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RESETTLEMENT ACTION PLAN FOR KARONGA SONGWE ROAD



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MSV INTERNATIONAL, INC. USA



Ruo Consultants Ltd, Malawi

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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 15 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.

The original RAP was prepared in February 2016. The laws of Malawi indicate that once compensations are not paid after a period of 6 months from the time the valuation of property was undertaken, the RAP is supposed to be updated to check whether the values of the property have changed or not. In compliance with this requirement, the RAP was updated again in July and November 2016. The valuation of the property confirmed that the values had not changed during the stated period and the number of property had also not changed. However, the number of PAPs identified has doubled compared to the original RAP only due to fact that in the updated RAP the PAPs whose trees were affected were also counted, and totaled to additional 566. The number of

PAPs with trees affected (affected tree owners) were missing during the original RAP census and these were added during the RAP update carried out earlier in November 2016. Following the reassessment of property and trees, the revised cut off date is July 24th, 2016, for the additional PAPs with trees affected, which is the date when the census survey for trees was carried out, i.e. between July 18th to 24th, 2016.

As part of this RAP, an Action Plan has been developed for managing risks associated with an influx of migrant labour into the construction sites (see Annex 9). This action plan is generic to all civil works under the Southern African Trade and Transport Facilitation Project. However, it will be customized for each sub project and the contractor will be required to develop a site specific action plan using the main action plan as a guide. Further consultations will be carried with the communities and with the workers by the contractor and supervision consultants before and during the construction works, and that these will be formulated in the ESMP, which is under preparation and will be embedded in the contractor's contract.

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.

Extent of Resettlement

From the assessments that were undertaken along the road section, a total of 476 Project Affected People (PAPs) that have business or residential property along the road will be affected. These assets include hawkers, grocery shops, barber shops, houses, toilets and signage posts. On the other hand, a total of 566 tree PAPs will be affected. These are people who own exotic and fruit trees within the road reserve. These project affected people are located within the areas of Traditional Authority Kyungu, Kilupula and Mwakaboko. The majority of the Project Affected People are business men and women whose homesteads are away from the road reserve. They established their businesses along the road because of the business opportunities that exist along the road. The major trading centres that will be affected by the road construction works include Kambwe, Lusako, Mwenitete, Kiwe/Kaporo, Pusi, Mayoka and Iponga. It is expected that during construction and after receiving compensation, these people will continue to operate their businesses and perhaps access a larger market due to the migrant workers that will flood the area.

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.

Valuation of Property for Compensation

The valuation of property of the Project Affected People was done in accordance with the relevant laws and policies and was done by the Ministry responsible for lands. The approach to valuation of property that was followed is the Comparative Replacement Cost Method. The valuation took into account all relevant factors regarding the current property market in this area and based on the certified valuers knowledge of the property market. The calculations for trees include a 10 percent premium on the estimated value of the tree for exotic or planted trees. For fruit trees the calculation is based on the number of fruits each tree produces, the unit cost of the fruit and the estimated lost value of the fruit until the replacement seedlings mature as stipulated in the entitlement matrix. Based on the above valuation and estimation procedure for compensation entitlements, the compensation amounts for property along this road is estimated at MK296 million and for trees and fruits the compensation amount have increased from an earlier estimate MK32 million to MK116,624,518.

Livelihood Restoration Programs opportunities

The PAPs whose livelihoods have been affected are getting 20% premium on top of the assessed values of their property. In addition to that, they will be offered complimentary support such as employment from the contractors during construction. The contractor will be requested to allocate a certain percentage of unskilled work to local people including the vulnerable groups. In addition, since most of the PAPs are those that are operating businesses along the road, they will have increased business opportunities arising from the migrant workers and increased incomes that will come from the wages.

Other tangible livelihood restoration plans such as provision of training in business management and savings and investment will be provided to the PAPs. This will be done by engaging the COMSIP Union which has already demonstrated its expertise in other Bank funded projects such as the MASAF IV and the Shire River Basin Projects. The Business skills training will be organized by COMSIP so that PAPs and Vulnerable can have savings and investment skills which would improve their incomes and livelihood sources for a long period of time. These Village Savings Loans groups are commonly patronized by women which brings in an aspect of empowerment to these women.

Identification of Vulnerable Groups among the PAPS

Efforts were made to identify vulnerable groups among the PAPs. The vulnerable groups in this respect were identified as female headed households, elderly headed households, households headed by children and or extremely poor households. It proved to be a bit difficult to identify such households during consultations with the PAPs. However through observations, it was possible to identify a few households in this category especially among tree PAPs. The vulnerable PAPs will be paid an additional 10 percent cash over and above their total entitlements to offer them additional assistance.

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.

Three series of consultations have taken place along the road project. The first set of consultations were undertaken by the consultant in 2014. In July 2016, the Roads authority undertook further consultations with the Project Affected People, Traditional leaders and government officials in Karonga district. The final round of consultations were done in October/November 2016 with the

aim of sensitising the PAPs, traditional leaders and government officials that government was now ready to pay compensations and facilitating formation of Resettlement Working Groups and Grievance Redress Committees. A total of 5 Resettlement Working Group Committees and three Grievance Redress Committees have been established to handle any grievances that the PAPs may have and trigger the formal redress process.

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.

Sensitization and consultation meetings with the project stakeholders including chiefs, head teachers, Project Affected People also covered issues of HIV/AIDS. Topics for discussion included HIV/AIDS prevention, including other sexually transmitted infections, avoidance of sexual contacts between the migrant workers and the communities, especially children and other vulnerable groups along the road project. The head teachers of the surrounding schools such Mwenitete, Iponga and Pusi were invited to these meetings so that they can also sensitise the teachers, school going children and their parents. These sensitisation activities will also continue during construction and both the contractor and the supervising consultant will have safeguard specialists on their team to ensure that this is done. The RA will provide regular monitoring of these activities.

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 413,360,838 of which MWK116,624,518 is required to compensate the affected people on the affected trees and crops. The total cost also includes compensation for the livelihood restoration calculated as 20% of the total compensation entitlement. 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 15 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, Kilupula 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).

