preparation and budget calculations.

Activities under construction phase shall include mobilization of workforce; construction of camps; clearing of vegetation; excavation of borrow pits; removal and disposal of old bitumen and concrete; creation of impervious surfaces; transportation of equipment, materials and workforce; construction of diversions; construction of drainage structures; construction of bridges and culverts; construction of pavement layers (gravel and crushed stone materials); asphalt surfacing; construction of ancillary works such as bus bays, kilometre posts, guardrails, road marking and landscaping.

Activities under demobilization will include laying off a number of workers, demolition of some structures which will be used for the road rehabilitation project and restoring areas occupied by the project to other beneficial uses. Activities during operation phase will include commissioning of the road for use. As the road will be used, with time, some sections will be damaged and will be in need of maintenance.

Infrastructure development, such as the rehabilitation of this road shall invariably require the involuntary acquisition of land. This may result in physical relocation, loss of assets or access to assets, and/or loss of income sources or means of livelihood whether or not those affected must move to another location – broadly termed involuntary resettlement or resettlement. Such acquisition can adversely affect the wellbeing of the people whose assets are acquired, as well as the communities in which they live, often giving rise to severe social and economic risks.

1.3 Project Location

The proposed road project is in Karonga District in the Northern Region of Malawi passing through Traditional Authorities Kyungu and Mwakaboko. Specifically, the road starts from Karonga M1 Roundabout to the expansion joint at the south end of the Songwe River Bridge at Malawi-Tanzania Border (Figure 1).

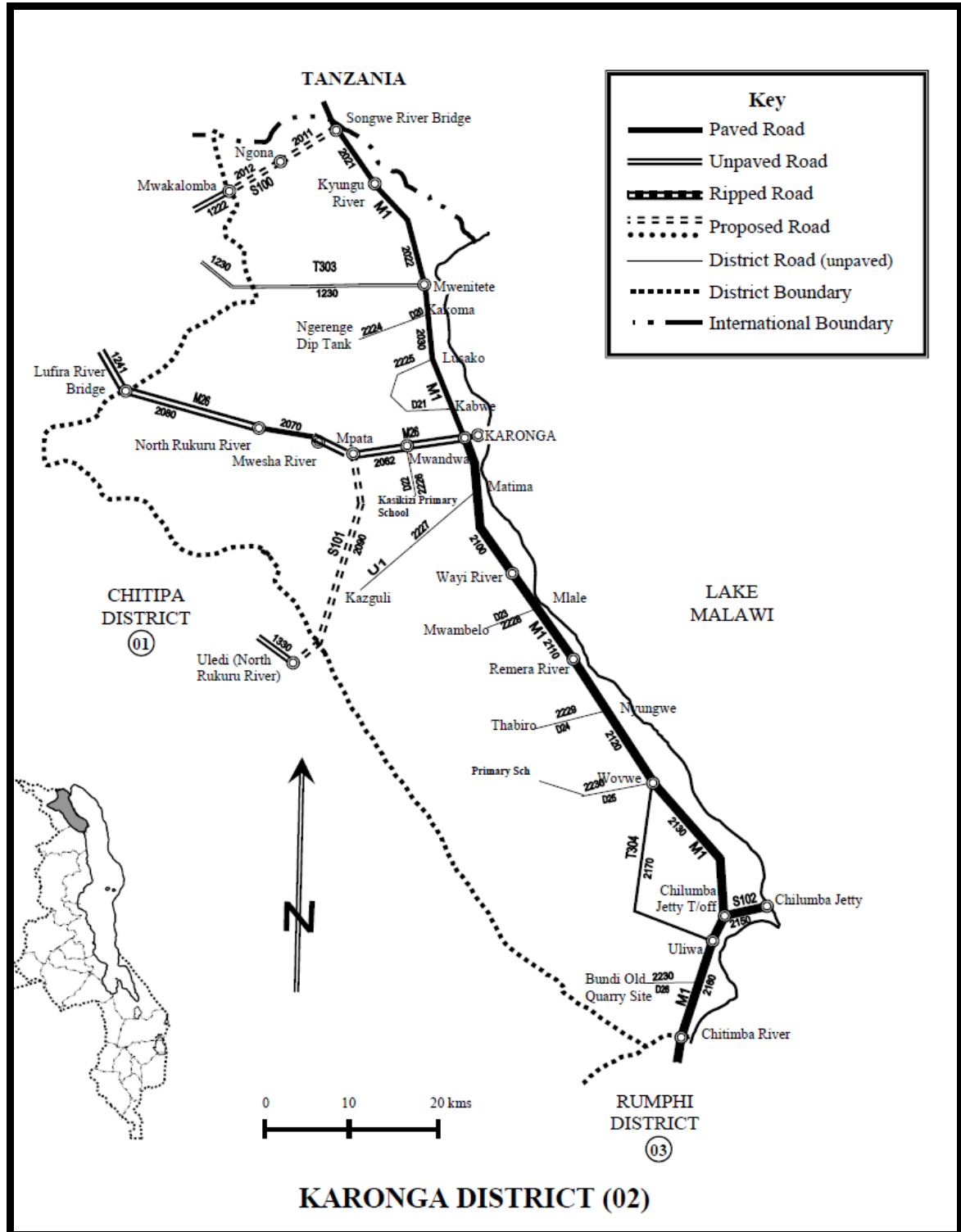


Figure 1: Sketchy Location of the Project in Karonga District Road Network

The road passes through a number of trading centres, major ones include Mwenitete, Kaporo, Iponga, Pusi and Ighembe. Agriculture is the main economic activity in the area while small scale fish farming comes second in income generation.

The project is at design stage to complete the feasibility studies, detailed engineering designs. The feasibility study has also included preparation of the environmental and social impact assessment report and this resettlement action plan. It is expected that the environmental and social management measures will be incorporated into the engineering design of the proposed project activities and the RAP shall be used in implementation and monitoring of the resettlement issues.

1.4 Rationale for the project

The upgrading of the proposed road is aimed at providing a reliable and durable bituminous road and concrete deck bridges, which will enhance the usage of the road network. The existing road has outlived its life span and most of the sections are in bad shape and are in continuous deterioration due to increasing heavy traffic. The road has developed a number of potholes and cracks in many places making passage of vehicles extremely difficult. Current efforts to maintain the proposed road by carrying out routine maintenance in the form of patching, reconstruction of washed away sections and drainage improvement have proved ineffective and costly. Figure 2 shows some sections of the road which are in bad shape.



Figure 2: Some sections of the road which are in bad shape

1.5 Existing land use and land requirements for the project.

The project corridor is mainly surrounded by settlements, most of which are in linear settlement pattern. Some infrastructure also includes utility services such as electricity, boreholes and water pipes as well as social infrastructures such as schools, hospitals, business buildings and local markets. The proposed road project will require extra land due to:

- a) Creation of a mandatory road reserve of 30 m from the centre of the existing road to either side of the road which most of the existing buildings and trees will require to be removed;
- b) The road being realigned while in other places it will be due to diversions; and
- c) Drainage systems, borrow pits and campsites which will required to be situated on land that belongs to different individuals and communal structures.

1.6 Compensation for the PAPs

All the people and institutions whose land will be utilized for the extension of the road reserve, diversions and construction of drainage systems, borrow pits, campsites and loss of businesses and infrastructures will be compensated accordingly. In all a total of 230 people will be affected either by their houses or their farms and other property will be affected as the anticipated land acquisition and displacement for the project will affect shelter and livelihood of some of the local community members.

Furthermore 240 ha of cultivable land will be lost to the project. Most of the land is accommodating both fruit and indigenous trees. To that effect, the population along the project impact area was apprised of the development and most of them welcomed the project. The final property valuations will be formerly conducted by Regional Commissioner for Lands (North) within the framework of this RAP.

1.7 Objectives of the Resettlement Action Plan

This RAP has been prepared consistent with the applicable policy provisions of Malawi Government and the World Bank. The policies require that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. Basically, the RAP presents an inventory (register) of people likely to be affected by development of the road, a register of the assets that are likely to be displaced by the project and the proposed compensation and resettlement packages. Specifically the RAP was prepared in order to:

- a) Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project;
- b) Set out strategies to mitigate against adverse effects suffered by the PAPs including provision of channels and platforms for negotiations;
- c) Assess the potential extent of involuntary resettlement relating to the Project;
- d) Identify the possible impacts of such resettlement;
- e) Identify different categories of Project Affected Persons (PAPs) who will require some form of assistance, compensation, rehabilitation or relocation;
- f) Quantify different categories of Project Affected Persons (PAPs) who will require some form of assistance, compensation, rehabilitation or relocation;
- g) Provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project; and
- h) Estimate the costs necessary for resettlement and compensation.

Annex 6 of this report presents Terms of Reference (ToRs) for the preparation of the preliminary Resettlement Action Plan.

1.8 Methodology for the preparation of the RAP

Information for the preparation of this preliminary RAP was collected through primary and secondary sources. Major steps used for this study included:

- a) Observation from site visits;
- b) Review of the existing conditions of some of the project impact areas;
- c) Review of typical implementation approaches and processes for the road rehabilitation works;
- d) A desktop review of documents and other secondary data;
- e) Interviews with government authorities and local government officials; and
- f) Socio economic survey, community meetings and focus group discussions with women.

1.8.1 Site visits

The visits were conducted in order to acquaint the consultants with the setup of the project impact areas and to get verifiable information about the area. The visits further provided an opportunity for the experts to interact with members of the communities and staff from relevant ministries and departments of Karonga District Council. During the visits, the experts collected information through personal observations which were made in the whole stretch affected by the Road. The nature and abundance of the vegetation was also determined using the same method.

1.8.2 Literature review

Among the documents, the desk study looked at the Constitution of the Republic of Malawi, the National Land Policy, National Environmental Policy Environmental Guidelines for Roads Sector, Forestry Conservation Act and Policy, World Bank Resettlement Policies, the Environment Management Act, the Water Resources Act and the Land Act, Land Acquisition Act, Town and Country Planning Act, Public Roads Act, Forestry Act and other pieces of legislation relevant to the activities of the proposed project. The intention of reviewing some policies and laws was to ensure that the resettlement and compensation of the PAPs will be done legally. In addition, documents such as the socio economic profiles, health surveys and researched data for Karonga District were also reviewed.

1.8.3 Consultation with stakeholders

To achieve the project's objectives, the Consultants carried out consultations throughout the study period with all relevant stakeholders, mainly the Project Affected People. Details of the issues raised are provided in Annex 1 and Annex 2. The aims of public consultations were to:

- a) Disseminate concepts of the proposed project activities with a view to provoking project interest amongst the communities;
- b) Promote sense of ownership for the project and resettlement activities;
- c) Determine communities willingness to contribute in kind towards the implementation of the project ;and
- d) Determine community willingness to contribute towards long term maintenance of Project facilities.

Focus Group Discussions (FGDs) were held with women groups in the villages affected and other groups, to inform participants of the status of the Project, and to investigate their issues and concerns. Focus group discussions were held with women representatives from villages in all Project impact areas located along the road project corridor. The discussions mainly centred on:

- a) Road and its surroundings (land-use, natural resources, water, etc.);
- b) Most important features (market places, gathering sites, schools, clinics, quarries, borrow pits, access and feeder roads, etc.);
- c) Sensitive areas (protected areas, graveyards, historical sites, etc.);
- d) Socio-economic and environmental issues to arise from implementation of the proposed project activities;
- e) Gender and HIV issues;
- f) Resettlement and compensation of the PAPs;
- g) Where should construction materials be taken from/or not taken from;
- h) Employment opportunities;
- i) Road accidents and existence of black spots along the road;
- j) Benefits (increased trade and transport) and inconveniences due to increased traffic; and
- k) Positive or negative experiences with other contractors.

Responses from the consultations conducted provided relevant background information and helped the consultants to identify major social and environmental concerns of the communities along the project impact area which have been instrumental in the preparation of this RAP report. From the discussions, it was observed that impacts from the rehabilitation of the proposed road are likely going to come from:

- a) Landscape – topography, vegetation, historic features, material finishes;
- b) Ecology – loss of bush habitat, disturbance due to noise, plant movements and human presence during construction, pollution;
- c) Planning and policies – land use, promotion of economic/social policies;
- d) Socio-economy – demand for land, water, food, supplies, labour, sexual activities, medical, entertainment, and educational facilities;
- e) Traffic and transport – construction traffic movements, air pollution, noise, dust, and risk to safety;
- f) Amenity and tourism – visual intrusion, air pollution, noise and dust;

- g) Archaeology and cultural heritage – known and unknown archaeological remains and structures of historical importance, grave yard, initiation camps, and place of traditional beliefs;
- h) Hydrology and water quality – pollution and depletion of water resources during construction; and
- i) Air quality, noise and dust – operation of construction plant, movement of vehicles on site and access roads, creation of dust through excavation, blasting and vehicle movements.

1.8.4 Socio-Economic Survey

A survey of households was conducted in order to collect baseline information on socio-economic situation, poverty, food security, agriculture, livestock, education, health, gender representation, and for also determining impacts, public attitudes, values and perceptions on a variety of issues. The survey involved discussion with the client representatives, designing questionnaires, recruitment of enumerators, administering the questionnaires and consultation with secondary stakeholders.

Discussions were held with relevant staff of the Roads Authority with a view to better understand project scope, design and motivation. From such discussions, the consultant obtained maps and project design data which provided useful information in identifying the route of traverse.

Inventory of PAPs was undertaken along the route of traverse. The survey of affected assets and survey of PAPs came up with preliminary details as follows: exact land acquisition requirements; affected households / businesses; loss of private buildings and other structures; livelihood impacts; income sources of affected households / businesses; loss of produce; impacts on vulnerable groups; and loss of heritage items.

Asset valuation recognized three main parameters namely:

- a) Land to be acquired under the proposed project;
- b) Structures falling within the proposed road reserve; and
- c) Trees and crops falling under the proposed road reserve.

The compensation package was derived from summation of the costs of affected land, buildings, trees and crops to which was added a 15% mark-up to cater for involuntary acquisition. The addition of the mark-up to the calculated value will bring the value equal to prepayment value.

1.9 Institutional arrangement for the implementation of the RAP

The Government of Malawi being the primary proponent of the project will have the overall responsibility of coordinating the implementation of the RAP through the Roads Authority. The Roads Authority will set up a project management team and a team to monitor the resettlement process. The actual execution will be done through collaboration with Karonga District Council (local government) and all the relevant MSV International Inc (USA) in association with Ruo Consultants Ltd (Malawi)

ministries and departments such as the Ministry of Lands, the Ministry of Finance and the Office of the President and Cabinet. The interactions among the relevant institutions for purposes of managing resettlement and compensation are depicted in Figure 3.

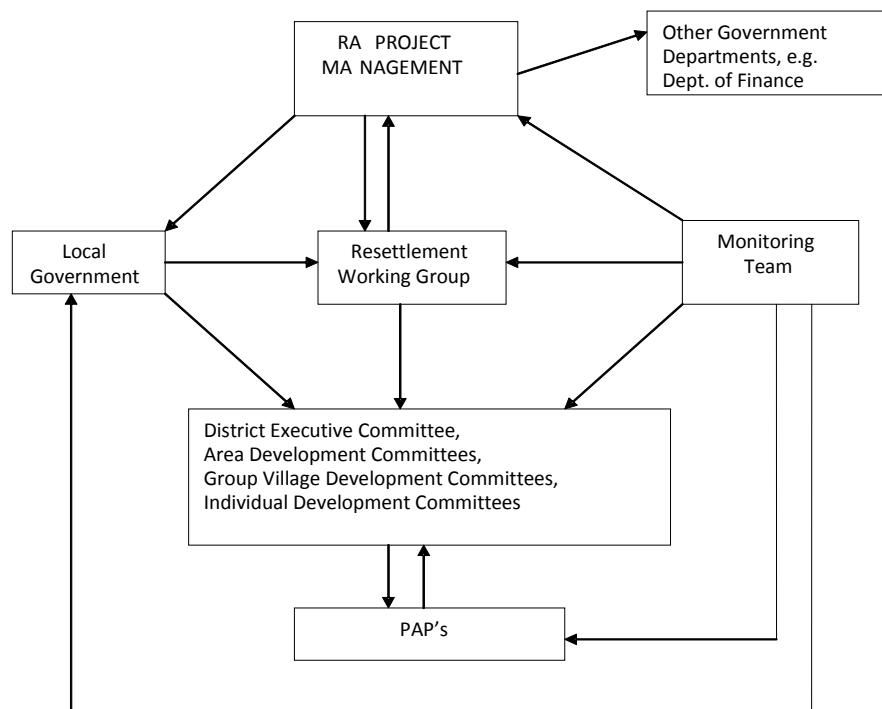


Figure 3: Interactions for implementation of the resettlement Action Plan

The contact persons and teams in each ministries will be oriented on ensuring that the exercise will be done with respect and due care to all affected. Once all the groundwork has been done, the District Commissioner for Karonga will monitor implementation of the RAP.