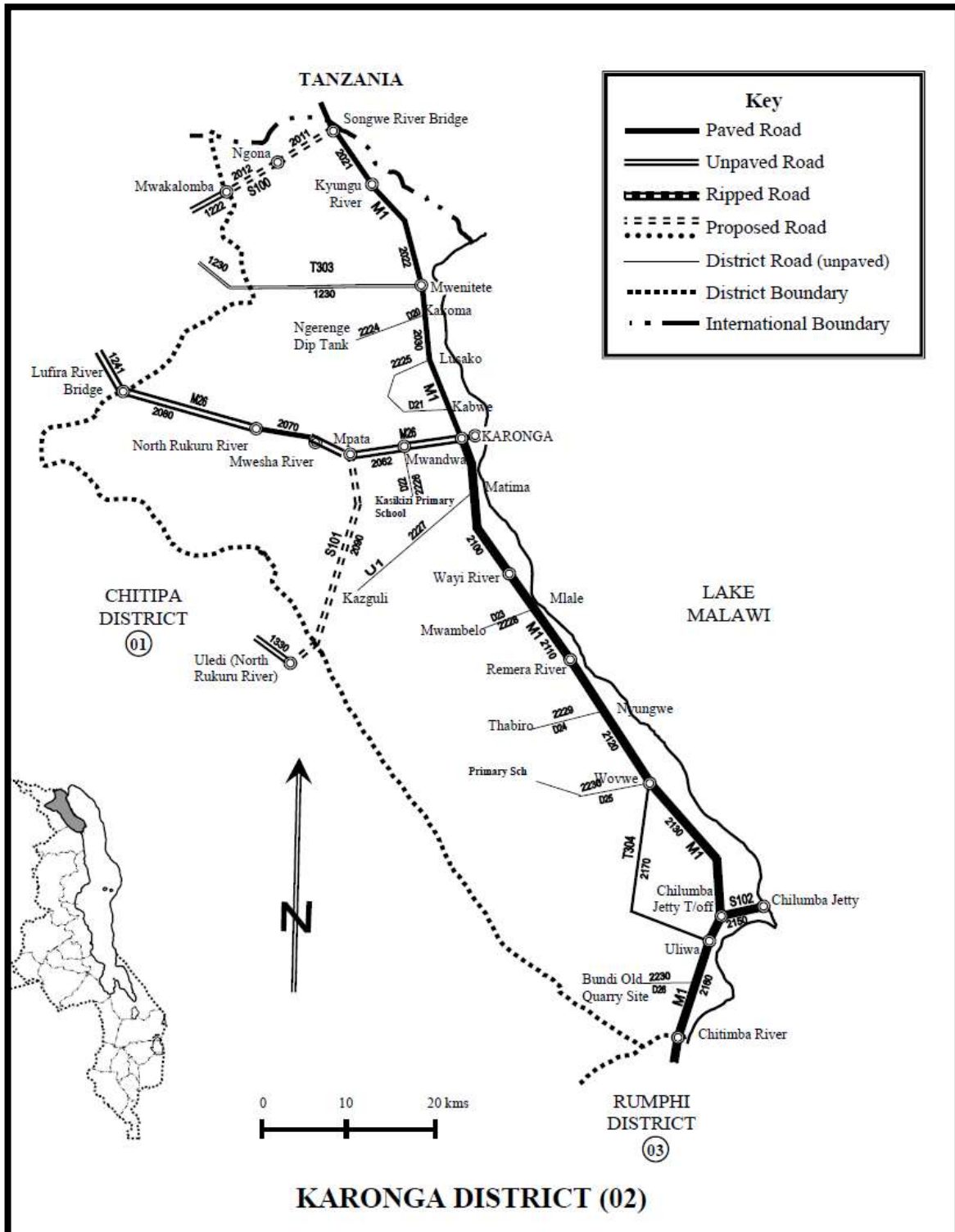


Figure 1: Sketchy Location of the Project in Karonga District Road Network

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 476 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.

The population along the project impact area was apprised of the development and most of them welcomed the project. The final property valuations was formerly conducted by Regional Commissioner for Lands (North) within the framework of this RAP (See Attached Annex). Additional Property assessment has been conducted and updated figures stand at show that some vulnerable groups have also been affected. There are 476 PAPs whose Property including grocery shops, hawkers, houses and barber shops have been affected and 566 tree PAPs. This brings the total number of PAPs to 1,042 for the project. The calculations for trees include a 10 percent premium on the estimated value of the tree and for fruit trees the calculation is based on the average number of fruits each tree produces, the unit cost of the fruit and the estimated lost value of the fruit until the replacement seedlings mature as stipulated in the entitlement matrix. Based on this estimation procedure for compensation entitlements, the compensation amounts for trees and fruits has increased from MK32 million to MK116,624,518. This brings the total compensation value for the Karonga- Songwe road section PAPs to MK413,360,838 from an originally estimated amount of MK326 million.

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 Additional Consultations

Additional consultations were held with the project affected people, traditional leaders and the District Commissioner for Karonga and her members of staff from the 31st October 2016 to 4th November 2016. The consultations were conducted by the Roads Authority, the Ministry of Lands, Valuation Office and the office of the District Commissioner for Karonga. The Social Safeguards Specialist for the World Bank also attended some of the meetings as an observer.

The objectives of these consultation meetings were as follows;

1. Re- orient the District Council, Traditional leaders and the about the need to have Resettlement Working Groups
2. Sensitize the Council and Traditional leaders about the need to have Grievance Redress Committee
3. Orient the PAPs about the Resettlement Working Group and Grievance Redress Committees
4. Facilitate election of Resettlement Working Groups and Grievance Redress Committees
5. Identify vulnerable groups of people at each market centre/trading centre
6. Orient the PAPs and Traditional leaders about the impending project, Migrant Workers and the influx of migrant workers and the dangers of HIV/AIDS and other STIs
7. Discuss any other social impacts of the project

1.8.4.1 Composition of the Resettlement Working Group

- 2 representatives of the traditional leaders (from the Group Village Headman of the area)
- 2 representatives of the Project Affected People
- 1 member of the vulnerable groups
- A resettlement Working Group was formed at each major trading centre

1.8.4.2 Roles of the Resettlement Working Group

- Help identify the real owners of property during verification and payment of compensations
- Undertake preliminary investigation into any grievances that the PAPs may have
- Clarify procedures and approaches that the PAPs have to follow if they have any grievances
- Record and refer grievances to the grievance redress committee
- Report back to the community or PAPS on how their grievances are being resolved

1.8.4.3 Composition of the Grievance Redress Committee

- Two members of the Resettlement Working Group from each T/A
- Two representatives of the Traditional Authority
- One member of the vulnerable groups from each T/A
- Only two Grievance Redress Committees will be formed . These groups will be provided with training or orientation on their roles and tasks just before the compensations are made.

Following these meetings, a total of 5 Resettlement Working Groups and 3 Grievance Redress Committees were formed along the stretch of the road. A Resettlement Working Group was formed at each one of the major trading centres with membership from minor or smaller trading centres while one Grievance Redress Committee was formed at each of the three Traditional Authorities through which the road passes. The full membership of these committees is including the issues that were raised during these consultation meetings is attached as annex 7.

1.8.5 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. Specifically, the Roads Authority has hired a Social Specialist who will be responsible for monitoring the implementation of the RAP. The actual execution will be done by the contractors and the supervision consultants particularly during implementation. The contract with the construction contractor has specifically requested the presence of a social and environmental specialist on his team to ensure that the social issues such as HIV/AIDS awareness, gender issues are addressed including avoidance of inappropriate contact between the migrant workers and the local people particularly children and school going adolescents is avoided. Other relevant stakeholders such as Karonga District Council (local government) and all the relevant ministries and departments such as the Ministry of Lands, the Ministry of Finance and the Office of the President and Cabinet will be involved where necessary both before and during construction and decommissioning. The interactions among the relevant institutions for purposes of managing resettlement and compensation are depicted in Figure 3.