The Resettlement Working Group (RWG) will interface the Project Management with the PAPs. It will be constituted in such a manner as to be regarded as the primary representative voice of the affected persons. The RWG will not need to bear a direct relationship to the Area Development Committees (ADC) /Group Village Development Committees (VDC) and/or individual Village Development Committees that have already been established. The composition of the RWG will be as follows:

- a) Representatives of the affected communities/villages. This will be made up of two members from each of the Traditional Authorities areas defined as affected. At least one of the two members will be a woman. The PAP will elect these members;

- b) Representatives of the Traditional Authorities in each of the areas affected;
- c) Representatives of RA; and
- d) One representative from each of the three Districts. These will be the DC or his designated representative.

Once the group has been set up they will elect a person/s to be responsible for reporting on their activities to the community. The elected member/s of the RWG will make it a priority to report back to the appropriate development committees to keep them abreast of developments relating to the road project. Under the overall authority of its reporting officer, the RWG will have the following functions:

- a) Acting as the primary channel of communication between the various interest groups/organizations involved in the resettlement process. In particular, it will serve to facilitate communication between RA and the affected population;
- b) Solve amicably any problems relating to the resettlement process. If it is unable to resolve any such problems, it is to channel them through the appropriate grievance procedures; and
- c) Assume primary responsibility of assisting RA in overseeing the resettlement processes in all its phases.

2.0 CHAPTER TWO: POLICY AND LEGAL FRAMEWORK

Policy and legal framework on resettlement in Malawi is drawn from various government policies and pieces of legislation. In addition to a review of the Constitution of Republic of Malawi, other key government policies and pieces of legislation considered here include: Malawi National Land Policy, Land Act, Land Acquisition Act, The Public Roads Act, The Town and Country Planning Act, and the Forestry Act. The following paragraphs highlight some resettlement related requirements as enshrined in these statutes.

2.1 The Constitution of Republic of Malawi (1995)

The Constitution of the Republic of Malawi guarantees land as a basic resource for social and economic asset for all Malawians. It affirms equitable access of land and ownership of property. The constitution also sets a benchmark on the issue of land acquisition. It provides in section 28(2) that “No person shall be arbitrarily deprived of property” and in section 44(4) that “Expropriation of property shall be permissible only when done for public utility and only when there has been adequate notification and appropriate compensation provided that there shall always be a right to appeal a court of law”. In regard to these facts, it will be necessary for the community to provide adequate land to for displaced persons. The Constitution of Republic of Malawi further guarantees security of tenure of land and free enjoyment of legally acquired property rights in any part of the country. The implication is that Government will have to pay out fair and adequate compensation to affected people.

2.2 The Malawi National Land Policy (2002)

The Malawi National Land Policy focus on land as a basic resource common to all people of Malawi and for enhancement of socio – economic development. Section 4.11 affirms equitable access to land to all citizens of Malawi. The policy recognizes human settlement and agriculture as the major benefactor land use sector. As such, the policy advocates for orderly resettlements of villages or households especially in rich agricultural zones. Furthermore the policy guarantees full legal protection to customary land tenure to the people of Malawi in order to enable the ordinary Malawians adequately participates in subsistence farming and socio-economic development activities. The Malawi National Land Policy also advocates for fair compensation on open market value to local people on all classes of land (whether held under customary land tenure or leasehold) in case such land is acquired for public interest or for development of public infrastructure. In reference to relocation of displaced people, the policy advocates adequate consultations with the affected people so that their interests are taken care of.

2.3 Land Act (1969)

Land Act covers land tenure and land use quite comprehensively. Section 27 and 28 of the act guarantees landholders for appropriate compensation in event of disturbance of or loss or damage to assets and interests on land Act also provides procedures of

acquisition of one class of land to another. The process begins with appropriate notice the existing lessee of the land.

2.4 Land Acquisition Act (1971)

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

2.5 Town and Country Planning Act (1988)

The Town and Country Planning Act, is a principal act for regulating land use planning and physical developments in Malawi. The aim of regulating land uses and location of physical developments is to enhance orderly spatial physical growth of human settlements activities. In addition the laws promotes orderly physical planning in order to enhance optimum use of land and service infrastructures, protect and conserve fragile environmental systems in space. These objectives are achieved by guiding physical developments, and controlling building uses in designated zones with regulated planning permissions. Section 40 basically prescribes environmental and socio-economic screening for medium to large scale development projects before they can be granted planning permissions under this act. Normally, local assemblies and developers of proposed large projects undertake this screening.

Sections 63 - 65 recognize the need of appropriate compensations to land owners in case of compulsory acquisition of land for public interest. Although the provisions indicate that compensation is at discretion of government, recent amendment to the sections have provided room for appeal to the high court by land owners in case they are aggrieved on amount of compensation on their assets. It is expected that there will be no cases of compulsory acquisition of land.

2.6 Public Roads Act (1962)

The public roads act covers the management of road reserves and streets. Land acquisition and resettlement issues are outlined in part II of the act. Section 44 provides assessment of compensations, which can be paid under this act. The compensations cover surface and land rights of the owner or occupier of land. Section

45 provides for compensation for conversion of land into public use and the section states specifically that in case of customary land compensation is in respect to disturbance to people, section 49 and section 50 provide opportunities for land owners or occupiers to appeal to the High Court on grievances related to resettlement and compensations provided for in this act.

2.7 Monuments and Relics Act (1991)

The Act stipulates the proper management and conservation of monuments that are of importance both nationally and locally. It also provides for proper preservation of monuments in the event that there is a change in the use or development of land. This gives room for the authorities for monuments and relics to protect monuments under the provisions of the Land Act or the Lands Acquisition Act.

The road again passes near 3 graveyards along the road corridor. Graveyards link the present generation to their past and are regarded with high respect in many cultures in Malawi. However, the said graveyards will not be affected by the road project activities as the road alignment is deviated away from the graveyards.

2.8 Forest Act (1997)

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

2.9 World Bank Involuntary Resettlement Policy (OP/BP 4.12)

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

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

Displaced persons classified under paragraph 3.3 (a) and 3.3 (b) shall be provided compensation, resettlement assistance and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project in accordance with the provisions of this framework if they occupy the project area prior to the cut-off date (date of commencement of the census). Displaced persons classified under paragraph 3.3 (c) shall be eligible for compensation for the assets but not land. In addition the World Bank policy on resettlement stipulate those displaced persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

2.10 Gap analysis between national law and the Bank's Policy

Policies of the World Bank on resettlement and of Government of Republic of Malawi have a number of common aspects in management of resettlement. For example both policies emphasise on minimisation of the extent of resettlement. Secondly, the policy recommends considerations of fair and adequate compensations to project affected persons. However, there some gaps which exists between the policies of World Bank and those of Government of Republic of Malawi. A detailed comparative analysis is provided in Table 1. Some selected examples are as follows:

- i. Under WB Resettlement Policy (OP/BP 4.12), displaced persons are classified into the three groups mentioned in section 3.3 (a, b and c). Land owners under Group a and b, are among the PAPs who are entitled to full, fair and prompt compensation as well as other relocation assistance. With respect to those in Group c, where displaced persons have no recognizable legal rights they are to be provided with resettlement assistance in lieu of compensation for the land they occupy, as well as other assistance. Under Malawi law, Group (a) and (b) are entitled to compensation. However, those under (c) are not entitled to compensation.

However, they will be given compensation for the investment they made on the land.

- ii. On aspects on compensations on land, the policies of Government of Malawi consider the different intrinsic values associated with various classes of land (customary land, leasehold land, freehold land, public land). In such cases, rates for compensation on land vary from one site to another and from one class of land tenure to the other. World Bank policies do not distinguish such differential aspects of land classes and corresponding different market rates and instead insist on replacement cost of the land regardless of its type.
- iii. In cases on compensation of loss of land by project affected people, the World Bank policies prefer land for land compensation. In Malawi an option of land for land compensation is normally preferred in customary land transaction while option of land for money compensation is the preferred options in urban areas.
- iv. Bank's policy clearly stipulate resettlement as an upfront project – in that all issues of land acquisition and relocation of project affected people has to be done prior to commencement of the project site on the acquired site. Malawian policies do not clearly spell out this approach and in practice; resettlement is treated as a separate exercise outside project planning and implementation.
- v. Bank's policy clearly recommends for adequate resettlement assistance and rehabilitation assistance to relocated people as a way of restoring and enhancing socio – economic living standards. This is supposed to be undertaken within the first years of relocation on the new sites. Malawi legislation does not clearly define the extent of resettlement assistance to relocated people. Much of available support is normally left in hands of District Commissioner and local chiefs within the district and area of relocation of the project affected people.

Other gaps between the two approaches are in the following areas:

- **Extent of entitlement:** World Bank OP/BP 4.12 includes affected parties with non-formal property rights, while this does not apply in all instances in Malawi.
- **Timing of payments:** World Bank OP/BP 4.12 requires payment before loss of assets, while the Malawi legislation does not have this requirement.
- **Relocation and resettlement:** World Bank OP/BP 4.12 requires additional assistance with resettlement (such as establishment of new sites) while this is not provided in Malawi's laws.

- **Livelihood restoration:** The World Bank OP/BP 4.12 requires that livelihoods are improved or at least restored, while the Malawi's laws contain no requirements for livelihood restoration.
- **Grievance mechanisms:** World Bank OP/BP 4.12 requires that a grievance mechanism is established as early as possible in the project development phase, while the Malawi Government does not specify on the same.

The following chapter will address these gaps and how they will be mitigated. However the current practice has been that wherever the existing Malawi law does not provide direction on how compensation are to be administered, the policy of the project financiers will prevail. In the same realm, wherever the national laws are seen to seriously disadvantage the PAPs the policy of the financiers will be adopted.

3.0 CHAPTER THREE: RESETTLEMENT IMPACTS AND MITIGATION

The project will require involuntary acquisition of land. This will result in physical relocation, loss of assets or access to assets, and/or loss of income sources or means of livelihood whether or not those affected by the project must move to another location. Such acquisition of land will adversely affect the wellbeing of the people whose assets will be acquired, as well as the communities in which they live and this will give rise to severe social and economic risks.

This Section defines who is eligible for compensation, and outlines the types and levels of compensation and other supplementary measures that will assist each category of eligible-affected people, and at the same time achieve the objectives of national (Malawian) legislation and policies and international best practice.

3.1 Potential impacts

The Project will impact on a wide range of households, business operators, institutions and community members. These impacts, however, manifest at individual and group level. Some of the losses qualify for compensation and resettlement assistance include:

- a. **Loss of residence:** People who will be displaced by having to move their place of residence to allow for the construction of the road, construction camps, access roads, or any other associated infrastructure.
- b. **Loss of business:** People who will be displaced by having to move their places of business to allow for the construction of the road related infrastructure. These are business shelters, places such as brick ovens, rice drying and selling points etc.
- c. **Loss of land:** People who will lose land over which they have established ownership or rights of usufruct (either in a permanent or temporary fashion) to allow for the construction of the road associated infrastructure.
- d. **Communal resources:** Members of communities who will lose access to their communal resource base. These will include boreholes, water taps, communal play grounds, market places and other resources.
- e. **Places of worship:** Worshipers who may be affected through having their place of worship having to be relocated.
- f. **Archaeology and cultural heritage:** There are no known archaeological remains and structures of historical importance in the area. Places of cultural heritage include the three grave yards identified along the proposed road project.

Table 1 that follows defines resultant socio-economic hardships due to major impacts envisaged in this project.

Table 1: Project Major Potential Impacts

Category of losses	Social and economic impacts
Displacement from land	<ul style="list-style-type: none"> • Landlessness • Loss of productive resource for agriculture • Loss of businesses • Impoverishment of people
Loss of houses	<ul style="list-style-type: none"> • Landlessness, homelessness • Disturbance of house production systems • Loss of sources of income • Loss of or weakening of community system and social networks. • Loss of access to social amenities such as hospitals and schools. • Loss of traditional authority.
Loss of assets or access to assets and cultural sites	<ul style="list-style-type: none"> • Impoverishment • Loss of sources of income • Loss of employment opportunities (self – employment)
Loss of income sources or means of livelihood	<ul style="list-style-type: none"> • Impoverishment • Loss of self – employment opportunities • Affects rights to education, health etc
Damage to or destruction of ancestral sites, graveyards	<ul style="list-style-type: none"> • Loss of identity and culture
Loss of access or proximity to social amenities e.g. water sources	<ul style="list-style-type: none"> • Loss of sources of income as people may start buying the service • Increased time to access resources. Loss or shortage of time for other activities
Blockage of footpaths/pathways	<ul style="list-style-type: none"> • Increase in travel distance due to longer route

Mitigation measures for these impacts have been presented in an ESIA report prepared alongside this RAP.

3.2 Eligibility

Those who will be affected by asset loss and resettlement and are eligible for compensation and other assistance require definition and identification, with criteria set for determining their eligibility. The Resettlement/Compensation safeguard suggests the following three categories of affected people:

- i. Those who have formal rights to land (including customary/village land, traditional, and religious rights recognized under Malawi law);
- ii. 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 national and local laws or become recognized through a process identified in the resettlement plan; and
- iii. Those who have no recognizable legal right or claim to the land they are occupying, using, or obtaining their livelihood from.

People described under (i) and (ii) will be compensated for the land they lose and provided other assistance in accordance with OP/BP 4.12. People described under (iii) will be provided with resettlement and other assistance in lieu of compensation for the land they occupy, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date that is acceptable to the Bank and established by the local traditional leaders in close consultation with the potential PAPs, local community leaders, and respective village and district administration. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. The cut off date is 14th November, 2014. All persons included in (i), (ii), or (iii) will be compensated for loss of assets other than land.

Therefore, it is clear that all PAPs, irrespective of their status or whether they have formal titles or legal rights or are squatters or otherwise encroaching illegally on land, will be eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. People who encroach the area after the socioeconomic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

3.3 Determining Criteria

The key issue is how any project-affected persons (PAPs) will be determined along the proposed road corridor. For this reason, the RAP focuses on the identifiable PAPs. The identification of persons eligible for compensation and resettlement will be based on the following criteria:

- a) Persons losing land with or without legal title;
- b) Persons losing temporary or permanent access or rights to services;
- c) Persons losing business or residential property;
- d) Person with homes, farmland, structures or other assets within the proposed project area;
- e) Vulnerable individuals who may be too old or ill to fend for themselves. These PAPs shall receive additional assistance;
- f) Members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood;

- g) Members of the household who may not eat together but provide housekeeping or reproductive services, critical to the family's maintenance; and
- h) Persons that incur losses whether partial or total and whether they have their own land or rent land, including those that rent or occupy buildings individually or as a group for business or as households.

3.4 Identifying the Eligible

The land laws consider all titled landowners, customary landowners, encroachers, persons affected by loss of access to sources of income and persons affected by loss of access to natural resources (water, wood, grazing areas etc.), as PAPs. Therefore, PAPs will be entitled to compensation based on the status of their occupation of the affected areas. The survey identified PAPs as being land owners, tenants, squatters and shop owners.

3.5 Relocation and entitlements

Land for land is considered to be appropriate for people whose livelihoods are land based. However, the consultation meetings established that there is no idle land in the project impact area which the traditional leaders can allocate to the PAPs, hence cash compensation will be effected. Consultations with the potential PAPs further showed that the PAPs prefer cash compensation.