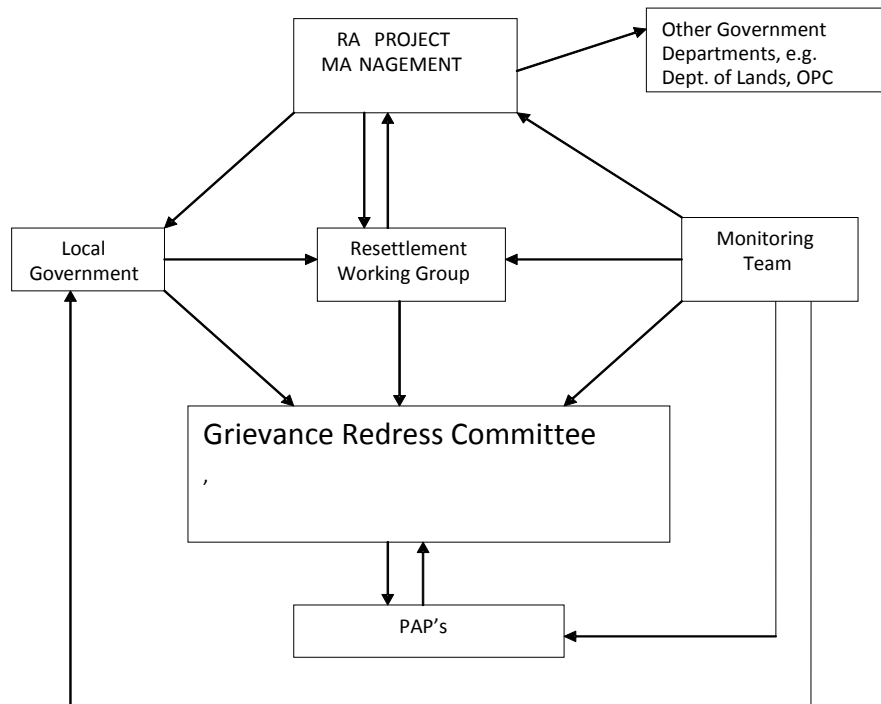


Figure 3: Interactions for implementation of the resettlement Action Plan

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 Groups (RWG) will interface the Project Management with the PAPs. The resettlement Working Groups have been constituted in such a manner as to be regarded as the primary representative voice of the affected persons. The RWG do not 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 is as follows:

- a) Representatives of the affected communities/villages. This consists 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 elected 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. This the District Lands officer and was designated as such by the District Commissioner.

These groups have elected a chairperson at each Traditional authority level who is the official link between the Roads Authority, Contractor, Local Authority and the community. The elected member/s of the RWG is responsible for reporting 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 has 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 serves 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 design of the Karonga_ Songwe road is intended to expanded and improve the 46 km Karonga – Songwe section of the M1 road. The interventions will include a mix of reconstruction and overlay with surface dressing and widening with drainage improvements to complete rehabilitation to 7 meter carriageway and 2 meter shoulders on each side to accommodate safe movement of the non-motorized traffic. The design includes a 60 meter road reserve, 30 m from the centre line on both sides of the road. However, in major trading centres, this road reserve has been reduced to 18 meters road reserve on either side to minimise the extent of resettlement. However, the project will still require involuntary acquisition of land within the road reserve boundaries. 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 24th July 2016. 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. The valuation report also indicated that no persons are losing more than 20 percent of their land. As indicated, most of the people are business persons whose homesteads are elsewhere away from the road and therefore their major activity along the road is not farming. 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 off date for which this RAP is effective will be affected after the final property valuation and verification is done. The cut off date for this RAP is 24th July 2016.. 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. The verification exercise of the assessed property will be done by the Roads Fund Administration RFA as soon as the RAP is approved for purposes of payment of compensations. All the factors explained in the Public Roads Act will be considered in the validation/verification process. 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. An evaluation report showed that no PAPs were losing more than 20% of their land. This is because farming is not the major occupation but rather trading along the road reserve. 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

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting + allowance)
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land equal to replacement value, taking into account market values for the land.
	Land and assets used for residence severely affected Remaining area insufficient for continued use	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. 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 Remaining structures viable for continued use	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. 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 Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, and taking into account market values for the structures and materials. 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

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
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 seedlings mature.
Loss of grazing land, fishing rights or sand harvesting rights, communal property	Loss of livelihoods	PAPs depending on the affected resources	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. opportunities for training in Savings and Investment already exist in the district through the Savings and Investment Promotion (COMSIP). COMSIP Union has already demonstrated its expertise in other Bank funded projects such as the MASAF IV and the Shire River Basin Projects. The Business skills training would be organized by COMSIP so that PAPs and Vulnerable can have savings and investment skills which would improve their incomes and livelihood sources for a long period of time. Village Savings Loans groups were observed on the ground especially for women – Their involvement could also bring a gender aspect which may just require some strengthening.

- **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. The PAPs will be sensitised about job opportunities in road project. The contractor will be requested to allocate a certain percentage of jobs to unskilled workers from the area.
- **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.

Taking into consideration of all factors provided above, on this project, livelihood restoration was calculated on the basis of regulation provided in the Governments of Malawi Guidelines. This recommends a 20% of the total compensation entitlement for the PAP. In this report this is presented the Property assessment report attached.

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 flush 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, minibuses 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 Mpata 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 than 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 individuals. 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 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 necessary 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.

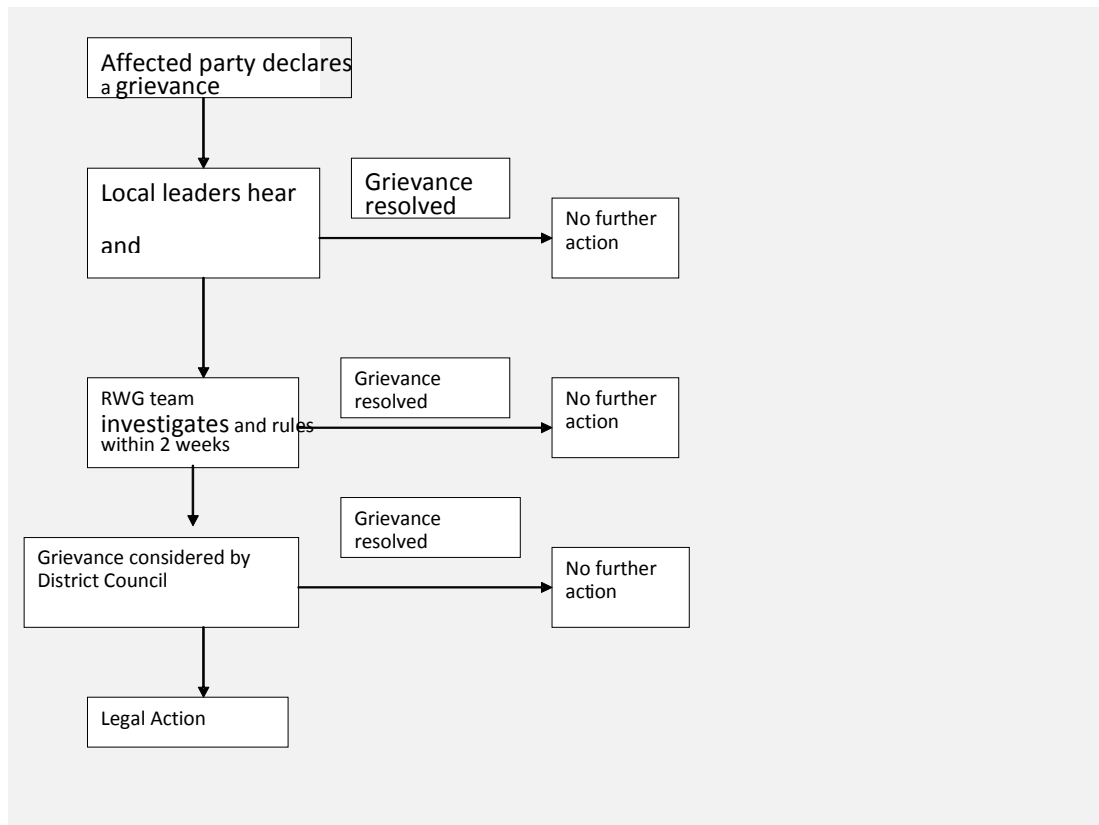


Figure 4: Grievance Redress pathways

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 be 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(2016)												Cost(MK)	
	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.														861,000.00
Conducting additional sensitisation meetings with PAPs														950,000.00
Establish Resettlement Working Groups														250,000.00
Training of the RWGs and Grievance redress Committes on roles and responsibilities														2,400,000
Signing compensation agreements with PAPs and payment of Compensations														730,000.00
Provision of assistance to PAPs on grievances														Ongoing
Totals														5,191,000

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) Most of the Project Affected people are business persons running either shops or groceries along the road. Very few homesteads are affected. These people will continue to do their business close to the improved road. Their business opportunities may improve during construction due to increased number of people coming to their areas and increase cash injection into the local economy from the migrant and local workers.
- d) 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.
- e) 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. The Resettlement Working Group will be the primary representative voice of the affected persons. The composition of the RWG is 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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ANNEXES**Annex 1: List of People Consulted**

	Part A	Government Officials from Karonga District		
No	NAME	DESIGNATION	PHONE NO.	PLACE
1	P. Maseko	Physical Planner	0881114245	Karonga Boma
2	Wezzie F Gausi	DPD	0888352783	Karonga Boma
3	F Valeta	MRA Deputy Commissioner	0888877252	Songwe Border
4	S Pikani	MRA deputy Manager	0882391123	Songwe Border
5	Petros Nyirenda	Greel Freight Clearing Clerk	0995710063	Songwe Border
6	D.D Chingaipe	O/C Police kaporo police post	0999137040	Kaporo trading centre
7	Maurice Kalulu	Customs officer Kaporo MRA station	0888463459/0993994188	Kaporo trading centre
8	Enson Kayenge	AGDLO Labor Office	0994483034	Karonga Boma
9	Cosmas Kamwana	Officer in charge immigration	0999757305	Songwe Border
10	Watson white	Senior i migration officer	0999481000	Songwe Border
11	Innocent Muhariwa	Officer in charge police	0999102672	Songwe Border
12	Clifford Kabwilo	In charge border	0999349261	Songwe Border
13	T.W Tenganani	Station officer	0995832952	Songwe Border
	Part B	Traditional Leaders		
1	TA Mwakaboko	Chief	0998922968	TA Mwakaboko compound
2	GVH Mwakaboko	Mwakaboko	0992930674	TA Mwakaboko compound
3	Rameck Mwandumbikira	Nduna		TA Mwakaboko compound
4	Jackson Ndambo	Nduna	0993016933	TA Mwakaboko compound
5	Moffat Mweseghe	VDC Chair	0996631658	TA Mwakaboko compound
6	Morden Mwaseghe	Mwakaboko		TA Mwakaboko compound
7	Simon Banda	Chief messenger	0998033889	TA Mwakaboko compound
8	P.G.V.H. Gweleweta	G.V.H	0992618542	Kaporo trading centre
9	Anthony K Mwazionde	V/H Mwangulu	0995168649	Kaporo trading centre
10	V/H Mwangulu	V/H	0999246928	Kaporo trading centre
11	V/G Yotamu	V/H	0996185111	Kaporo trading centre
12	V/H Dingayeni	V/H	0997337605	Kaporo trading centre
	Part C	Project Affected People		

1	Mzac TD Nyirenda	Member of Pusi	0999322926	Pusi
2	William Pusi Munthali	Member of Pusi	0999467203	Pusi
3	Kelvin M Nyirenda	Secretary	0999623755	Pusi
4	Mwachirwa Mponda	Mponda VDC Chair	0994846438	Mponda
5	Abudala Zimba	Mponda	0999168095	Mponda
6	Suzen Kuyokwu	Chairlady	0999183340	Mponda
7	Babu Boko	Secretary bucha	099994066	Mponda
8	Daud Mwakalinga	Mponda	0996079411	Mponda
9	C.B Mwakuongha	V.D.C Chair	0999949375	Kaporo trading centre
10	John Mwandobo		0996678895	Kaporo trading centre
11	Fenson Komba		0992707226	Kaporo trading centre
12	MYD Nyirongo		0999276635	Kaporo trading centre
13	Yoka Mwalwayo		0994233642	Kaporo trading centre
14	Bless Kawonga		0998033586	Kaporo trading centre
15	Fitamishe Mwamwabi		0996337365	Kaporo trading centre
16	Ndamiyo Mwangalaba		0992892433	Kaporo trading centre
17	Harry Sambo		0993063023	Kaporo trading centre
18	Daniel Mghogho		0999756785	Kaporo trading centre
19	Kondwani Msopole		0999670813	Kaporo trading centre
20	Elton Msiska		0993578620	Kaporo trading centre
21	Leonard Mwangairo		0995168643	Kaporo trading centre
22	Mputi Kiyokwa		0999467863	Kaporo trading centre
23	Thomas Mughogho		0999433615	Kaporo trading centre
24	Sekani Msukwa		0996668054	Kaporo trading centre
25	Guan Kasungula		0993008037	Kaporo trading centre
26	Twasime Kumwenda			Kaporo trading centre
27	Joice Kumwenda			Kaporo trading centre
28	Convet Mwanembako		0993942540	Kaporo trading centre
29	Worren Chisiza		0992879677	Kaporo trading centre
30	Brain Mkumbwa		0999717453	Kaporo trading centre
31	Boss Mnyoni		0999268280	Kaporo trading centre
32	Bestar Ngunga		0995168612	Kaporo trading centre
33	Duncan Mvula		0994153174	Kaporo trading centre
34	Alick Mwakimbala		0993009388	Kaporo trading centre
35	Gift Mkumbwa		0994612788	Kaporo trading centre
36	P.Mtambo			Kaporo trading centre
37	C. Malongo		0999920568	Kaporo trading centre
38	Sam B Kayira		0999397354	Kaporo trading centre
39	G Sanga		0994623412	Kaporo trading centre
40	S.Mwakasungula		0992007354	Kaporo trading centre
41	A.Mwalaba		0999199272	Kaporo trading centre