PAPs whose houses are affected by the Project will be provided with cash compensation reflecting the full replacement value of the structure. This will be in accordance with the cost of the structure as per non-depreciated rates. For fruit trees it is the value of production lost until replacement seedlings mature. For the loss of business or income, the reported income and employee wages will be taken into consideration. The entitlement matrix covers these dimensions.

3.6 Cut-off Date to Entitlements

A cut of date for which this RAP is effective will be affected after the final property valuation and verification is done. All affected persons, village heads and other Traditional Authorities were informed of this date. This therefore means that any new inhabitants coming to the Project affected area after this date will not be considered for compensation.

3.7 Validation of affected assets

Validation of the affected properties will be conducted based on the provisions in the Malawian legislation for consistence and accountability. All the factors explained in the Public Roads Act will be considered in the valuation process. The properties to be verified shall include: Physical assets; Crops and fruit trees; Forests (exotic and indigenous); Fruit trees; Exotic trees; Indigenous trees; Houses; Land; and Business. The entitlement matrix prepared for the Project is given in Table 2.

Table 2: Entitlement matrix

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Cash compensation for affected land equivalent to market value/ Less than 20% of land holding affected Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value, taking into account market values for the land.
		Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. For fruit trees it is the value of production lost until replacement seedlings mature.
	Greater than 20% of land holding lost Land does not become economically viable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice, equal to replacement cost. . However, the PAPs preferred cash compensation based on replacement value, taking into account market values for the land. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + disturbance allowance)
		Tenant/Lease holder	Cash compensation equivalent to market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. For fruit trees it is the value of production lost until replacement seedlings mature. Relocation assistance (costs of shifting + allowance).
Commercial Land	Land used for business partially affected Limited loss	Title holder/ business owner	Cash compensation for affected land, taking into account market values. Opportunity cost compensation until the income is restored in the new place (it could be equivalent to 5% of net annual income based on tax records for previous year, or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Compensation in cash according to PAP's choice, taking into account market values for materials. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting + allowance)
Residential	Land used for	Title holder	Cash compensation for affected land equal to

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Land	residence partially affected, limited loss		replacement value, taking into account market values for the land.
	Remaining land viable for present use.		
	Land and assets used for residence severely affected	Title holder	Land for land replacement or compensation in cash according to PAP's choice based on replacement value, taking into account market values for the land.
	Remaining area insufficient for continued use		Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance)
		Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected	Owner	Cash compensation for affected building and other fixed assets based on its replacement value without including depreciation, and taking into account market values for the structures and materials.
	Remaining structures viable for continued use		Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected	Owner	Cash compensation for entire structure and other fixed assets without depreciation, and taking into account market values for the structures and materials.
	Remaining structures not suitable for continued use		Right to salvage materials without deduction from compensation Rehabilitation assistance if required (assistance with job placement, skills training)
Squatters and encroachers		Rental/lease holder	Cash for affected assets (verifiable improvements to the property by the tenant), taking into account market values for materials. Right to salvage assets. Assistance in relocating to a place where they can live and work legally. Assistance with restoring livelihoods.
		Squatter/informal dweller	Cash for affected structure without depreciation, taking into account market values for materials. Right to salvage materials without deduction from compensation Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available Assistance with restoring livelihoods
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium. For fruit trees it is the value of production lost until replacement

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Loss of grazing land, fishing rights or sand harvesting rights, communal property	Loss of livelihoods	PAPs depending on the affected resources	seedlings mature. Livelihood Restoration Plan including compensation for loss of livelihoods; road should be designed in such a way to ensure that it facilitates access to resources e.g. crossings for human and livestock, construction of new communal properties if affected.

3.8 Principles of this RAP

Computation of compensation and resettlement was based on core principles as follows:-

3.8.1 Minimization of displacement

In line with resettlement policies, displacement under the project will be minimized through the following design procedures:

- a) Wherever inhabited dwellings may potentially be affected by the proposed project, the latter will be re-routed to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- b) The same applies to structures used for commercial activities and other businesses. Wherever the impact on the land holding of one particular household is such that the household may not be sustainable in the long term, even if there is no need to physically displace this household, the sub-project shall be redesigned (facility relocation, rerouting) to avoid any such impact; and
- c) To the extent possible, Project facilities will utilize public easements- pipelines, public taps, other linear infrastructures etc will be routed inside existing right-of-ways (roads, streets, and power lines) wherever possible.

3.8.2 Livelihood restoration

One of the objectives of this RAP is to ensure that livelihoods are improved or restored to pre-displacement levels. Compensation for affected property will therefore seek to facilitate full and smooth recovery without exposing the PAPs to vulnerability and this applies to people who are not necessarily physically displaced but who are affected by a land loss that affects their sustainability. Some of the livelihood restoration measures include:

- **Provision of agricultural extension services:** Severely affected farmers and vulnerable affected people will be assisted to improve productivity on remaining agricultural land, by linking them with pre-existing government – run programs.
- **Skills Training:** Severely affected PAPs and those from vulnerable groups will be given the option to select any training they wish, which would help them to maintain and/or improve their income generation potential. The skills training program will be designed during project implementation.
- **Project related job opportunities:** Severely affected persons will be prioritized in gaining employment in the works linked to the Project. Roads Authority and the contractor will ensure that this is included in the contractors' specifications wherever possible.
- **Assistance through Corporate Social Responsibility (CSR) program:** As part of its CSR program, the contractor and the Roads Authority will explore means of

remaining engaged in communities adversely affected by the proposed project. This could be through assistance to community based projects in the targets area.

- **Resettlement must be seen as an inevitable upfront cost:** All compensation will have to be paid and concluded before ground breaking-before recruitment of contractors.
- **An independent Grievance Redress Mechanism to be put in place:** Provision for this is made in chapter five below. The team must comprise of people who are not stakeholders to the compensation.

4.0 CHAPTER FOUR: ENVIRONMENTAL AND SOCIAL BASELINE CONDITIONS FOR THE PROJECT AREA

This Chapter presents the biophysical and socio-economic baseline conditions of the project area. The aim is to provide a benchmark for comparison of the before and after project impacts. The baseline data has been aggregated from the following parameters: landforms, soils, land cover and ecosystems, climate and hydrology and drainage.

4.1 Landforms

There are three types of landforms in the project area. The Karonga Lakeshore Plain which covers the area between Karonga Town to Mwangurukuru Trading Centre which is mainly flat and is covered by depositional area consisting of alluvial, lacustrine and colluvial deposits of Quaternary age and its altitude ranges from 473m to 550m above sea level. To the north of this landform is the Songwe Valley which is characterized by floodplain and back swamps the latter being waterlogged almost the whole year. Both the Karonga Lakeshore Plain and Songwe Valley falls within the major relief unit of the East African Rift Valley Floor. The third landform is the Karonga Escarpment which consists of dominantly gneisses, and metamorphic rocks of pre-Cambrian age and is partly underlain by sedimentary rock. The altitude of this landform increases from east to west, starting from 500m above sea level where it borders the lakeshore plain up to 1,500m to the west. The topography is mainly hilly to steeply dissected slopes and promotes flash floods. The back swamps and waterlogged condition of the above-mentioned landform pose major challenge for road design and construction since they will require high embankments for keeping the road carriageway relatively dry thereby disfigure the surrounding landscape. This is further complicated by cross road drainage due to flash floods from the escarpments.

4.2 Soils

The road passes through three exhibited major soil groups symbolized as: A1f1/2-*Fluvic*; X2x2/4- *Eutric-ferralic* and A1v2 – *Vertic*. *Fluvic* soil group dominates since it occupies the greater part of the road segment at various section starting from Karonga Town through to Songwe River. This group is characterized by continuously being rejuvenated through the deposition on the surface by sediments transported by flash waters. These soils are derived by alluvium and are mostly deep. They exhibit considerable variation in particle size (stratification) both vertically and horizontally which may pose design and construction challenges since within 20m radius these soils would have different compression ratios. *Eutric-ferralic* soil group are the second dominant and poses little design and construction challenges. However, *Vertic* soil group which are trans-versed at some sections near Fundi Trading Centre, and round Kasowa Trading Centre of the road are problematic for the design as well as construction. These soils are also commonly known as Black cotton soils. *Vertic* soil

group are characterized by relatively high clay content in the upper 18cm and develop wide cracks up to the depth of 50cm when drying. Cracking is caused by montmorillonitic clay minerals which shrink when dry and swell when moist. This seasonal shrinking and swelling causes a slow but continuous mixing of soil material.

4.3 Climate

The road passes through two agro-climatic zones. The road segment from Karonga to Mwenitete Trading Centre passes through an agro-climatic zone with a length of growing period (LGP) of 150 to 165 days and mean annual rainfall of 800-1200mm while the temperature ranges from 22.5-25 degrees Celsius (Eschweiler, 1991). The other road segment from Mwenitete to Songwe River has the LGP of 225-240 days and a mean annual rainfall of 1200-2000mm and the same mean annual temperature range as the other segment. The implication of these agro-climatic zones is that it is wetter from Mwenitete to Songwe River than the other segment and this will create design and construction challenges for the need to have the access water drained.

4.4 Hydrology and Drainage

The road transverses through four major rivers: the Songwe River, Kyungu River, Lufila River and North Rukulu River. Since the road passes through the Rift Valley Floor and to the west are uplands of Rift Valley Scarp Zones it is continuously subjected to cross-drainage and subjected to flush floods especially from Mwenitete Trading Centre to Songwe River. The combination of cross-drainage, *Vertic* soils group and high rainfall from Mwenitete to Songwe River will lead to the design and construction of high road embankments in order to keep the carriageway well drained and thereby disfiguring the local landscape. These will lead to indirect and cumulative health impacts such as water ponding which could provide habitat for breeding of vectors such as snails and mosquitoes resulting to increased incidence of bilharzias and malaria respectively

4.5 Land cover and ecosystems

Construction of the road will lead to clearing and grubbing resulting into the destruction of about 30 tree species which were planted by the Karonga District Forest Office as avenue trees and buffer strips along the existing road reserve. Further 25 tree species which are in the nearby Karonga North Escarpment Forest Reserve and Nambatata Forest will be under high threat for deforestation due to the influx of people who will come looking for employment and business opportunities during road construction leading to increased demand for forest products such as: fuel wood, building material, curios and charcoal. Of major concern are the eight endangered tree species and the fourteen medicinal trees which will be subjected to high demand due to increased human population along the road area. Ultimately this will adversely impact on ecosystem services such as provision of medicinal plants, timber, construction material and fuel wood to the future generation.

4.6 Demography and Settlement

In 2012 Karonga District had a projected total population of 307,216 (reflecting a 3.14% growth rate from 2008). This represents 2.07% of total population of the country. 40% of the population of the district resides in TA Kyungu, an increase of 1% since 2008. TA Kyungu covers a large portion of the district and is the commerce/trade centre. Karonga district has a relatively equal distribution by sex, with 49% male residents and 51% female (NSO, 2008). Distribution by gender has changed only slightly over the past 10 years, as Karonga was previously composed of 48% males (NSO, 1998).

The Crude Birth Rate (CBR) in Karonga District is 43.69, slightly below the national CBR of 44.14. Nationally, there has been a decrease in CBR from the year 2000. Karonga district has followed this trend and CBR has gone from 52 per 1,000 populations in 2000 to 43.69 per 1000 population in 2012, a 16% decrease. The decrease may be attributed to intensified family planning messages led by the Ministry of Health (MoH).

In 2008, the Crude Death Rate (CDR) in Karonga was 23.43 deaths per 1000 population, higher than the national CDR of 21.79 deaths per 1000 population. Beginning in 2008, Karonga District improved considerably, reducing the CDR by nearly 50% (since 2000). CDR in Karonga dropped to 11.81 deaths per 1000 population and continues to fall while remaining below the national CDR. Fertility rates/levels are important for population policies and programming. Unfortunately, there is no district-specific data available for fertility rates. The average household size in Karonga district is 5.6 people per household (NSO 2008).

4.7 Labour and Employment

Labour and employment in Karonga district varies based on location (by TA) and can be categorized into a few types; skilled and unskilled, formal and informal, self-employed, seasonal, and what is locally known as ganyu (work for food). A substantial amount of people in the district are engaged in the buying and selling of agricultural produces; mainly rice, maize, beans and cotton. Other common occupations in Karonga are: civil servants, fishers, shop attendants, house servants/maids, minibus drivers and security guards.

According to District Labour Office estimates, 30,000 individuals are self-employed, 8,000 are involved in commerce, 7,000 are civil servants, and 800 work in local industry. The District Labour Office collects statistics during annual inspections to local businesses. Over the past 5 years, there has been an average of 1,546 employees working in the formal, non-agriculture

4.8 Health

The health sector provides an array of clinical and educational services managed by the District Health Office. In addition to the services provided, the health sector holds

and manages some of the key statistics related to the growth and development of the people of Karonga.

Life expectancy in Karonga District is currently at 58.14 years for males and 60.84 for females (PHC, 2008). The district is above the national average for life expectancy for both male and female, with Karonga residents living an average of 7 years long.

There is a 4 percent increase in life expectancy from 2008 to 2010. Life expectancy appears to be increasing because of improved health and social services like: improved HIV/AIDS management that is provision of ART and other opportunistic infections treatment and increased access to healthcare and improved maternal and neonatal interventions. Prevalence rates in the district according to the MoH Health Management Information System (HMIS) in individuals between the ages of 15 and 49 have come down from 10% in 2008 to 9% in 2012.

Health Services in the district are provided through Health Posts, Dispensaries, Health Centres and Hospitals, which are distributed throughout the district. The district hospital is located in TA Kyungu. The aim of the health facilities is to provide the services to a population within 8 kilometre radius. The proportion of the population living within 8 kilometre radius of a health facility in Karonga has increased from 83 percent in 1999 to 92 percent in 2011.

4.9 Water and Sanitation

Access to safe water remains a concern in Karonga district. According to the National Water Policy, all households must be within 500 meters to a safe water point. Additionally, there must not be more than 500 meters between water points (especially boreholes). Boreholes are a special case since water is abstracted from aquifers. The total number of water points in the district is 12,077 and average access to potable water supply is 70.3 percent (2012). Water points are distributed throughout all TAs. There is no standard distance for taps, but the emphasis is 120 people per tap. According to VAP data, there are approximately 7 households to each water point in the district.

4.10 Education

Karonga district has 162 public primary schools, five private primary schools, 22 public secondary schools, six private secondary schools and two colleges. The district is divided into 11 education zones each managed by a Primary Education Advisor (PEA). Improving the quality of education is a top priority of the District Council. The literacy rate for the district is 74.9 percent, slightly below the northern region average of 77 percent but above the national rate of 65.4 percent (IHS, 2010).

4.11 Agriculture Production

This section covers activities that contribute to the economy of Karonga District through agriculture. It highlights the crops that are grown, area covered by the various

crops, and the institutional set up for agriculture development in the district. The agriculture sector at district level oversees production, markets, farm holding, irrigation, and livestock.

The Karonga District Agricultural Development Office (DADO) is one of the 28 district level structures within the Ministry of Agriculture and Food Security. Karonga and Chitipa DADO are under the Karonga Agricultural Development Division (ADD), one of the eight ADDs in Malawi.

The area under Karonga DADO is 334,810 Hectares (Ha) of which 67,100 is arable land suitable for field crop cultivation. This represents 20% of total land area of the district. All this area is under smallholder agriculture production as there are no registered estates in Karonga. There is increasing pressure on land as a result of overpopulation, and marginal lands like hilly areas and swamps are increasingly used for agricultural production. Irrigation farming has converted swampy areas into vibrant rice schemes, serving many farmers food and income needs. Administratively, the district is divided into six Extension Planning Areas (EPAs) that roughly cover the boundaries of Traditional Authorities.

There are a number of factors contributing to low agriculture production. Much of these factors relate to inappropriate agricultural practices which include: cultivation on marginal areas such as steep slopes along the mountains (exacerbated by shifting cultivation locally called “Visoso”), careless cutting down of trees (being fuelled by increased markets for fuel wood and charcoal, and burning of bricks), and cultivation along river banks. These inappropriate agriculture practices have led to increased rates of soil erosion and loss of soil fertility.