RESETTLEMENT ACTION PLAN

For the Proposed reconstruction of the Karonga to Songwe section of the M1 road

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42	M.Mack		0999199272	Kaporo trading centre
43	P Mkumbwa		0999433612	Kaporo trading centre
44	B Mwanyongo		0995933322	Kaporo trading centre
45	R Simbeye		0999632331	Kaporo trading centre
46	Samson		0992707200	Kaporo trading centre
47	Mwiza nyirenda		0998171776	Kaporo trading centre
48	AB Mwakasungula	Chairman PP	0999251090	Cultural and meseum centre Karonga
49	Wezi Kayira	Tour guider	0998600810/0 884242430	Cultural and meseum centre Karonga
50	Norman Mwachipoka			Benjamin Chawinga Village Quarry
51	Godfrey Sibakwe		0997914495	Benjamin Chawinga Village Quarry
52	Medson Kaseghe		0997014434	Benjamin Chawinga Village Quarry
53	Ndamiyo Kalinga	Chairman , camp site owner, Songwe Businessman Mwandenga business and development group	0999799869	Nyasi village, near Songwe
54	Reaga	member, Mwenitete Business Committee	0994580559	Mwenitete
55	Isaac	Member, Mwenitete Business Committee	0995438823	Mwenitete
56	Thomas	Member, Mwenitete Business Committee	0996350102	Mwenitete
57	A Salemba	Treasure, Mwenitete Business Committee	0994854170	Mwenitete
58	Albert Mwakighonja	Member, Mwenitete Business Committee		Mwenitete
59	Moses Mwenitete	Member/secretary, Mwenitete Business Committee	0994236694	Mwenitete
60	Archbord Mwemba	Chairman, Mwenitete Business Committee	0999114374	Mwenitete

Annex 2: A report of public consultation meetings: A summary of issues/questions raised during public consultations during the 2014 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. 2015/2016?	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?	Graveyards will be avoided as much as possible. The design of the road will be in such a way that no graveyards are affected. If by chance during construction, the contractor comes across bones from an unknown grave, then the department of antiquities will be involved including the local leadership so that appropriate traditional practices are followed to bury the bones.
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: FUTURE PUBLIC CONSULTATION REPORT FOR KARONGA – SONGWE ROAD PROJECT: July 2016 Consultations

This report presents the issues raised by the Project Affected Persons and other stakeholders during scheduled meetings that took place on major trading centers on this route namely Mwenitete, Kaporo and Pusi. These meeting points were agreed upon by the Councilors, Traditional Leaders and Chairpersons of different interested groups as strategic points of convergence to reach out to more of the concerned groups. In all the three meetings it was agreed that further extension meetings will be conducted by all leaders in their usual gathering to communicate further the message. The Agenda of the Meeting was agreed as follows:

1. Introduction to the Project
2. Policy Regulatory Framework for RAP Implementation
3. Property Assessment within the Road Reserve and Verification Process
4. Compensation Payment Modalities and Grievance Redress Mechanisms
5. Re-occupancy of the Road Reserve and its Consequences
6. Corroboration of the Surrounding communities with the Construction Team(Engineer and Contractor)
7. HIV/AIDS Prevention

The meetings were conducted between 18th and 23rd July 2016

SUMMARY OF ISSUES RAISED

ISSUE/CONCERN	RESPONSE
It seems in some cases when the said reserve is considered only one part of the housing unit gets affected. Has the compensation calculation considered the whole house or only the damaged part?	Compensation is calculated for the entire house and will be paid as such. It is not possible to compensate only part of the property that has been affected.
When shall payment be affected since have eagerly waiting for too long	Funds have already been identified and secured. We are currently putting in place some payment modalities. This does not take too long, not as long as you have been waiting. We shall do that soon. Probably in weeks to come
What is considered in calculating values of the property assessed	Firstly, we make sure that we engaged experienced Valuers like this lady here. In arriving at the values various factors are considered but basically we consider the size and materials used for construction. The factors are fed into the formula that considers present market rates. These things might be complex for you to understand but however we provide you with an opportunity to be heard where you are not satisfied and convinced

In cases where the owners of a joint project have separated, who is given the compensation	We have always considered the person whose name was registered, otherwise in the absence of that person, the next of kin is considered having produced sufficient evidence beyond reasonable doubt. The committee members need to bear witness to that.
Is there compensation for land where no property has been established within the road reserve	The issue of idle land does not exist in the road reserve. The road reserve is protected under the Public Roads Act.
What mechanisms have you put in place to ensure that our money for compensation is not stolen through other channels like in the District Commissioners' Office? Experience has shown us that the DC's officers are have been stealing our money.	We only involve DCs officers as observers. The money is paid directly to you by the Roads Fund Administration, under the observance of various stakeholders which include Anti-Corruption Beaural, Political and Traditional Leaders.
Will you please take into consideration effective road safety measures? We believe that humps are more effective than rumble surface	That has been taken note
Can one deny compensation if not satisfied	We have a grievance redress mechanisms. Present your concerns to your Traditional or Political Leaders. These will help to take you through the channels. They have already been sensitized through the District Executive Committees Meetings.
We are very much pleased that Government sent to you to explain this to us. You have done it nicely with a great sense of humanity and consideration. We are now enlightened and we shall cooperate. You deserve a loud of appraise(Hand-clapping)	We appreciate your gesture and will appreciate more for your cooperation when the construction starts.
How were you calculating the values of these properties	There are guidelines set by the Government of Malawi. These guidelines provide rates for each type of property. We engaged specialist from the Ministry of Lands in your DC's office to do this job. It may be difficult for you to understand the formulas used but this was explain to your representative. Those of you who may want further clarification, can meet us after this meeting

SUMMARY OF SITES AND STAKEHOLDERS CONSULTED

NAME	OCCUPATION	CONTACT
MWENITETE TC		
Private Sembo	Small scale business, farming	0999164637
Moses Mwenitete	Small scale business	0994236694
Mapopa Mwamlima	Small scale business	0994123739
Nickson Mwafurirwa	Small scale business	-
Barnabas Mwangosi	Small scale business	0993842337