The DADO engages the farming community in effort to reduce and manage soil erosion through promotion of sustainable land management activities such as soil and water conservation, river bank protection, and compost manure application and conservation agriculture. The uptake of these technologies and practices has been a challenge. For example, area under manure application since 2009 has been less than 6000 Ha per year while less than 4000 farmers are practicing other soil and water conservation practices every year. The challenge is that animal manure is difficult to get because of the tethering method of livestock rearing where animals are also not housed in one place each night to accumulate the dung. There is need to step up the efforts with the support of local leaders and other stakeholders in order to improve on land management for increased productivity and environmental conservation.

Crop production in Karonga district is through rain fed agriculture and the major crops (grown by more than 5% of all farmers) for Karonga district include: maize, cassava, rice, cotton, ground nuts, sweet potatoes and pigeon peas. Minor crops (grown by less than 5% of the farming families) include: beans, finger millet, sesame, tobacco, sorghum, soya, sunflower, and ground beans. There is also gravity fed and

residual moisture irrigation though it is at a small scale. The district has not yet fully utilized water from Lake Malawi which is on the entire eastern border of the district due to under developed irrigation systems in the district. While many crops are grown throughout the district, cassava is mainly grown along the lakeshore areas and concentrated in Vinthukutu EPA. Rice is grown in the irrigation schemes that were developed by the government in the early 1970s at Hara and Chonanga in Vinthukutu EPA, Wovwe in Nyungwe EPA, and Lufilya in Kaporo South EPA. Rice is also grown in all flood plains along main rivers especially in Kaporo North and Kaporo South EPAs. Cotton is commonly grown in Lupembe, Nyungwe and Mzata EPAs.

Maize and cassava account for about 60% of total crop area. These are main food crops for Karonga and as such are priority crops for all smallholder farmers whose main challenge is food security throughout the year. Area planted to rice and cotton has been increasing over the years because of the better prices farmers are getting when selling.

Bananas and mangoes are the main horticultural crops grown in Karonga. Oil palm, cashew nuts, guavas, lemons, paw paws, pineapples, tangerines and oranges are also grown on a smaller scale. Vegetables like Chinese cabbage, tomatoes, onions and other leafy vegetables are grown across the district. Palm oil is processed to cooking oil and soap using simple mechanism. There is potential for improvement with investment in processing equipment and increasing number of palm oil trees.

4.12 Irrigation

The irrigation sector is in line with the National objective of poverty reduction through promotion of irrigation technologies in order to achieve food and economic security in the District. Irrigation schemes are categorized into four namely; Mini scale which is greater than 0.1ha but less than 10ha, Small scale which is greater than 10ha but less 50ha, Medium scale which is greater than 50ha but less than 100ha while the last category is large scale irrigation scheme which is greater than 100ha. There are 24 sites under mini scale with 641 beneficiaries, Small scale has 17 sites and 1908 beneficiaries, Medium scale has 4 sites benefiting 270 beneficiaries, and large scale has also 4 sites benefiting 3426 beneficiaries.

4.13 Livestock

The livestock sector in Karonga is promising owing to good climate for livestock production and availability of feeds and pastures. There is also a ready market to promote the commercialization of livestock and its products. Various species of livestock are kept by farmers across the district.

Livestock population has increased rapidly in Karonga over the last seven years due to a number of factors. For beef cattle and increase of over 40% is a result of the increased crop production with input subsidies has led to more crop residues being made available for feeding livestock. Better market prices also acted as an incentive

for improved management. Goats have also increased by over 200% due to several initiatives from government and Non Governmental Organisations (NGO)s for pass-on programmes. Better management and disease control with provision of drug boxes to most farmer groups has helped sustain population growth. Pig population trebled over the period, but major losses occurred in 2010 to 2012 due to African swine fever outbreak. The disease is not curable and has no vaccination. It came from the cross-border trade and relationships with farmers on the Tanzanian side.

4.14 Fishery

Karonga is a lakeshore district with access to Lake Malawi, the largest fish habitat in the country. As of 2012 over 5,000 individuals were involved in fishing and fish related activities. Small-scale fishing dominates fishing activities and contributes over 60% of animal protein for the people of Karonga. Small-scale fishing also plays a major role in the district's economy and provides income as well as employment opportunities. However, current landings from capture fisheries are dwindling. The situation has been aggravated further by high population growth and the resultant increase in fish demand. To restore the fish production from capture fisheries, Karonga district has embarked in aquaculture, which has the potential to supplement the fish production in the district.

4.15 Mining

The mining sector is an area of great potential for the economy of the district. There are two major types of minerals that are being mined in Karonga District: Uranium at Kayerekera, some 40 kilometres directly west of the district headquarters along the Karonga to Chitipa road. Coal is mined at the same Kayerekera, Nkhauti 16km off the Karonga to Chitipa road at Mpata, and Mwaulambo some 20 kilometres north of the boma. All of the mines in the district are open-pit mines.

4.16 Commerce and Industry

Being a border town with Tanzania, Karonga has a wide range of commercial activities.

Business are categorised by small, medium, and large scale. They range from large to small shops, wholesalers/distributors, retailers, liquor and market vending. Most of the established businesses are found in TA Kyungu, the boma centre. The number of businesses in TAs Kilupula and Mwakaboko appears low, partially due to a lack of registration and lack of well-established markets. As previously mentioned (in mining section), Karonga has a few large-scale companies that are not registered with the council for revenue generation as they are registered with Central Government. These are Paladin Africa which mines Uranium, Eland Coal Mine, Nkhachira/MALCOAL Coal Mine, and Nkhauti Coal Mine.

There are very few major industrial activities taking place in Karonga for example there is a cotton ginnery at Ngara which is under construction, a big rice mill at Katili and a lot of small scale millers of maize and rice. Other business ventures practiced in

the district include handicrafts in the form of mat and basket weaving, tinsmith, tailoring, carpentry and joinery.

There is cross-border trading in Karonga as it is bordered with Tanzania. Most of the items involved in cross border trading are as follows: clothes, cooking oil, and household items from Tanzania and sugar, beer, maize and rice from Malawi. Many Tanzanians operate businesses on permanent resident basis in Karonga. There is a problem with the smuggling of goods into and across the border. Although the Malawi Revenue Authority is doing its best to control the situation, it is not difficult to see that there is a lot more work to be done.

There are several specialized lending and financial institutions operating in the district. A number of banks have opened their branches within the township as represented in the table below. The primary clients for the banks in Karonga are individual personal savings account, small scale business enterprise, and employees of various organizations. In particular some of the banks opened their branches here mainly targeting Paladin Africa and other cooperate companies following Paladin Africa and its employees. Almost all banks in the district offer loans to clients depending on availability of surety (collateral) the clients have. Interest rates vary with the banks but not at a large margin depending on the base lending rate of the Central Bank. These interest rates range from 36-46% per year. Also banks give interest to those having saving accounts with interest rates ranging 4 – 12% per year.

Banks in Karonga are concentrated in TA Kyungu, as Karonga boma is the centre of commerce in the district. In addition to the permanent bank facilities, OIBM bank offers satellite services at Uliwa and Songwe on a weekly basis. Microfinance institutions are not well distributed in the district as they are concentrated in TA Kyungu. Access to microfinance is limited in most of the district. To counter this issue, stakeholders have promoted Village Savings and Loans (VSL), Community Savings Investment Promotion Groups, and cooperatives in a number of TAs.

4.17 Tourism

Karonga is now developing in the tourism industry. The area has several sites with great potential. The areas include the natural and cultural heritage. The current major tourism attractions in the district include the Karonga Museum and Lake Malawi; Minor attractions include Stevenson Road and the African Lakes Company Trading post. Karonga's tourism potential is unique as it is an entry and exit point for visitors travelling to and from Malawi. Other areas in Malawi benefit from big events and festivals on Lake Malawi. Upgrading of beaches and accommodation could allow Karonga to benefit during this time as well.

4.18 Roads

There are forty-nine existing roads in Karonga District. Roads in Karonga District are categorized into four types: main roads, district roads, secondary roads, and tertiary or

feeder roads. As of 2012, Karonga has 7 main roads, 14 district roads, 4 secondary roads, and 28 tertiary roads amounting to 589.7 km of roads between 2008 and 2012, Karonga District added 57.1 km of roads, 29 of which were constructed in 2011 and 2012 through Public Works programmes.

The distribution of roads in Karonga district appears to be uneven, with 47 percent of all roads existing in TA Kyungu. TA Kyungu contains the district capital (Karonga Boma) and is where a large proportion of the districts' population resides. TA Mwakaboko has less than 1 percent of all roads, partially due to the challenging terrain (it is a flood plain). There are plans to develop more roads in rural areas where new primary and secondary schools are being opened, yet these plans have not been realized due to lack of funds.

4.19 Power/Energy

The electric power supply in Karonga District is managed by the Electricity Supply Commission of Malawi (ESCOM) from the Wovwe Mini Hydro Power Generation Plant. ESCOM provides services to approximately 8400 residents and businesses in the district from two main substations, the Karonga and Uliwa substations. As of 2012, ESCOM provides electricity to approximately 3% of households in Karonga district - that is roughly 1536.4 Households have access to electricity (VAP, 2013). This means there are around 50,000 households have no access to electricity and hence their sources of energy are limited to firewood and/or charcoal. Using the average of 6 persons per household it means a total of 298,000 people are dependent on charcoal and fuel wood as a source of energy for cooking.

In addition to electricity, other sources of energy are used in Karonga households such as wood, charcoal, gas, and paraffin. Details are not available by district, but in Malawi, wood is the fuel most commonly used for cooking, reported by 85 percent of households. Use of wood is more common in rural areas (94 percent) than in urban areas (37 percent). Twelve percent of all households interviewed use charcoal for cooking, including 53 percent in urban areas and 4 percent in rural areas. Among all households interviewed, 98 percent use solid fuel for cooking. Almost all households in rural areas and 90 percent in urban areas use solid fuel. Ninety-eight percent of households using solid fuel for cooking reported usage of an open fire or stove without a chimney.

5.0 CHAPTER FIVE: PROCEDURES FOR ACQUISITION AND NOTIFICATION

5.1 Land acquisition

Land will have to be acquired for establishment of camps, burrow pit areas, access roads to borrow pit and in some cases extreme diversions. After details of the land to be acquired for the project have been identified then the Ministry of Lands and the Roads Authority will begin negotiations for the land with the affected persons. The affected persons will include the actual individuals as well as the chiefs and other traditional leaders, such as the village headman and group village leaders. Since most of the land required for the road is customary land, the Ministry of Lands shall through the Traditional Authorities ascertain the actual owners of the land. This is to ensure that those people who had borrowed land from someone else do not eventually get the compensation. When the land to be acquired has been finalized by the Roads Authority through their Consultants, then the Ministry of Lands can do the second assessment of the properties to be affected and including the names. The survey will capture the profile of each affected individual. For a household, the affected individual is the owner of the land on which the household is built whilst for business the owner of the business or business premises will be recorded. The record will have the following:-

- a) The land to be acquired;
- b) Names of owners or occupiers of the land, as far as they can be ascertained. In the case of customary land, the name of the person who is the holder of the right over the land as ascertained by the traditional leaders and other bona fide local residents;
- c) Names of the traditional and community leaders or representatives to assist in the process of land acquisition and resettlement; and
- d) The estimated magnitude of impacts relative to the need for resettlement or compensation and valuation of assets for the compensation.

Financial records to be maintained by the Ministry of Lands, District Councils and Ministry of Economic Planning and Development to permit calculation of the final cost of resettlement and compensation per person or household. Each person receiving compensation will have a dossier containing:

- a) The person's detailed identification information, including name, date and place of birth, next of kin, marital status ;
- b) Number of persons she or he claims as household or homestead dependants;
- c) The amount of land available to the person or household when the dossier is opened
- d) Assets - including structures, resources, crops; and
- e) Means of livelihood.

The dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received and signed for. Additional information will be required for individual's eligibility for resettlement or compensation. This information will include:

- a) Level of income and of production;
- b) Inventory of material assets and any improvements made on the land; and
- c) Debts;

The authority responsible for acquiring land shall also make the following available to all key stakeholders in the land acquisition process:

- a) Proposed compensation offers and draft agreements to be signed by the affected persons and the developer;
- b) Details of alternative land (if applicable) inclusive of ancillary support services such as transport for physical resettlement, provision of housing, provision of crop starter packs and food support or any other relevant assistance that may be required;
- c) Details of resettlement after-care and assistance, where appropriate;
- d) Available employment opportunities for the PAPs to participate in the Project activities; and
- e) Mechanisms for monitoring and evaluation.

The land acquisition and compensation procedures shall ensure that persons affected either physically or economically by the Project maintain or improve their livelihood.

5.2 Notification Procedures

The Ministry responsible for land matters shall publish its intention to acquire land in a newspaper with wide circulation News. The areas of land to be acquired will be stated in the advert. Personalized notices should also be served to each person who owns and occupies land in the affected areas as long as the addresses of the persons are known to the Ministry. The notice to be published will contain the following:

- a) Government's Proposal to acquire the land;
- b) Public purpose for which the land is required;
- c) Proposal or plan may be inspected at the Ministry or in the Office of Lands during working hours;
- d) Any person affected may by written notice object to the transaction with reasons to the Principal Secretary of the Ministry within 30 days of the first publication of the Notice; and
- e) Only objections other than those relating to the amount and method of payment of compensation shall be admissible.

6.0 CHAPTER SIX: PROCEDURES AND CONFLICT RESOLUTION AND RESETTLEMENT

6.1 Procedures negotiations and resolution of conflicts

The negotiations between Government and the affected persons shall be done in the spirit of finding amicable solutions with full respect of all the parties concerned. The negotiations will be guided by the following:

- a) **Procedure** – The procedures to be followed in raising grievances will be discussed and agreed between the Roads Authority and the affected persons. All the institutions involved will provide their contact details to the people;
- b) **Full Disclosure**- Full disclosure of the implications and provisions of the displacement will be made to the affected people;
- c) **Willingness** – All parties will enter into the agreements willingly without any force from anyone and if no agreement is made further deliberations should be made;
- d) **Back and Forth Discussions**- Adequate time shall be given to the affected communities to discuss the matter amongst themselves with their traditional leaders and they should be allowed to do so for as long as they feel necessarily without necessarily causing unwarranted delays in project implementation;
- e) **Recording for Proceedings**- All proceedings from negotiations meetings shall be filed and be open to all for reference purposes. The local language shall be used in recording so that the local people can understand the minutes; and
- f) **Court of Law**- The court of law will be a last resort for all parties as the spirit will be to have some kind of consensus among the negotiating teams.

6.2 Procedures for grievance redress

Various legislation, including the Constitution of Malawi makes provision for grievances to be addressed through the formal court system. This is a constitutional right but practice has shown that this can be a costly and time consuming exercise. The complaints and grievances mechanism as outlined below is readily accessible to deal with complaints expeditiously. However if this fails the aggrieved party can refer the matter to the formal court system.

6.3 Grievance

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, PAPs and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance

procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs. Since Government through the RA will be party to the contract, they will not be the best offices to receive, handle and rule on disputes. Therefore, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation will be addressed to a local committee comprising traditional leaders of the affected area and representatives of the District Council.

6.4 Grievance redress principles

The following principles will apply to grievance management:

- a) The procedure to be followed will take into account community and traditional dispute settlement systems. Traditionally people approach traditional leaders to resolve disputes – particularly in issues relating to use and ownership of land, trees and housing structures. Although it may be inevitable that, in the process of grievance management, project-affected people continue to follow customary procedures, they are likely to accept project-related structures if they are consulted on the matter.
- b) Information about all dispute and grievance procedures, including the functions of each structure and the processes to follow, will be widely disseminated to all stakeholders, through project structures, governmental and non-governmental organizations, Community Based Organizations (CBOs), the Project Information Centre, and the media. This will not only fulfil the function of dissemination of information, but also transparency around project-related matters.
- c) Affordable and accessible procedures will be made available for the settlement of disputes arising from resettlement.
- d) Anybody assigned for reviewing grievances will be required to be independent and impartial to foster the trust and confidence of all stakeholders.
- e) A written record of all disputes/grievances raised and dealt with on a project level will be kept by the appropriate body. The entire grievance resolution process will be recorded, and a copy made available to the aggrieved person/s.
- f) All records will be monitored regularly by an independent monitoring team and the Evaluation Panel appointed for the project, as part of an on-going monitoring and evaluation process. The Evaluation Panel's ToR will include the function of reviewing reported grievances and grievance management.