Archbod Mwenitete	Butcher man	0999114374
Regan Mwenitete	Small scale business	0994580559
Atusaye Mwasalenda	Small scale business	0994854170
Hilda Mboya	Small scale business	09995831957
Tumwagire Ipungu	Small scale business	0993961002
A. Mwakayuni	Small scale business	0999000309
Mapopa Mwambinga	Vendor	0995424060
Kondwani Sichali	Selling farm produce	0991423856
Mc Nill Kyumba	Farming food crops	0995151080
Asayire Kasema	Small scale business	0997240097
Isaac Mwakayoka	Vendor	0995438823
Mpock Mbossa	Vendor	0999009622
John Mwailunda	Vendor	0995180793
Leonard Mwakobola	Vendor	0995274862
Mwenitete	Vendor	0995494951
Mwakatundu	Vendor	0998235466
Everton Mwakiyanjara		0999199343
Joseph Malimbo		0999251091
Symon Manyembe		
Luisa Mkachali		0998545299
Kunulwito Kikunga		0996431449
Gift Mwakiyombe		0992751420
Boyd Mwanjasi		0999150004
Lugano Mwantembe		099698992
Ivy Mwaliwimba		0992477993
Israel Mwakayoka		0999718349
Christopher Mwaungulu		0999190707
Jane Gondwe		
Tukuswigha Mwakayoka		0992501400
Rabson Mwakayoka		
Ambukire Mwansongole		0995117947
KAPOLO TC		
Edson Mwansambo	Vendor	0993818169
Boss Nyimbini	Vendor	0999208282
Etta Chipemba Msisya	Vendor	0997835620
Godfrey Mwaliyambire	Vendor	0992972145
Kondwani Msopole	Vendor	0999670813
Wakisya Mbukwa	Vendor	0992478008
Mr Ford Sikawona	Vendor	0994623454
Christina Nyirenda	Vendor	0996049273
Thandi Mwalwanda	Vendor	0995275467
Gift Nkhumbwa		0992422009
Atupele Mwandobo	Vendor	0996678895
Peter Mwakira	Small scale business	0991753070
Sam Kayira	Vendor	0999397354
Feni Nkomba	Vendor	0992707226
Daniel Mughogho	Vendor	0999756785
Chakufwa Mwanjoka	Vendor	0999920568
Makibomba Kwiyokwa	Vendor	0999467863

Mc Bester Mwangunga	Vendor	0995168612
Kenneth Mwakira	Small scale business	0998296369
Masten Kabaye	Small Scale business	0992129352
Vincent Kumwenda	Small Scale business	0991529695
Martin Nkumbwa	Vendor	0999102555
Lusekero Mwaluwayo	Vendor	0993555709
Francis Mbugi	Vendor	0997654727
Thomas Mughogho	Forestry Assistant	0999433615
Leonard Mwangayilo	Farming food crops	0995168643
Austin Mwamlima	Running Kabanza	0995841280
PUSI		
Tiyawe Mkandawire		0999190161
Alic Mkwala		0996263485
William Pusi Munthali		0999467203
John Sichilima		0999246677
Jophrey Kita		0999561283
Jophrey Sinkonda		
Jotu Simkonda	Vendor	
Daudi Mwakalinga	Vendor	09997102055
Abudala Zimba	Small scale business	0999168095
John Mwangayiro	Small scale business	0999196644
Kelvin Nnyirenda		0997102056
Agatha Simwaka		0998033599
A. Masebo		0997276021
Alinafe Chilwa		0996594863
A. Gondwe		0999718320

Annex 4: Focused Group Discussions Photographs



A: Part of the Gathering at Mwenitete Trading Center



B: The Chairperson of Mwenitete Market Committee emphasizing a point



B: Part of the Gathering at Kaporo Trading Center



C: RA Social Specialist emphasizing a point at Kaporo Trading Center



D: Interactive Group Discussion At Pusi Trading Center



E: Attentive group discussion participants at Pusi Trading Center

Annex 5: Outcome of the Consultation Meetings and Formation of Resettlement Working Groups and Grievance Redress Committees, 31 October to 4th November 2016

Introduction

A team comprising Mr. John Ng'ambi, Social Specialist at Roads Authority, Mr. Allan Kaziputa, Environmental Specialist at Roads Authority, Ms. Edda Mbendera, Valuation officer in the Ministry of Lands and Dr. Chimwemwe Mhango, Social Safegaurds Specialist at the World Bank visited Karonga district from the 1st to 4th November 2016 to undertake further consultation with stakeholders in the district on the Resettlement Action Plan for the Karonga –Songwe road Project and facilitate the formation of Resettlement Working Groups and the Grievance Redress Mechanism for the project. The team first called on the District Commissioner for Karonga Ms Rosemary Moyo to brief her about the progress made so far on the project and the next steps that need to be undertaken before construction gets underway.

The District Commisioner was informed of the objectives of the mission and the need for close involvement of her office. He indicated that she was pleased that government had identified funds for compensations which would be paid before the end of November 2016 if the updated RAP is approved and disclosed. She pledged her office's full support during the implementation of the RAP and also during construction of the project.

The District Commissioner assigned two officers to work with the team throughout the period of consultation. These are Mr. Robert Phiri, District Lands Officer for Karonga District and Mr. Franklin Mtambo, Huma Resources Management Officer for Karonga district who deals with Chiefs Administration. The team visited the Headquarters of Paramount Chief Kyungu, Chief Kilupula and Chief Mwakaoko under whose jurisdiction the road passes. The team also

had meetings at all major trading centres through which the road passes. The record of these meeting is indicated in the following sections below.

Record of a Meeting held at the Headquarters of Paramount Chief Kyungu at Kasoba in Karonga

1st November 2016; 10: 00 am

Present: Paramount Chief Kyungu, Kyungu Headquarters

- : John Ng'ambi, Social Specialist, Roads Authority
- : Edda Mbendera, Valuation Officer, Ministry of Lands
- : Dr. Chimwemwe Mhango, Consultant, Social Safeguards, World Bank
- : Stephano Mwenekiombe, Advisor to Paramount Chief Kyungu
- : Sadulo Mwentumba, Advisor to Paramount Chief Kyungu
- : Mathias Mwenefumbo, Advisor to Paramount Chief Kyungu
- : D. Mulwa Advisor to Paramount Chief Kyungu
- : Hansi Katenga, Advisor to Paramount Chief Kyungu
- : Allan Kaziputa, Environmental Specialist, Roads Authority
- : Robert Phiri, District Lands Officer, Karonga District Council
- : Franklin Mtambo, Human Resources Officer, Karonga District Council

Introduction

Mr. J. Ng'ambi from Roads Authority briefed the Paramount Chief Kyungu and his advisors about the Karonga Songwe Road Project and the objectives of the visit. He explained to the Kyungu that the objective of the visit was four fold and these were;

- 1) To conduct further consultations with the consultations with the District Commissioner, traditional leaders, the Project Affected People, Teachers and other vulnerable groups
- 2) To form Resettlement Working Groups and Grievance Redress Committees
- 3) Inform the people that government had identified resources for compensating the Project Affected People and was ready for pay compensations as soon as the updated Resettlement Action Plan was approved and re-disclosed
- 4) Inform the traditional leaders and the Project Affected People (PAPs) that encroachers will be compensated for the assets and not the land in line with Bank/Operational Policy 4.12 on Involuntary Resettlement
- 5) Sensitise the Traditional leadership about the impending influx of migrant workers and the need to sensitize the people about the dangers of inappropriate contacts between the road workers and local people especially women, girls and school going children.