The principle of confidentiality will apply to all processes. Confidentiality of the complainant, if so requested, and to information provided by any of the parties to a complaint.

6.5 Grievance redress process

All attempts shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying their Local Leaders. The Local Leaders will inform and consult with the Resettlement Working Group (RWG) to determine validity of claims. If valid, the Local Leaders will notify the complainant

and s/he will be assisted. If the complainant's claim is rejected, the matter shall be brought before the District Councils for settlement. All such decisions must be reached within a full growing season after the complaint is lodged.

It has to be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will give people up to the end of the next full agricultural season, after surrendering their assets, to allow for enough time to present their cases. The grievance procedures will ensure that the PAPs are adequately informed of the procedure, before their assets are taken.

The grievance redress mechanism will be designed with the objective of solving disputes at the earliest possible time, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to the Tribunal for resolution. Contracts for compensation and resettlement plans will be binding under statute, and will recognize that customary law is the law that governs land administration and tenure in the rural areas. This is the law that most Malawians living in these areas, are used to and understand.

All objections to land acquisition shall be made in writing, in the language that the PAPs understand and are familiar with, to the Local Leader. Channelling complaints through the Local Leader is aimed at addressing the problem of distance and cost the PAPs may have to face. The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The procedure for handling grievances will be as follows:

- e) The affected person should file her/his grievance in writing (in English or the local language that s/he is conversant with), to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the PAP is unable to write, he should obtain assistance to write the note and emboss the letter with his thumb print.
- f) The Local Leader should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader that his/her complaint is being considered. If the local leader cannot provide an appropriate solution to the problem, the problem will be referred to the RGW to use established mechanisms of grievance redress, which may include the presence of peers of the PAP and other local leaders.
- g) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time (s)he must lodge his grievance to the District Council and the District Council must inform Government of the complaint
- h) The Council will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law.

Figure 4 presents a systematic diagram for addressing grievances.

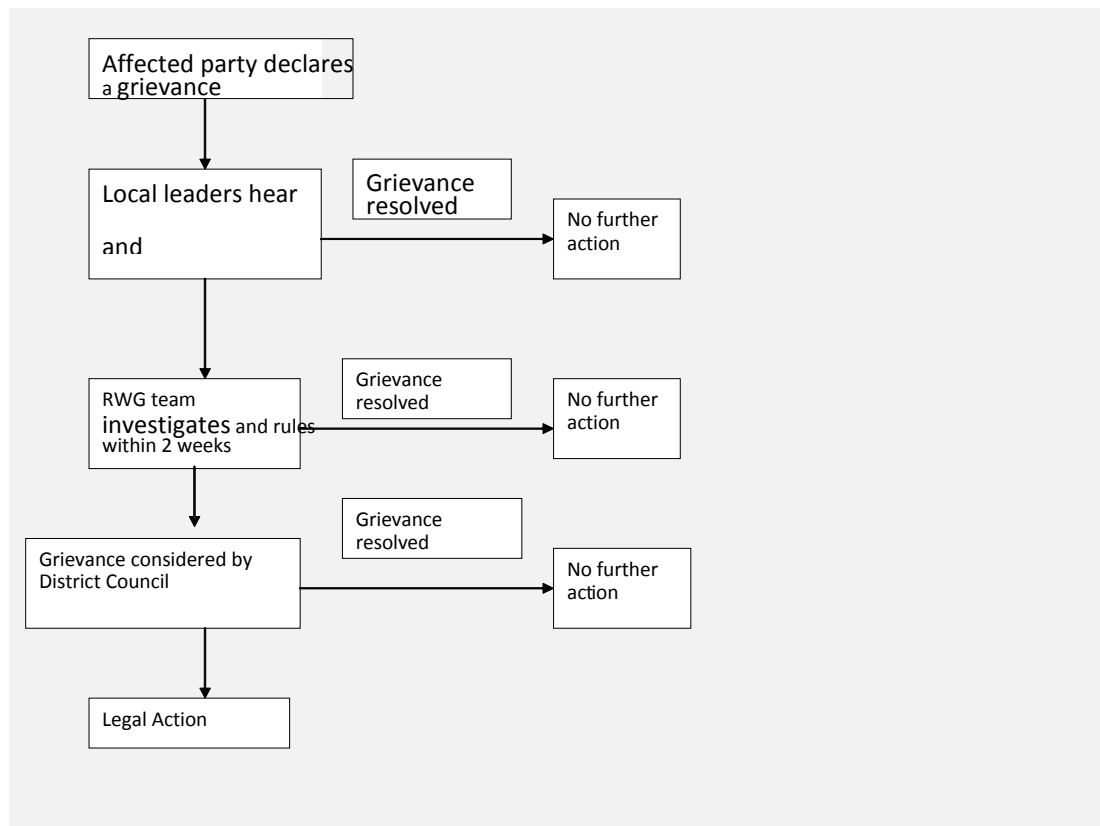


Figure 4: Grievance Redress pathways

As can be seen from the figure above, the RWG is central to handling grievances from the PAP. It takes necessary action to address the grievances. Should grievances not be resolved RWG refers them to the District Council. If the value of compensation is not agreed within two months then the aggrieved party will refer the matter to a Compensation Board which will be made up of the Resident Magistrate and two assessors.

The compensation board will consult the local leaders in case of customary land to verify the existence of the land in question and proceed to determine the amount of compensation to be given. The determination is done after hearing submissions from Government and the affected person. In the event that disagreements will not have been settled then the claimant has the right to take the matter to court as per their constitutional right. However all appeals should be settled within a reasonable period so that people's lives can go on.

7.0 CHAPTER SEVEN: MONITORING AND EVALUATION

Monitoring and evaluation will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of the project, measuring the extent to which the goals of the resettlement plan have been achieved and the effectiveness of mitigation measures. Problems and successes will be identified as early as possible so that timely adjustment of implementation arrangements will be made. The process needs to be undertaken for a reasonable period after all resettlement and related development activities have been completed.

The RAP specifies the methods to be employed, frequency of measurement, reporting procedures, and the organizational arrangements to be made to undertake the activities including the involvement of those affected in the process.

7.1 Indicators

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

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

Indicators will also be disaggregated to ensure that social variables are properly accounted for. Table 3 provides details of different indicators and variables to be monitored.

Table 3: Indicators and Variables to be monitored

Aspect	Indicator	Variable
Land	Affected land	<ul style="list-style-type: none"> • Area of cultivable land acquired for road developments • Area of communal land acquired for road developments • Area of private land acquired • Area of Government land acquired
Buildings/Structures	Affected Buildings	<ul style="list-style-type: none"> • Number, type and size of private buildings affected • Number, type and size of community buildings affected • Number, type and size of government buildings affected
	Other Structures affected	<ul style="list-style-type: none"> • Number, type and size of other private structures affected • Number, type and size of other community structures affected
Trees	Affected trees	<ul style="list-style-type: none"> • Number and type of trees affected
Compensation, Re-establishment and Rehabilitation	Compensation and re-establishment of affected owners/individuals	<ul style="list-style-type: none"> • Number of homesteads affected (buildings, land, trees, crops) • Number of owners compensated by type of loss • Amount compensated by type and owner • Number of replacement houses constructed • Size, construction, durability and environmental suitability of replacement houses • Possession of latrines • Water supply access • Number of replacement businesses constructed
	Re-establishment owned resources	<ul style="list-style-type: none"> • Number of community buildings replaced • Number, type of plants lost • Number of seedlings supplied by type • Number of trees planted
Hazards and Disturbances	Introduction of nuisance factors	<ul style="list-style-type: none"> • Number of homesteads affected by hazards and disturbances from construction(noise levels, blasting, increased traffic levels)

Aspect	Indicator	Variable
Social/ Demographic	Changes to homestead Structure	<ul style="list-style-type: none"> • Homestead size • Gender distribution • Marital status • Relationship to homestead head • Status of “vulnerable” homesteads
	Population migration	<ul style="list-style-type: none"> • Residential status of homestead members • Movement in and out of the homestead (place and residence of homestead members)
	Changes to access	<ul style="list-style-type: none"> • Distance/travel time to nearest water source, communication facility, school, energy source, church, shop, village
	Changes to health Status	<ul style="list-style-type: none"> • Number of people with disease, by type (STDs, diarrhoea, malaria, ARI, Immunizable disease) • Mortality rates • Access to health care services (distance to nearest facility, cost of services, quality of services) • Utilization of health care services • Disease prevention strategies • Extent of educational programs • Latrine provision at schools (school child population per VIP on site)
	Changes to educational status	<ul style="list-style-type: none"> • Literacy and educational attainment of homestead members • School attendance rates (age, gender) • Number, type of educational establishments
	Changes to status of Women	<ul style="list-style-type: none"> • Participation in training programs • Use of credit facilities • Landholding status • Participation in jobs and other activities resulting from the project

Aspect	Indicator	Variable
	Homestead earning Capacity	<ul style="list-style-type: none"> • Ownership of capital assets • Landholding size, area cultivated and production volume/value, by crop • Landholding status (tenure)• • Employment status of economically active members • Earnings/income by source, separating compensation payments • Changes to income-earning activities (agriculture) – pre- and post disturbance• • Access to income-generating natural resource base (wood, grass, sand, stones)
	Changes in social Organization	<ul style="list-style-type: none"> • Organizational membership of homestead members • Leadership positions held by homestead members
	Population influx	<ul style="list-style-type: none"> • Growth in number and size of settlements, formal and informal • Growth in market areas
Consultation	Consultation program operation	<ul style="list-style-type: none"> • Number of local committees established • Number and dates of local committee meetings • Type of issues raised at local committees meetings • Involvement of local committees in RA development planning • Number of participating NGOs
	Information Dissemination	<ul style="list-style-type: none"> • Number, position, staffing of Information Centres • Staffing, equipment, documentation of Information Centres • Activities of Information Centres • Number of people accessing Information Centres • Information requests, issues raised at Information Centres
	Grievances resolved	<ul style="list-style-type: none"> • Number of grievances registered, by type • Number of grievances resolved • Number of cases referred to court
Training	Operation of training Program	<ul style="list-style-type: none"> • Number of local committee members trained • Number of affected population trained in Project-related training courses

Aspect	Indicator	Variable
Management	Staffing	<ul style="list-style-type: none"> • Number of implementing agencies by function • Number of GOM ministry officials available by function • Number of office and field equipment, by type
	Procedures in Operation	<ul style="list-style-type: none"> • Census and asset verification/quantification procedures in place • Effectiveness of compensation delivery system • Number of land transfers effected

At the end of the compensation and resettlement period the RAP shall be evaluated on its performance. The evaluation will assess the number of people who were to be resettled, issued to be addressed versus what will have been achieved in the agreed period. The evaluation will be done by an independent NGO which will be decided and will determine modifications to be done on future similar projects in the District.

7.2 Monitoring

The monitoring program will involve the following:

- a) Establishment of required institutional structures;
- b) Operation of compensation, grievance and other necessary procedures;
- c) Disbursement of compensation payments;
- d) Development of livelihood restoration programs; and
- e) Preparation and submission of monitoring and evaluation report.

7.3 Reporting

Reporting on the activities around involuntary resettlement forms an integral part of monitoring and evaluation, to:

- a) Ensure early detection of conditions that necessitate particular mitigation measures, and
- b) Provide information on the progress and results of mitigation. Reporting methods of any resettlement activities on the project to date seem to have been limited to reports from consultants working on different aspects of the project. It is recommended that in the future all consultation and disclosure activities be reported in detail, internally and externally.

8.0 CHAPTER EIGHT:IMPLEMENTATION SCHEDULE

The implementation schedule for the RAP is provided in Figure 5. In order to facilitate the resettlement process given the proposed construction timing, the following key activities will be initiated immediately upon commencement of the Project:

- a) Finalizing the detailed configurations of the various project components (borrow areas, spoil disposal areas etc.) so that land acquisition requirements and recording exercises can be undertaken;
- b) Appointing staff within RA and the affected district councils to commence with preparatory activities, including ongoing consultation with affected communities;
- c) Updating the socio-economic baseline, including completing socio-economic questionnaires for all affected households not surveyed during the preparation of the RAP;
- d) Establishing a Compensation Determination Committee to finalize compensation principles, norms and rates; and
- e) Contracting suitable NGOs to assist with the preparation of the social environment, including preparation of capacity building and skills enhancement programs.

Task Name	Timeline(2015)											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Appointing staff within RA and the affected district councils to commence with preparatory activities												
Contracting suitable NGOs to assist with the capacity building and skills enhancement programs.												
Conducting sensitisation meetings with PAPs												
Updating the socio-economic baseline												
Asset valuation and validation												
Identification of relocation sites												
Land acquisition												
Establishing a Compensation Determination Committee to finalize compensation principles, norms and rates.												
Signing compensation agreements with PAPs												
Payment of compensation												
Update database												
Provision of assistance to PAPs on grievances												
Termination of assistance to PAPs												

Figure 5: Implementation Schedule

9.0 CHAPTER NINE: CONCLUSION AND RECOMMENDATIONS

The Project's major disadvantage is the displacement and relocation of both people and businesses. However if this resettlement action plan is followed then the people displaced will suffer minimum inconvenience. It is therefore recommended that the following should be done:

- a) The institutions recommended for negotiations and RAP implementation i.e. RWG, and DC Team should be set up as soon as approval of the project is given;
- b) Alternative land close to the improved road should be found for those households who cannot continue to live in their current location; and
- c) The RAP be modified in line with situations experienced when the actual resettlement begins. In particular the monitored indicators are discussed at least quarterly so that appropriate measures and readjustments can be made.
- d) Conduct sensitisation meeting to restrain people from encroaching the road reserve

With all procedures for resettlement and compensation implemented, it is recommended that the project should be undertaken. It will be constituted in such a manner as to be regarded as the primary representative voice of the affected persons. The composition of the RWG will be as follows:

- a) Representatives of the affected communities/villages. This will be made up of two members from each of the Traditional Authorities areas defined as affected. At least one of the two members will be a woman. The PAP will elect these members;
- b) Representatives of the Traditional Authorities in each of the areas affected;
- c) Representatives of RA; and
- d) One representative from the District office. This will be the District Commissioner or his designated representative.

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26. Karonga District Assembly (2013). District Socio-Economic Profile. Karonga District.

ANNEXES**Annex 1: List of stakeholders consulted**

NAME	DESIGNATION	PHONE NO.	PLACE
P. Maseko	Physical Planner	0881114245	Karonga Boma
Wen F Gausi	DPP	0888352783	Karonga Boma
F Valeta	MRA Deputy Commissioner	0888877252	Songwe Border
S Pikani	MRA deputy Manager	0882391123	Songwe Border
Petros Nyirenda	Greel Freight Clearing Clerk	0995710063	Songwe Border
TA Mwakaboko	Chief	0998922968	TA Mwakaboko compound
GVH Mwakaboko	Mwakaboko	0992930674	TA Mwakaboko compound
Rameck Mwandumbikira	Nduna		TA Mwakaboko compound
Jackson Ndambo	Nduna	0993016933	TA Mwakaboko compound
Moffat Mweseghe	VDC Chair	0996631658	TA Mwakaboko compound
Morden Mwaseghe	Mwakaboko		TA Mwakaboko compound
Simon Banda	Chief messenger	0998033889	TA Mwakaboko compound
Mzac TD Nyirenda	Member of Pusi	0999322926	Pusi
William Pusi Munthali	Member of Pusi	0999467203	Pusi
Kelvin M Nyirenda	Secretary	0999623755	Pusi
Mwachirwa Mponda	Mponda VDC Chair	0994846438	Mponda
Abudala Zimba	Mponda	0999168095	Mponda
Suzen Kuyokwu	Chairlady	0999183340	Mponda
Babu Boko	Secretary bucha	099994066	Mponda
Daud Mwakalinga	Mponda	0996079411	Mponda
P.G.V.H. Gweleweta	G.V.H	0992618542	Kaporo trading centre
Anthony K Mwazionde	V/H Mwangulu	0995168649	Kaporo trading centre
V/H Mwangulu	V/H	0999246928	Kaporo trading centre
V/G Yotamu	V/H	0996185111	Kaporo trading centre
V/H Dingayeni	V/H	0997337605	Kaporo trading

NAME	DESIGNATION	PHONE NO.	PLACE
			centre
C.B Mwakuongha	V.D.C Chair	0999949375	Kaporo trading centre
John Mwandobo		0996678895	Kaporo trading centre
Fenson Komba		0992707226	Kaporo trading centre
MYD Nyirongo		0999276635	Kaporo trading centre
Yoka Mwalwayo		0994233642	Kaporo trading centre
Bless Kawonga		0998033586	Kaporo trading centre
Fitamishe Mwamwabi		0996337365	Kaporo trading centre
Ndamiyo Mwangalaba		0992892433	Kaporo trading centre
Harry Sambo		0993063023	Kaporo trading centre
Daniel Mghogho		0999756785	Kaporo trading centre
Kondwani Msopole		0999670813	Kaporo trading centre
Elton Msiska		0993578620	Kaporo trading centre
Leonard Mwangairo		0995168643	Kaporo trading centre
Mputi Kiyokwa		0999467863	Kaporo trading centre
Thomas Mughogho		0999433615	Kaporo trading centre
Sekani Msukwa		0996668054	Kaporo trading centre
Guan Kasungula		0993008037	Kaporo trading centre
Twasime Kumwenda			Kaporo trading centre
Joice Kumwenda			Kaporo trading centre
Convett Mwanembako		0993942540	Kaporo trading centre
Worren Chisiza		0992879677	Kaporo trading centre
Brain Mkumbwa		0999717453	Kaporo trading centre
Boss Mnyoni		0999268280	Kaporo trading centre
Bestar Ngunga		0995168612	Kaporo trading

NAME	DESIGNATION	PHONE NO.	PLACE
			centre
Duncan Mvula		0994153174	Kaporo trading centre
Alick Mwakimbala		0993009388	Kaporo trading centre
Gift Mkumbwa		0994612788	Kaporo trading centre
P.Mtambo			Kaporo trading centre
C. Malongo		0999920568	Kaporo trading centre
Sam B Kayira		0999397354	Kaporo trading centre
G Sanga		0994623412	Kaporo trading centre
S.Mwakasungula		0992007354	Kaporo trading centre
A.Mwalaba		0999199272	Kaporo trading centre
M.Mack		0999199272	Kaporo trading centre
P Mkumbwa		0999433612	Kaporo trading centre
B Mwanyongo		0995933322	Kaporo trading centre
R Simbeye		0999632331	Kaporo trading centre
Samson		0992707200	Kaporo trading centre
Mwiza nyirenda		0998171776	Kaporo trading centre
D.D Chingaipe	O/C Police kaporo police post	0999137040	Kaporo trading centre
Maurice Kalulu	Customs officer Kaporo MRA station	0888463459/099394188	Kaporo trading centre
AB Mwakasungula	Chairman PP	0999251090	Cultural and meseum centre Karonga
Wezi Kayira	Tour guider	0998600810/0884242430	Cultural and meseum centre Karonga
Enson Kayenge	AGDLO Labor Office	0994483034	Karonga Boma
Norman Mwachipoka			Benjamin Chawinga Village Quarry
Godfrey Sibakwe		0997914495	Benjamin Chawinga Village Quarry
Medson Kaseghe		0997014434	Benjamin Chawinga Village Quarry
Ndamiyo Kalinga	Chairman , camp site owner, Songwe	0999799869	Nyasi village, near Songwe

NAME	DESIGNATION	PHONE NO.	PLACE
	Businessman Mwandenga business and development group		
Reaga	member, Mwenitete Business Committee	0994580559	Mwenitete
Isaac	Member, Mwenitete Business Committee	0995438823	Mwenitete
Thomas	Member, Mwenitete Business Committee	0996350102	Mwenitete
A Salemba	Treasure, Mwenitete Business Committee	0994854170	Mwenitete
Albert Mwakighonja	Member, Mwenitete Business Committee		Mwenitete
Moses Mwenitete	Member/secretary, Mwenitete Business Committee	0994236694	Mwenitete
Archbord Mwemba	Chairman, Mwenitete Business Committee	0999114374	Mwenitete
Cosmas Kamwana	Officer in charge immigration	0999757305	Songwe Border
Watson white	Senior i migration officer	0999481000	Songwe Border
Innocent Muhariwa	Officer in charge police	0999102672	Songwe Border
Clifford Kabwilo	In charge border	0999349261	Songwe Border
T.W Tenganani	Station officer	0995832952	Songwe Border

Annex 2: A report of public consultation meetings: A summary of issues/questions raised during public consultations

Main issue	How the issue will be addressed
1. When will the construction works begin so that the affected people begin to prepare?	The project is in the planning phase as such the actual dates for implementation are not yet known. However people should continue to lead their normal lives as adequate notice will be given to the project affected people.
2. Should people cultivate crops in the next growing season i.e. 2013/2014?	People are free to cultivate in the next growing season i.e. 2014/2015. When the project is about to be implemented, people will be given adequate notice prior to implementation. The notice will be given enough to allow for ripening and harvesting of crops
3. What will happen to structures that are outside the 30 metre-buffer zone but the road diversion passes very close to their buildings to extent that it will affect their buildings because of vibrations?	In such instances those structures will be considered for compensation.
4. What about people whose building were at foundation level when preliminary census was being conducted, should the project be abandoned?	Existing projects can be finalized.
5. What will happen when the owner of the property does not agree with the calculated value of the property?	Channels of forwarding grievances will be opened. A Resettlement Working Group will be formed and it will work with existing channels of forwarding complaints by involving Traditional Leaders and respective district commissioners, where necessary. When this fails, arbitration will be done by a court of Law.
6. How are cases where the owner of the property was away but someone renting the house registered the property in their names?	After the census of the properties around the project area, there will be verification exercise and during this time the real owners of the property will be identified. In addition, traditional leaders will assist in identifying the real owners of the properties.
7. What will happen to a piece of land that has been bought but has not yet been developed and has been affected by the project?	The new owner will be compensated.
8. What will happen to leased land that has been affected?	Leased land will be compensated depending on the present value of such a piece of land and other factors.

Main issue	How the issue will be addressed
9. Will the value of the property be calculated depending on what was spent when the property was being acquired or the present value of the property?	The value of property will be calculated based on the present value.
10. What will happen to graveyards that will be affected by the project?	Much as the contractors will try as much as possible not to affect such areas, in an event that a graveyard has been affected, the contractor will discuss with traditional leaders on the preferred option. The options in such situations include relocating the graveyard, diverting from the originally proposed direction etc.
11. What will happen to people who, after being compensated, have failed to identify a piece of land for their resettlement?	Traditional leaders will work with the respective District Councils to identify a piece of land where such people can settle.
12. After getting compensated, will the affected people be free to get back to their places after the construction works have been completed?	Once the affected people have been compensated, there will be no need for such people to move back to their places, especially those who are within the road reserve area. Those outside the road reserve area may move back after the affected piece of land has been rehabilitated by the contractors.
13. There are some pipes belonging to water boards that are located within the stated buffer zone or road reserve, what will happen to this property?	Should the project require relocation of water pipes, the RA will discuss with Northern Region Water Board and proper arrangements will be made to have the pipes relocated and appropriate logistical support will be provided by the RA.
14. What will happen to ensure that compensation is given to the real owners of property?	After the census of the properties around the project area, there will be verification exercise and during this time the real owners of the property will be identified. In addition, traditional leaders will assist in identifying the real owners of the properties.
15. Once compensation is done by the government, do owners have any right to take all the building materials?	Yes, the notice with time limit will be served to all affected persons for the removal of their building materials and other properties.

Annex 3: Preliminary Valuation

<p>Tel: 01 312944 Fax: 01 321 579 Please address all communications to: The Regional Commissioner for Lands and Valuation (N)</p>		<p>Regional Commissioner Of Lands & Valuation (N) P.O.Box 492 Mzuzu Malawi</p>
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RUO Consultants
 P.O.BOX 5827
 LIMBE

14TH NOVEMBER, 2014

Dear Sir,

COMPENSATION ASSESSMENT SCHEDULE FOR KARONGA-SONGWE ROAD CONSTRUCTION IN KARONGA DISTRICT

Instruction

In accordance with your request and instruction given to us verbally by Mr. Mtafu Zeleza Manda dated 5th November, 2014, to assess the value payable to the people affected by the Construction of Karonga-Songwe Road Re-design in Karonga district. I confirm that inspections were carried out, and obtained such further information as we deemed necessary to derive opinion as to the current values for compensation purposes.

We now certify that having considered all relevant factors regarding the current property market in this area and based on our knowledge of the market, we are of the opinion that the total compensation value is as follows:

Buildings: MWK 313,496,000.00
 Plants: MWK 5,028,000.00
 Town Planning: MWK35, 000,000
 The total sum is MWK 353,524,000.00 (Three Hundred fifty three million, Five Hundred and Twenty Four Thousand Kwacha).

Purpose of Valuation

This valuation is for compensation purposes only.

Tenure of Land

The land is already public area.

Restrictions on Publication

Our report is provided for sole use of the party to whom it is addressed and is confidential to the said party and their professional advisers for the specific purpose for which it is required and we accept responsibility to the said party alone for the stated purpose of the report.

Therefore neither the whole nor any part of this report or references thereto should be included in any published document, circular or statement, nor published in any way without the prior written approval in the form and context in which it may appear.

Statement of Approach

There are several Acts/laws that have governed the assessment process for compensation for compulsorily –acquired land and building structures along this stretch:

Section 28 (1&2) of the Constitution of Malawi says “every person shall be able to acquire property...” “and that having acquired that property, “no person shall be arbitrarily deprived of property.”

Section 44(4) 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.”

Section 28 of the Land 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.

The Land Acquisition Act (Cap.58:04) Sections 9 & 10. This Act provides for the procedure to be followed to assess fair compensation. It states that the assessment for compensation by the Minister responsible for Land matters shall be calculated by adding together-

The consideration which the person entitled to the land paid in acquiring it;

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

Any other appreciation in the value of the land since the date of such acquisition.

However, the stipulation in this Act can be superseded by what can be agreed between the parties (See Section 10(1)).

Except one leasehold property, what has been considered on all others is the value of improvements only.

Based on *Harvey v Crawley Development Corporation (1957)*, the owner of land and improvements affected by compulsory acquisition has

“The right to be put , so far as money can do it, in the same position as if his land had not been taken from him. In other words, he gains the right to receive a money payment not less than the loss imposed on him in public interest, but, on the other hand , no greater.”

Basis of Compensation

Compensation valuations are based on the existing law provisions. Based on the provisions of The Land Acquisition Act CAP 58:04 sections 9 & 10, compensation has considered loss of livelihood for agricultural land and loss of building structures (improvements).

Therefore, there are only two heads of claims that have been considered for compensation.

Therefore, there are only two heads of claims that have been considered for compensation.

Valuation approach and Methodology

The appropriate approach in determining the amount of compensation is always a question of an Act. The most accurate and appropriate methods of valuation of improvements on the land acquired are Investment and Contractor’s Method in this case but the most commonly used in Malawi is Comparative Replacement Cost Method. See appendix A and B below.

Recommendations:

It is recommended that the claimants of buildings be allowed to salvage whatever they can from their properties before the property is destroyed. Note that any improvement on the structure or on the land made after the date of inspection cannot be considered for compensation.

Verification must be done in not less than a week hereof.

It is further recommended that payment of compensation money be done before relocation. It is advisable to pay everyone at the same time. After payment, time needs to be agreed with the village headmen and other stakeholders within which relocation will be done.

The values are as at the date of Valuation. The property market is not currently stable as the local currency keeps fluctuating. The validity of the value in this report is for the period of six months from the date of valuation subject to currency fluctuation.

Any objection cases should be channelled through the existing local committee which shall in turn present the case officially in writing.

Signature: _____

Date: 14th November, 2014

JONATHAN CHIKAFA (Assistant Valuation Officer, Dpt. Of Lands)

For: THE REGIONAL COMMISSIONER FOR LANDS (North)

CC:

Annex 4: Expropriation of Properties buildings affected by Karonga-Songwe Road Resettlement

CODE NO.	LOCATION DISTANCE(KM)	PROPERTY DESCRIPTION	AMOUNT(MK)
X1	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	2,000,000.00
X2	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	3,200,000.00
X3	MWENITETE T.C 15+500 L	1.HOUSE:CIR,CFB,EARTH 2.FOUNDATION: TOTAL	815,000.00 154,200.00 970,000.00
X4	MWENITETE T.C 15+500 L	MAIZE MILL	3,150,000.00
X5	MWENITETE T.C 15+500 L	1.HOUSE: CIR,CFB,CEM 2.SHOP : CIR,CFB, CEM TOTAL	1,873,400.00 308,000.00 2,200,000.00
X6	MWENITETE T.C 15+500 L	1. SHOP :ROOFLESS,CFB, CEM 2 SHOP: CIR,CFB,CEM 3. HOUSE: CIR,CFB,CEM TOTAL SAY	72,840.00 761,400.00 1,854,450.00 2,688,690.00 3,000,000.00
X7	MWENITETE T.C 15+500 L	1. HOUSE: CIR,CFB,CEM 2.BUTCHERY: CIR,CFB,CEM TOTAL	3,150,000.00 327,600.00 3,500,000.00
X8	MWENITETE T.C 15+500 L	SHOP :ROOFLESS,CFB, CEM	144,000.00
X9	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,CEM	652,000.00
SUB TOTAL			18,816,000.00

X10	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,EARTH	221,000.00
X11	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	1,566,000.00
X12	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	251,000.00
X13	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	304,000.00
X14	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	317,000.00
X15	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	1,193,000.00
X16	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	731,000.00
X17	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	759,200.00
X18	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	787,100.00
X19	MWENITETE T.C 15+500 L	1.SHOP: CIR,CFB,CEM 2. SHOP: CIR,CFB,CEM TOTAL	611,000.00 845,300.00 1,456,300.00
X20	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	1,079,200.00
X21	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	808,200.00
SUB TOTAL			9,473,000.00

X22	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	773,300.00
X23	MWENITETE T.C 15+500 L	1 SHOP: CIR,CFB,CEM 2. SHOP: CIR,CFB,CEM TOTAL SAY	88,200.00 1,479,150.00 1,504,800.00 1,505,000.00
X24	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,EARTH	836,400.00
X25	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,EARTH	553,000.00
X26	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	742,000.00
X27	MWENITETE T.C 15+500 L	1. SHOP: CIR,CFB,CEM 2. MAIZE MILL 3. SHOP: CIR,CFB,CEM TOTAL SAY	739,400.00 1,659,000.00 259,200.00 1,200,450.00 1,200,500.00
X 28	MWENITETE T.C 15+500 L	1.BAR: CIR,CFB,CEM 2. MAIZE MILL TOTAL SAY	3,166,000.00 2,660,880.00 5826860.00 5,827,000.00
X29	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,CEM	1,475,000.00
		SUB TOTAL	13,000,400.00

X30	MWENITETE T.C 15+500 L	1.BAR/SHOP: CIR,CFB,CEM 2 FOUNDATION TOTAL SAY	2,997,300.00 96,000.00 3,107,700.00 3,108,000.00
X31	MWENITETE T.C 15+500 L	1.HOUSE: CIR,CFB,EARTH 2. PIT LATRINE 3,BATH TOTAL SAY	1,409,858.00 4,860.00 4,860.00 1,419,570.00 1,420,000.00
X32	MWENITETE T.C 15+500 L	FOUNDATION	111,050.00
X33	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,EARTH	2,034,400.00
X34	MWENITETE T.C 15+500 L	HOUSE:THATCHED,CFB,EARTH	451,100.00
X35	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,CEM	1,697,200.00
X36	MWENITETE T.C 15+500 L	SIGN POST	60,000.00
X37	MWENITETE	CHIGAYO : CIR,CFB,CEM	1,857,000.00