Response from Paramount Chief Kyungu

The Kyungu welcomed the team and expressed his happiness that government had resuscitated the discussion about the road project. He stated that the people of Karonga had started losing hope that the road would be constructed after it took too long from the time it was announced to the time the Roads Authority came to consult with the Traditional Authorities. He expressed surprise that this was the first time that he was being consulted about the project and yet it falls within his area. He called on the Government and the Roads Authority in particular to improve on consultations and sensitisation of and the Traditional leadership about such projects.

The Paramount Chief promised to support the project and sensitise the people about the importance of road projects and the benefits it brings to the people of his area and the country as a whole. He promised that he would invite all the traditional chiefs and sensitise them about the same and encourage them to also sensitise their subjects.

The Paramount Chief called for high levels of integrity among officials so that highest quality standard of road is constructed. He also noted that there are issues of road safety need to be looked into so that the project does not become a safety hazard to the people of Karonga and other road users.

He promised that he and his traditional leaders will sensitise the people to avoid encroaching into the road reserve and will coordinate fully with the PAPs to ensure that the compensations are conducted in an orderly manner. He however appealed to government to ensure that the compensations are reasonable enough to ensure that the livelihoods of the Project Affected

people are not negatively affected. He also called on government to ensure that the contractor considers local people from the project area in terms of employment for the skilled jobs whose skills are available in Karonga and for non-skilled labour.

He finally promised to provide two names of people to sit on the Grievance Redress Committee but he needed time to consult his people before he could provide the names. He promised to come back to the team within a period of four days.

Meeting with the Project Affected People held at Mwenitete Teacher Development Centre

Mwenitete Trading Centre

Traditional Authority Kilupula

Karonga district

1 November 2016, 2 pm

Members Present:

Group Village Headwoman Anadalia	Chief Kilupula's Representative
Dickson C. Mwakayuni	Acting Village Headman Mwakighonja
Justine Mwenitete	Project Affected Person
Archibald Mwenitete	Project Affected Person
Christopher Mangulu	Project Affected Person
Stenfield Chilembo	Head Teacher, Mwenitete Primary School
Barnabasi Mwangosi	Project Affected Person
John Mwailunda	Project Affected Person
Private Sembo the	Project Affected Person and Vice Chairperson of market committee
Laston Mwenitete	Project Affected Person
Veronica Nkhunda	Project Affected Person
McNice Kyumba	Project Affected Person

Isaac Mwakayoka	Project Affected Person
Elias Kasema	Project Affected Person
Reagan Mwenitete	Project Affected Person
John Ngámbi	Roads Authority
Dr. Chimwemwe Mhango	World Bank
Allan Kaziputa	Roads Authority
Robert Phiri	Karonga District Council
Franklin Mtambo Council	Human Resources Officer, Karonga District Council

Agenda of the meeting

The Agenda of the meeting was presented as follows;

- 1) Election of the Resettlement Working Group
- 2) Roles of the Resettlement Working Group
- 3) Composition of the Resettlement Working Group
- 4) Election of the Grievance Redress Committee
- 5) Composition of the Grievance Redress Committee
- 6) Sensitisation on HIV/AIDS, STIs and other gender related issues
- 7) Question and Answer session

Election of the Resettlement Working Group

The following people were elected into the Resettlement Working Group for Mwenitete trading centre as follows;

<u>Name</u>	<u>Designation</u>	<u>Phone Number</u>
1. Christopher Mwaungulu (M)	Project Affected Person	+265 999190707
2. Hilda Mboya (Female)	Project Affected Person	+265 995831957
3. Veronica Nkhunda (female)	Vulnerable group	+265 996023449
4. Archibald Mwenitete	Chiefs representative	+265 999114374
5. Sofia Kilopa (F)	Chiefs representative	+265 992665799

Issues Raise during the Meeting at Mwenitete Trading Centre

Issues/ Question raised during discussions

No.	Question/ Comment	Response Provided
1	Are those people whose property is at foundation also going to be compensated	Yes, the assessment/valuation of the property took into account the value up to foundation level
2	who should be elected into the Resettlement Working Group and the Grievance Redress Committee	It is the Project Affected People and the representatives of the Traditional leaders
3	Is there compensation for un developed land?	No. Land within the road reserve is public land and therefore it belongs to government unless someone can show evidence that they hold title of that piece of land, they will not be compensated for it.
4	Is compensation calculated for the whole property or just the part that has been affected	Yes. If any part of the property has been affected, the whole property will be compensated for.
5	when electing the committee, what happens of the community does not have enough women	It is not possible not to have enough women in the community. Those women that are available and have been affected need to be encouraged to be part of the committees and part of empowerment and also to ensure that their issues are represented.
6	Is there going to be any verification of property before compensations are paid	Yes. Verification of property is going to be done by the Roads Fund Administration before payment of compensations is done.
7	When are compensations going to be made	The plan is to make payment of compensations by 30 th November 2016, and if there is any delay, payments should be made not later than 15 th December 2016

LIST OF PEOPLE THAT ATTENDED A SENSITISATION MEETING AND FORMATION OF RESETTLEMENT WORKING GROUP AT KIWE/KAPORO TRADING CENTRE ON 2ND NOVEMBER 2016

KARONGA –SONGWE RESETTLEMENT ACTION PLAN

Agenda of the Meeting

- 1) Election of the Resettlement Working Group
- 2) Roles of the Resettlement Working Group
- 3) Composition of the Resettlement Working Group
- 4) Election of the Grievance Redress Committee
- 5) Composition of the Grievance Redress Committee
- 6) Sensitisation on HIV/AIDS, STIs and other gender related issues
- 7) Question and Answer session

List of People Present at the Meeting

Name	Designation
1. Kwabachi Nyasulu	Project affected Person/ Businessman
2. Eziness Mwangomba	Project Affected Person/Business woman
3. Kingwell Nyirenda	Project affected Person/ Businessman
4. Francis Mbughi	Project affected Person/ Businessman
5. Godrefy Mwalyambwile	Project affected Person/ Businessman
6. Fen Komba	Project affected Person/ Businessman
7. Blessings Tembo	Project affected Person
8. Wakisa Mbukwa	Project affected Person/ Businessman
9. Geaorge Munyimbili	Project affected Person/ Businessman
10. Sazamuleke Nkhwazi	Project Affected Person/Business woman
11. George Mwafulirwa	Project affected Person/ Businessman