	T.C 15+500 L		
X38	MWENITETE T.C 15+500 L	HOUSE: CIR,CFB,CEM	1,550,200.00
X39	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, EARTH	1,780,000.00
SUB TOTAL			14,068,950.00

X40	MWENITETE T.C 15+500 L	1.HOUSE: CIR ,CFB, CEM 2. HOUSE: CIR ,CFB, CEM TOTAL SAY	4,638,900.00 2,854,200.00 4,638,900.00 4,639,000.00
X41	MWENITETE T.C 15+500 L	FOUNDATION	167,000.00
X42	MWENITETE T.C 15+500 L	FOUNDATION	167,000.00
X43	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, CEM	1,601,000.00
X44	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, CEM	1,655,200.00
X45	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, CEM	2,801,400.00
X46	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, CEM	1,350,000.00
X47	MWENITETE T.C 15+500 L	SHOP: CIR,CFB,CEM	648,000.00
X48	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, CEM	1,692,000.00
		SUBTOTAL	14,720,600.00

X49	MWENITETE T.C 15+500 L	FOUNDATION	68,600.00
X50	MWENITETE T.C 15+500 L	HOUSE: CIR ,CFB, CEM	1,785,000.00
X51	MWENITETE T.C 15+500 L	1.SHOP: CIR,CFB,EARTH 2. HOUSE: CIR ,CFB,EARTH TOTAL	135,600.00 284,000.00 419,400.00
X52	MWENITETE T.C 15+500 L	BAR: CIR ,CFB, CEM	2,722,000.00
X53	MWENITETE T.C 15+500 R	WAREHOUSE: CIR ,CFB, CEM	7,164,000.00
X54	MWENITETE T.C 15+500 R	UNCOMPLETED SHOP	2,167,300.00
X55	MWENITETE T.C 15+500 R	FOUNDATION	180,000.00
X56	MWENITETE T.C 15+500 R	SHOP: CIR,CFB,EARTH	2,073,000.00
X58	MWENITETE	FOUNDATION	188,200.00

	T.C 15+500 R		
		SUB TOTAL	14,913,900.00

X60	MWENITETE T.C 15+500 R	HOUSE: CIR ,CFB, CEM	2,309,000.00
X61	MWENITETE T.C 15+500 R	CHIGAYO: CIR ,CFB, CEM	2,052,000.00
X62	MWENITETE T.C 15+500R	PIT	22,500.00
X63	MWENITETE T.C 15+500R	HOUSE: CIR ,CFB, CEM	2,472,000.00
X64	MWENITETE T.C 15+500R	1. HOUSE: CIR ,CFB, CEM 2. KITCHEN: CIR ,CFB, EARTH 3.PIT: CIR ,CFB, CEM TOTAL SAY	2,310,750.00 50,800.00 20,250.00 2,471,850.00 2,381,000.00
X65	MWENITETE T.C 15+500R	HOUSE: CIR ,CFB, CEM	4,586,000.00
X66	MWENITETE T.C 15+500R	1.HOUSE: CIR ,CFB, CEM 2. KITCHEN: CIR ,CFB, EARTH TOTAL SAY	2,144,000.00 1,940.00 2,145,940.00 2,146,000.00
X67	MWENITETE T.C 15+500R	1.HOUSE: CIR ,CFB, CEM 2. KITCHEN: CIR ,CFB, EARTH 3. BTH: CIR ,CFB, EARTH 4. PIT: CIR ,CFB, EARTH TOTAL SAY	1,977,500.00 193,400.00 15,300.00 9,600.00 2,190,800.00 2,191,000.00
		SUB TOTAL	18,159,500.00

X68	MWENITETE T.C 15+500R	PITLATRINE	10,000.00
X70	MWENITETE T.C 15+500R	HOUSE: CIR ,CFB, CEM	1,519,200.00
X71	MWENITETE T.C 15+500R	1.HOUSE: CIR ,CFB, CEM 2. KITCHEN: CIR ,CFB, CEM TOTAL SAY	321,360.00 1,994,000.00 2,315,360.00 2,316,000.00
		SUB TOTAL	3,845,200

KIBE TRADING CENTRE

X72	KIBE T.C 20+500R	HOUSE: CIR ,CFB, CEM	403,300.00
X73	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, CEM	684,400.00
X74	KIBE T.C. 20+500R	HOUSE: THATCH ,MUD & WATTLE, EARTH	59,400.00
X75	KIBE T.C. 20+500R	HOUSE: THATCH ,MUD & WATTLE,EARTH	151,200.00
X76	KIBE T.C. 20+500R	FOUNDATION	127,200.00
X77	KIBE T.C. 20+500R	FOUNDATION	41,800.00
X78	KIBE T.C. 20+500R	1.HOUSE: CIR ,CFB, CEM	909,300.00
		2.HOUSE: CIR ,CFB, CEM	1,488,000
		TOTAL	2,397,300
X79	KIBE T.C. 20+500R	1.HOUSE: CIR ,CFB, CEM	1,271,700
		2. KITCHEN: CIR ,CFB, CEM	79,900
		TO TAL SAY	1,351,900 1,352,000
		SUB TOTAL	5,089,400.00

X80	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, CEM	4,520,000.00
X81	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, CEM	2,429,000.00
X82	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, EARTH	572,000.00
X83	KIBE T.C. 20+500R	1.FOUNDATION 2.FOUNDATION TOTAL	51,100.00 143,000.00 191,100.00
X84	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, CEM	5,235,300.00
X85	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, CEM ONE BOREHOLE TOTAL	4,780,000.00 2,000,000.00 6,780,000.00
X86	KIBE T.C. 20+500R	1.HOUSE: CIR ,CFB, CEM 2 SQTRS: CIR ,CFB, EARTH TOTAL	4,003,200.00 342,400.00 4,346,000.00
X87	KIBE T.C. 20+500R	1.HOUSE: CIR ,CFB, CEM 2.KITCHEN: CIR ,CFB, CEM 3.PIT LATRINE CIR ,CFB, CEM 4.BTH CIR ,CFB, CEM 5.ONE BOREHOLE 6.B/WALL FENCE TOTAL	6,276,240.00 563,400.00 30,960.00 379,080.00 2,000,000.00 100,000.00 8,376,240.33 8,376,200.00
		SAY SUB TOTAL	32,449,500.00

X88	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, TPT	1,562,100.00
X 89	KIBE T.C. 20+500R	HOUSE: CIR ,CFB, CEMENT	6,717,600.00
X90	KIBE T.C. 20+500R	FILLING STATION	13,015,100.00
X91	KIBE T.C. 20+500R	SIGN POST	177,300.00
X92	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	2,035,300.00
X93	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	684,000.00
X94	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	343,000.00
X95	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	406,600.00
X 96	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	239,000.00
X97	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	303,200.00
SUBTOTAL			25,483,200.00

X98	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	280,000.00
X99	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	459,300.00
X100	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	265,000.00
X101	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	669,300.00
X102	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	1,054,000.00
X103	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	75,000.00
X104	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	1,235,000.00
X105	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	362,100.00
X106	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	713,000.00
X107	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	745,100.00

UBTOTAL 5,857,800.00

X108	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	568,000.00
X109	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	242,000.00
X110	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	527,400.00
X111	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	527,400.00
X112	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	194,000.00
X113	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	299,300.00
X114	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	651,200.00
X115	KIBE T.C. 20+500R	HOUSE CIR CFB,EARTH	400,000.00
X116	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	443,200.00
X117	KIBE T.C. 20+500R	HOUSE CIR CFB,CEM	2,165,600.00
		SHOP: CIR CFB,CEM	511,000.00
		TOTAL	2,676,600.00
		SAY	2,677,000.00
		SUBTOTAL	6,529,950.00

X118	KIBE T.C. 20+500R	1.BAR : CIR CFB,CEM	3,418,750.00
		2.CHALET CIR CFB,EARTH	733,400.00
		3. SHOP; CIR CFB,CEM	1,357,150.00
		TOTAL SAY	5,509,300.00 5,509,300.00
X119	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	2,127,000.00
X120	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	495,000.00
X121	KIBE T.C. 20+500R	GATEHOUSE: CIR CFB,CEM	167,000.00
X122	KIBE T.C. 20+500R	BUTCHERY: CIR CFB,CEM	3,171,400.00
X123	KIBE T.C. 20+500R	1.HOUSE CIR CFB, CEM	4,320,000.00
		2.OFFICE:CIR CFB, CEM	5,735,100.00
		3. GATEHOUSE: CIR CFB, CEM	357,000.00
		4. PIT BLOCK	76,800.00
		TOTAL SAY	10,488,900.00 10,489,000.00
X124	KIBE T.C. 20+500R	1.HOUSE CIR CFB, CEM	1,996,800.00
		2.S/Q:CIR CFB, CEM	225,000.00
		3. PIT LATRINE CIR ,CFB, CEM	15,000.00 2,234,800.00
		TOTAL SAY	2,235,000.00
SUB TOTAL			24,193,700.00

X125	KIBE T.C. 20+500R	1.S/Q;CIR CFB, CEM	598,000.00
		2.HOUSE CIR CFB, CEM	2,331,000.00
		3. KIT BLOCK	39,000.00
		TOTAL	2,968,000
X126	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	335,200.00
X127	KIBE T.C. 20+500R	GUARD HOUSE: CIR CFB,CEM	428,000.00
X128	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	528,000.00
X129	KIBE T.C. 20+500R	HOUSE: CIR CFB, CEM	1,111,000.00
X130	KIBE T.C. 20+500R	DILAPIDATED HOUSE	102,000.00
X131	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	1,658,000.00
X132	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	1,300,000.00
X133	KIBE T.C. 20+500R	SHOP; CIR CFB,CEM	1,404,000.00
X134	KIBE T.C. 20+500R	1 SHOP/HOUSE;CIR CFB,CEM	2,070,400.00
		2 SHOP; CIR CFB,EARTH	172,000.00
		TOTAL	2,242,400.00

SUBTOTAL 12,076,600.00

X135	KIBE T.C.	SHOP: CIR CFB, CEM	839,000.00
X136	KIBE T.C.	RESTRAUNT: CIR CFB, CEM	1,168,300.00
X137	KIBE T.C.	SHOP: CIR CFB, CEM	909,000.00
X138	KIBE T.C.	BOTTLESTORE: CIR CFB, CEM	3,088,000.00
X139	KIBE T.C	SHOP: CIR CFB, CEM	1,088,000.00
X140	KIBE T.C	SHOP: CIR CFB, CEM	1,195,200.00
X141	KIBE T.C	SHOP: CIR CFB, CEM	236,300.00
X142	KIBE T.C	SHOP: CIR CFB, CEM	522,000.00
X143	KIBE T.C	SHED:THATCH,BAMBOO POLES,EARTH FLOOR	100,000.00
X144	KIBE T.C	SHOP: CIR CFB, CEM	4,512,000.00
X145	KIBE T.C	SHOP: CIR CFB, CEM	391,300.00

SUBTOTAL 14,049,100.00

X146	KIBE T.C	BAR: CIR CFB, CEM	477,400.00
X147	KIBE T.C	SHOP: CIR CFB, CEM	351,000.00
X148	KIBE T.C	VIDEO HALL: CIR CFB, CEM	919,100.00
X149	KIBE T.C	SHOP: CIR CFB, CEM	351,000.00
X150	KIBE T.C	FOUNDATION	182,000.00
X151	KIBE T.C	FOUNDATION	112,200.00
X152	KIBE T.C	HOUSE: ROOFLESS, CFB, EARTH	162,100.00
X153	KIBE T.C	SHOP: CIR CFB, EARTH	682,000.00
SUB TOTAL			3,236,800.00

PUSI TRADING CENTER

X154	PUSI T.C	SHOP: CIR CFB, CEM	3,219,000.00
X155	PUSI T.C	SHOP: CIR CFB, CEM	656,000.00
X156	PUSI T.C	SHOP: CIR CFB, CEM	1,103,200.00
X157	PUSI T.C	SHOP: CIR CFB, CEM	1,973,000.00

SUB TOTAL 6,951,200.00

X158	PUSI T.C	SHOP/ BUTCHERY: CIR CFB, CEM	1,855,300.00
X159	PUSI T.C	VIDEO SHOW :CIR CFB, CEM	3,040,000.00
X160	PUSI T.C	SHOP: CIR CFB, CEM	442,200.00
X161	PUSI T.C	SHOP: CIR CFB, CEM	625,000.00
X162	PUSI T.C	DELAPIDATED HOUSE	60,000.00
X163	PUSI T.C	DELAPIDATED HOUSE	105,000.00
X164	PUSI T.C	SIGN POST USAID	675,000.00
X165	PUSI T.C	SHOP/CHURCH:CIR CFB, CEM	4,503,100.00
X166	PUSI T.C	HOUSE:CIR CFB, CEM	2,973,000.00
SUB TOTAL			11,602,900.00

X167	PUSI T.C	HOUSE:CIR CFB, CEM	3,792,000.00
X168	PUSI T.C	HOUSE:CIR CFB, CEM	2,219,000.00
X169	PUSI T.C	FOUNDATION	151,000.00
X170	PUSI T.C	HOUSE:CIR CFB, CEM	1,616,400.00
X171	PUSI T.C	HOUSE:CIR CFB, CEM	2,576,100.00
X172	PUSI T.C	HOUSE:CIR CFB, CEM	4,277,000.00
X173	PUSI T.C	HOUSE:CIR CFB, CEM	829,000.00
		SHOP:CIR CFB, CEM	326,200.00
		TOTAL	1,155,200.00
X174	PUSI T.C	HOUSE:CIR CFB, CEM	1,083,200.00
X175	PUSI T.C	HOUSE:CIR CFB, CEM	2,690,200.00
X176	PUSI T.C	SHOP: CIR CFB, CEM	1,871,100.00
X177	PUSI T.C	CHIGAYO: CIR CFB, CEM	653,000.00
X178	PUSI T.C	CHIGAYO: CIR CFB, CEM	821,200.00
		HOUSE:CIR CFB, CEM	897,000.00
		TOTAL	1,718,200.00
X179	PUSI T.C	SHOP: CIR CFB, CEM	653,000.00

SUB TOTAL 24,455,400.00

X180	PUSI T.C	SHOP: CIR CFB, CEM	1,434,000.00
X181	PUSI T.C	SHOP: CIR CFB, CEM	971,100.00
X182	PUSI T.C	FOUNDATION	61,875.00
		SHOP: CIR CFB, CEM	924,000.00
		SAY	1,040,875.00
			1,041,000.00

SUBTOTAL 3,446,100.00

X183	PUSI T.C	SHOP: CIR CFB, CEM	162,550.00
		SHOP: CIR CFB, CEM	3,174,200.00
		TOTAL	3,337,750.00
		SAY	3,337,000.00
X184	PUSI T.C	SIGN POST	68,000.00
X185	PUSI T.C	TRAVEN: CIR CFB, CEM	6,306,000.00
X186	PUSI T.C	SHOP/HOUSE: CIR CFB, CEM	1,012,600.00
		SHOP: CIR CFB, CEM	184,000.00
		TOTAL	1,435,450.00
		SAY	1,435,500.00

IPONGA TRADING CENTER

X187	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	543,200.00
X188	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	102,000.00
X189	IPONGA T.C. 35.5R	HOUSE:CIR CFB, CEM	997,000.00
		KITCHEN:CIR CFB, CEM	140,550.00
		TOTAL	1,137,550.00
		SAY	1,138,000.00
X190	IPONGA T.C. 35.5R	HOUSE:THATCH,CFB, EARTH	484,000.00
X191	IPONGA T.C. 35.5R	HOUSE:CIR CFB,EARTH	639,500.00

SUBTOTAL 14,053,200.00

X192	IPONGA T.C. 35.5R	HOUSE: CIR CFB, CEM	811,500.00
		HOUSE: CIR CFB, EARTH	338,200.00
		TOTAL	1,149,700.00
		SAY	1,150,000.00
X193	IPONGA T.C. 35.5R	HOUSE: CIR CFB, EARTH	485,000.00
X194	IPONGA T.C. 35.5R	HOUSE: CIR CFB, EARTH	688,000.00
X195	IPONGA T.C. 35.5R	HOUSE: CIR CFB, EARTH	143,100.00
X196	IPONGA T.C. 35.5R	HOUSE: CIR CFB, EARTH	182,000.00
X197	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	262,000.00
X198	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	932,100.00
X199	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	697,000.00
X200	IPONGA T.C. 35.5R	SHOP:CIR CFB,EARTH	221,200.00
X201	IPONGA T.C. 35.5R	SHOP:CIR CFB,EARTH	145,000.00
X202	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	216,000.00
X203	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	893,000.00
X204	IPONGA T.C. 35.5R	SHOP:CIR CFB,EARTH	84,000.00
X205	IPONGA T.C. 35.5R	SHOP:CIR CFB,EARTH	155,400.00

SUBTOTAL 6,253,800.00

X206	IPONGA T.C. 35.5R	SHOP:CIR CFB,EARTH	739,000.00
X207	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	87,400.00
X208	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	286,000.00
X209	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	416,100.00
X210	IPONGA T.C. 35.5R	SHOP: CIR CFB, CEM	196,000.00
X211	IPONGA T.C. 35.5R	SHELTER HOUSE:CIR,CIR CEMENT PIT: CIR CFB, CEM TOTAL SAY	341,250.00 4,760.00 346,010.00 346,000.00
X212	IPONGA T.C. 35.5R	CHIGAYO: CIR CFB, CEM	1,425,000.00
X213	IPONGA T.C. 35.5R	HOUSE:THATCH,CFB,EARTH	92,000.00
X214	IPONGA T.C.	CHIGAYO: CIR CFB, CEM	520,000.00
X215	IPONGA T.C.	SHOP: CIR CFB, CEM	128,000.00
X216	IPONGA T.C.	SHOP: CIR CFB, CEM	1,330,000.00
X217	IPONGA T.C.	CHIGAYO: CIR CFB, CEM	1,089,000.00
X218	IPONGA T.C.	SHOP: CIR CFB, CEM	339,000.00
		SUBTOTAL	6,993,500.00

X219	IPONGA T.C.	HOUSE: CIR CFB, CEM	496,000.00
X220	IPONGA T.C.	CHIGAYO: CIR CFB, CEM	923,000.00
X221	IPONGA T.C.	HOUSE: CIR CFB,EARTH	814,400.00
X222	IPONGA T.C	HOUSE: CIR CFB, CEM	755,000.00
X223	IPONGA T.C	SIGN POST	119,400.00
X224	IPONGA T.C	SIGN POST PIT BLOCKS TOTAL	84,000.00 126,000.00 210,000.00
X225	IPONGA T.C	SHOP: CIR CFB, EARTH	117,000.00

X226	IPONGA T.C	SHOP: CIR CFB, EARTH	88,000.00
X227	IPONGA T.C	SHOP: CIR CFB, EARTH	92,000.00
X228	IPONGA T.C	SHOP: CIR CFB, CEM	20,700.00
X229	IPONGA T.C	SHOP: CIR CFB, CEM	142,000.00
		SUBTOTAL	3,777,100.00

		GRAND TOTAL	313,496,000.00
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Annex 5: Expropriation of Properties plants and crops affected by Karonga-Songwe Road Resettlement

CODE NO.		PLANT TYPE	RATE/PLAN T	QTTY	AMOUNT
X57		BANANA	2,000.00	10	20,000.00
		MANGO	10,000.00	3	60,000.00
			TOTAL		80,000.00
X58		MANGO	10,000.00	1	10,000.00
		BANANA	2,500.00	50	125,000.00
		BAMBOOS	500.00	20	10,000.00
		JAMBULA	2,500.00	1	2,500.00
		CENDRERA	2,500.00	3	7,500.00
		MNYERE	2,500.00	1	2,500.00
		GMELINA	2,500.00	1	2,500.00
			TOTAL		160,000.00
X63		MANGO	10,000.00	6	60,000.00
X69		BANANA	2,500.00	20	50,000.00
X68		BANANA	2,500.00	10	25,000.00
		ACACIA	2,500.00	20	50,000.00
		BLUEGAM	2,500.00	1	2,500.00
			TOTAL		77,500.00
X65		MANGO	10,000.00	50	500,000.00
X66		BANANA	2,000.00	10	20,000.00
		MANGO	10,000.00	1	10,000.00
		BLUEGAM	2,500.00	1	2,500.00
		FRUIT TREE	2,500.00	1	2,500.00
			TOTAL		35,000.00
X71		MANGO	10,000.00	2	20,000.00
		BANANA	2,000.00	100	200,000.00
		CENDRERA	2,500.00	1	2,500.00
			TOTAL		222,500.00
X72		BANANA	2,500.00	17	42,500.00
		ACACIA	2,500.00	1	2,500.00
			TOTAL		45,000.00
X74		BANANA	2,000.00	100	20,000.00
X75		BANANA	2,500.00	150	375,000.00
			SUBTOTAL 1,580,000.00		

X77		BANANA	2,000.00	50	100,000.00
		MANGO	10,000.00	1	10,000.00
		BLUEGAM	2,500.00	1	2,500.00
			TOTAL		112,500.00
X80		BANANA	2,000.00	44	88,000.00
		MANGO	10,000.00	2	20,000.00
		GUAVA	3,000.00	4	12,000.00
		SOILDER TREE	2,500.00	4	10,000.00
		SUGARCANE	500.00	25	12,500.00
			TOTAL		162,500.00
X84		PLANTED TREE	2,500.00	1	2,500.00
X72B		BANANA	2,000.00	50	100,000.00
X73		BANANA	2,000.00	150	300,000.00
X124		MANGO	10,000.00	9	90,000.00
		PINEAPPLE	500.00	5	2,500.00
		PAWPAW	2,500.00	1	2,500.00
		MINYERE	2,500.00	4	10,000.00
		GUAVA	3,000.00	4	12,000.00
		TIMBER	2,500.00	3	10,500.00
		FRUIT TREE	2,500.00	2	5,000.00
		ORANGE	2,500.00	3	7,500.00
		SUGARCANE	500.00	2	1000.00
			TOTAL		141,000.00
X125		MANGO	10,000.00	1	10,000.00
		GUAVA	3,000.00	1	3,000.00
			TOTAL		13,000.00
X126		GMELINA	2,500.00	7	17,500.00
		MANGO	10,000.00	2	20,000.00
			TOTAL		37,500.00
X127		CENDRERA	2,500.00	2	5,000.00
X64		MANGO	10,000.00	4	80,000.00
X57		BANANA	2,000.00	10	20,000.00
		MANGO	10,000.00	3	30,000.00
			TOTAL		50,000.00
SUBTOTAL					1,004,000.00

X59		MANGO	10,000.00	1
		BANANA	2,500.00	50
		BAMBOOS	500.00	20
		JAMBULA	500.00	1
		CENDRERA	2,500.00	3
X72B		BANANAS	10,000.00	50
X73		BANANAS	2,000.00	150
X74A				50
X124		PINEAPPLES	500.00	5
		PAWPAW	2,500.00	1
		GUAVA	3,000.00	4
		MANGO	10,000.00	9
		MINYERE	2,500.00	4
		TIMBER	2,500.00	3
		FRUIT TREES	2,500.00	2
		ORANGE	2,500.00	3
		SUGARCANE	500.00	2
			TOTAL	
X125		MANGO	10,000.00	1
		GUAVA	3,000.00	1
			TOTAL	
X126		GMELINA	2,500.00	7
		MANGO	10,000.00	2
			TOTAL	
X127		CENERERA	2,500.00	2
X190		BLUEGAM	2,500.00	10
X191		BLUEGAM	2,500.00	15
X186		BANANA	3,000.00	15
		PAWPAW	2,500.00	1
		MANGO	10,000.00	2
		ORANGE	2,500.00	2
		SUGARCANE	500.00	100
			TOTAL	

SUBTOTAL 2,444,000.00

GRANT TOTAL 5,028,000.00

Annex 6: Karonga – Songwe ESIA Terms of Reference

Table of Contents

List of Acronyms	ii
1.0 INTRODUCTION.....	1
1.1 Background	1
1.2 Objectives and Expected Outputs.....	1
1.2.1 Objectives.....	1
1.2.2 Expected outputs	1
2.0 SCOPE OF WORK.....	2

List of Acronyms

EMA	Environmental Management Act
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
RA	Roads Authority
RAP	Resettlement Action Plan
RMF	Resettlement Management Framework
TORs	Terms of Reference
USA	United States of America
WB	World Bank

1.0 INTRODUCTION

1.1 Background

With support from the World Bank (WB), the Road Authority (RA) plans to rehabilitate the 45.9 Km of the M1 Road from Karonga to Songwe. The major works of the proposed project shall include rehabilitation and widening of the carriageway from Karonga M1 roundabout to the expansion joint at the south end of the Songwe River bridge at Malawi-Tanzania Border. The Karonga-Songwe Road is a major and important trade route connecting many countries in the Eastern and Southern Africa trade corridor and has a lot of economic potential. Because of the scope and nature of works that will be undertaken before, during and after construction, the road project has received an environmental classification of Category 1. The classification of category 1 means that there is need to carry out an environmental and social impact assessment (ESIA) and develop a resettlement action plan as required by the Environmental Management Act (1996), Environmental Social Impact Assessment Guidelines and the World Bank's Environmental Self-guard policies and in line with the Roads Authority's Environmental and Social Management guidelines for the Road sector.

These Terms of Reference (TORs) outline the objectives, expected outputs, tasks for carrying out an ESIA and development of the Resettlement Action Plan (RAP) for the project in line with the Environmental Management Act (EMA, 1996), Environmental Impact Assessment Guidelines (1997) Environmental and Social Management Framework (ESMF, 2014) and the Resettlement Management Framework (RMF, 2014).

1.2 Objectives and Expected Outputs

1.2.1 Objectives

The objectives of the assignment are as follows:

1. To conduct an environmental and social impact assessment for the Karonga-Songwe M1 Road rehabilitation project
2. To prepare a Resettlement Action Plan (RAP) for the affected people along the Karonga-Songwe M1 Road project

1.2.2 Expected outputs

The expected outputs of the assignment are:

- i. Environmental and social impact assessment report that includes an Environmental and Social Management Plan and an Environmental and Social Monitoring Plan as one document.
- ii. Environmental and Social Management Plan.
- iii. Resettlement Action Plan

2.0 SCOPE OF WORK

The scope of work is determined by the requirements of the EMA (1996) and prescriptions of the Malawi EIA Guidelines (1997) as supported by the World Bank's Environmental Self-guard policies and in line with the Roads Authority's Environmental and Social Management guidelines for the Road sector. The detailed scope outlines the task that the consultant shall undertake as follows:

- 2.1 Provide a detailed description of the Karonga –Songwe M1 Road project including the details of the proponent, alternatives under consideration for the project, , general design of the road, size of land for to be affected by the project including electricity, water works system, mode of waste disposal and access roads including diversion if necessary. Provide a site specifics map of the area (Scale 1:50,000) showing the proposed road route.
- 2.2 Describe and analyse the baseline environment of the project. Collect, analyse and present baseline information on the environmental characteristics of the existing situation in the proposed road project between Karonga round about and Songwe Bridge. The description and analysis should include:
 - Physical environment which includes topography, landforms, geology, soils climate and meteorology, air quality, hydrology, etc.
 - Biological environment such as flora and fauna types and diversity, endangered species, sensitive habitats, etc.
 - Social and cultural environment, including present and projected, where appropriate identify areas of cultural significance such as graveyards (there are about four to five graveyards along the Karonga –Songwe M1 Road) sacred sites, population, land use, planned development activities, community structures, gender, employment and labour market, sources and distribution of income, cultural properties, etc.
- 2.3 Legislative and regulatory frameworks. Identify and describe all pertinent regulations and standards governing the environmental quality, solid and liquid waste management, health and safety, protection of sensitive areas, land use control at national and local levels and ecological and socio-economic issues.
- 2.4 Identify potential environmental impacts that could result from the project. Describe and analyse all significant changes expected due to the proposed road project focusing on both negative and positive impacts. The impacts could include destruction of the ecosystems along South Rukuru, Luflya, Kyungu rivers and other streams, economic, environmental, ecological and social impacts which could both be positive or

negative impacts as a result of the interaction between the proposed project and the environment that are likely to bring about changes in the baseline environmental and social conditions of the area. It is expected that during the analysis, the consultant shall consider both biophysical and socio-economic factors that will include the impacts of: population change and migration; socio-economic characteristics of the difference target groups such as business people, vendors, women groups, schools, faith based communities and traders in and around the trading centres of Mwenitete, Pusi, Iponga, Ighembe and others ; forms of social organization and co-operation; physical and social infrastructure; change in economic activities of the people along the road as a result of the project; destruction of gardens and grazing areas; clearance of trees, fruits and medicinal plants and other types of vegetation; mechanical disturbance; removal of structures such as restaurants, groceries, hawkers, filling stations, office buildings such as Kaporo MRA office /road block sites; effects on flora and fauna; air quality; improved access; accident rates; and visual/aesthetic change.

The potential impacts must relate to the project cycle of the project which include following:

- Project planning- determination of route, land acquisition, resettlement of people along the key trading centres in the project area, compensation and housing of displaced people, etc.
- Project construction works- land clearing, earth moving, blasting works, HIV and AIDS, access roads, waste disposal and management systems, drainage systems, dust, loss of scenic values of landscape, threat to cultural and historical sites or artefacts.
- Project operation-generation and removal of waste, emission of pollutants from vehicles, maintenance of the road, access routes, interaction between migrant workers and local community, accidents, HIV and AIDS, effects of route on the land values, planning and management of ribbon development along the routes and others.
- Project decommissioning- allowing productive use of the land for example campsite, reconstruction of damaged environment

2.5 Analyse and describe occupational and health concerns. Describe and analyse all occupational health and safety concerns likely to arise as a result of construction and operations of the proposed road project. Critically analyse the impacts of reopening the quarry at Benjamin Chawinga village and surrounding. Make recommendations on corrective and remedial measures to be implemented under the environmental management plan.

2.6 Undertake a full public participation and consultations on the positive and negative impacts of the project amongst the key stakeholders at District Council level, Traditional

Leaders such as T.A Mwakawoko, Paramount Kyungu and T.A Kilipula; communities and business people in all the trading centres along the project area; and various stakeholders at the Songwe Border: Carry out a social due diligence which will involve a description of the social, economic and cultural status of the project area. Organise meeting and forums for public participation to enable interested and affected parties to present their concerns and opinions regarding the proposed project.

2.7 Propose mitigation measures to the identified environmental and social impacts of the proposed project. Propose feasible mitigation measures for the negative impacts that could result from the proposed project.

2.8 Develop an Environmental Management Plan to mitigate negative impacts of the project. Develop a comprehensive Environmental Management Plan that sets up mitigation, monitoring and institutional measures to eliminate, minimize or reduce to acceptable levels of the adverse environmental impacts and or minimize socio-economic benefits of the proposed project. Provide a cost outlay for the proposed measures as well as their institutional and financial support mechanisms.

2.9 Develop an Environmental Monitoring Plan which shall provide specific descriptions and technical details of monitoring measures, including parameters to be measured, methods to be applied, and sampling locations, frequency of measurements or data collection, and definitions of thresh-holds that will signal the need for corrective actions. The Monitoring Plan will also describe the monitoring and reporting procedures as well as the timeframes and implementation mechanisms and provide details of the staffing requirement and cost outlays for the implementation of the plan.

2.10 Prepare a Resettlement Action Plan (RAP) in line with the World Bank policy framework guidelines on Involuntary Resettlement (OP 4.12) and the Environmental Management Act (1996) and other the legal requirements of the country.

Submit to the Client the following: (a) 21 hard copies of Environmental and Social Impact Assessment report that includes an Environmental and Social Management Plan and an Environmental and Social Monitoring Plan as one document; (b) 21 hard copies of Environmental and Social Management Plan; (c) 21 hard copies of Resettlement Action Plan and (d) 8 CD-ROM or DVD-ROM soft copies the reports containing copies of all word, excel, AutoCAD or other similar files used in compiling the report.