12. Sheamus Mwafulirwa	Project affected Person/ Businessman
13. Geofully Mbukwa	Project affected Person/ Businessman
14. Daniel Mughogho	Project affected Person/ Businessman
15. Mary Japi	Project affected Person/ Businesswoman
16. Esther Mawembe	Project affected Person/ Businesswoman
17. Beauty Nyirenda	Project affected Person/ Businesswoman
18. McBomba Kuyokwa	Project affected Person/ Businesswoman
19. Thandi Mwalwanda	Project affected Person/ Businesswoman
20. Chakufwa Malongo	Project affected Person/ Businessman
21. John Mwandobo	Project affected Person/ Businessman
22. Nelson Mwangonde	Project affected Person/ Businessman
23. Elton Msiska	Project affected Person/ Businessman
24. Mezaius Munyimbiri	Project affected Person/ Businessman
25. Rebecca Nyirenda	Project affected Person/ Businesswoman
26. Thomas Mughogho	Project affected Person/ Businessman
27. A. Mwamlima	Project affected Person/ Businessman
28. Lasmis Mtonga School	Headteacher, Kiwe Primary
29. Yotamu Nyirenda	Group Village Headman
30. Wiseman Mkumbwa	Project affected Person/ Businessman
31. Kelementina Mtonga	Project affected Person/ Businesswoman
32. Gift Mkumbwa	Project affected Person/ Businessman
33. John Ngámbi	Roads Authority
34. Dr. Chimwemwe Mhango	World Bank
35. Allan Kaziputa	Roads Authority

36. Robert Phiri

Karonga District Council

37. Franklin Mtambo
Council

Human Resources Officer, Karonga District

Agenda of the meeting

The meeting had the same agenda as the one that was held at Paramount Kyungu Headquarters and at Mwenitete Trading centres.

Election of the Resettlement Working Group

- 1) Roles of the Resettlement Working Group
- 2) Composition of the Resettlement Working Group
- 3) Election of the Grievance Redress Committee
- 4) Composition of the Grievance Redress Committee
- 5) Sensitisation on HIV/AIDS, STIs and other gender related issues
- 6) Question and Answer session

Issues raised during the Meeting

After briefing the participants to the meeting on the above agenda items, members raised the following questions, answers as follows;

Table: Question/Comments raised at a consultation Meeting with the PAPs and Traditional Leadership at Kiwe/Kaporo Trading Centre

No	Question/ Comment	Response Provided
1	When the road is improved, there will be a lot of speeding cars. How is the issue of safety of school going children at this trading centre going to be handled	There will be road signs and features that will be provided on the road to make drivers slow down as they approach the trading centre. Safety is part of the considerations in the design of road. A road safety audit will also be carried out to determine the hotspots and recommend the road safety measures that need to be put in place in these areas
2	Which property is going to be considered for compensation? Is it the one within 30 metres of road reserve or 18 m of road reserve at trading centres	It is the property within 18 metres of road reserve that will be compensated for.
3	How are people that are outside the trading centres going to be considered for compensation	If their property falls within the road reserve and the assessment and valuation of property confirmed that, they will also be compensated
4	How will the individuals that have more than one property on the road reserve be assisted	Each property has been considered and assessed and valued independently of the other and will be compensated for separately
5	How do you treat semidetached houses/shops	Those are treated as one property and are valued and compensated as such
6	Will government also compensate for crops and trees	Government will compensate for fruit trees and exotic/planted trees

7	Can someone receive compensation on behalf of someone who is away at the time of delivering the compensations	That can be considered as long as there is sufficient proof that the recipient was delegated. The resettlement working group will also help with such matters
8	This area is prone to flooding and all the water pipes are broken, can the contractor also help the community to build structures to mitigate against flooding and also rehabilitate water points to avoid water borne diseases	That would be part of social responsibility of the contract but he/she is under no obligation to do so. However, the communities can engage the contractor to consider one or two items as part of social responsibility during construction
9	Can the contractor be advised to build toilets along the road and not just at camp sites? Because when they are not in the camp, they tend to fill our toilets along the road	That is a good suggestion and an eye opener to all of us. The contractor will be advised to build pit latrines in strategic places along the road stretch
10	How will the borrow pits be compensated for	This will be agreed with the contractor. However, RA will be monitoring the process and will ensure that there is a contractual agreement between the contractor and the owner of the land where gravel is being collected.

Election of the Resettlement Working Group at Kiwe/Kaporo Trading Centre

After the question and answer session, the Project Affected People and the Traditional leaders elected the following people to form the Resettlement Working Group as follows;

<u>Name</u>	<u>Designation</u>	<u>Phone Number</u>
1. Mr. Geroge Mwafulirwa	Project Affected Person	+265 997243736
2. Ms. Christobel Nyirenda	Project Affected Person	+265 996595369
3. Elton Chipemba Msiska	Vulnerable group	+265 997835620
4. Mr. Pacharo Nyirenda	Chiefs representative	+265 999114374
5. Ms Mwiza Nyirenda	Chiefs representative	+265 996185111

After the election of the Resettlement Working Group, the participants also elected Mr. George Mwafulirwa to represent them at the Grievance Redress Committee which will be at the Traditional Authority level.

The full Grievance Redress Committee for Chief Kilupula is as follows;

- | | |
|-------------------------|--|
| 1. Mr. George Mafulirwa | Representing Kiwe/ Kaporo trading centre |
| 2. Christopher Mwaungu | Representing Mwenitete Trading Centre |
| 3. John Mwangairo | Representing Pusi Trading Centre |
| 4. Suzane Kuyokwa | Representing women |
| 5. Maria R. Gondwe | Representative of T/A Kilupula |
| 6. Carton Mwamtembela | Representative of T/A Kilupula |

LIST OF PEOPLE THAT ATTENDED A SENSITISATION MEETING AND FORMATION OF RESETTLEMENT WORKING GROUP AT WITH TRADITIONAL AUTHORITY MWAKAOKO AT HS HEADQUARTERS IN IPONGA, NEAR THE SONGWE BORDER ON 3RD NOVEMBER 2016

KARONGA –SONGWE RESETTLEMENT ACTION PLAN

Agenda of the Meeting

- 1) Election of the Resettlement Working Group
- 2) Roles of the Resettlement Working Group
- 3) Composition of the Resettlement Working Group
- 4) Election of the Grievance Redress Committee
- 5) Composition of the Grievance Redress Committee
- 6) Sensitisation on HIV/AIDS, STIs and other gender related issues
- 7) Question and Answer session

List of People Present

<u>Name</u>	<u>Designation</u>
1. Mwakaoko	Traditional Authority
2. John Ngámbi	Roads Authority
3. Dr. Chimwemwe Mhango	World Bank
4. Allan Kaziputa	Roads Authority
5. Robert Phiri	Karonga District Council
6. Franklin Mtambo Council	Human Resources Officer, Karonga District Council

After the briefing and sensitization, the Traditional Authority Mwakaoko received the news of the pending construction of the road with great joy. He indicated that they have been waiting for the commencement of this road project for a long time and he was overjoyed to hear that now preparations for construction of the road were coming to an end. He immediately provided names of people to serve on the Grievance Redress Committee and promised to offer his full support to the work of both the resettlement Working Group and the Grievance Redress Committees. Regarding improper contact between school children and women and migrant workers, the Chief reported that he has bye laws in his area regarding how each and every parent should watch their children at all times and ensure that they do not behave inappropriately, especially girls. The message of prevention of sexual relationship on this

project that we brought has therefor given him greater impetus to enforce the bye laws. He also promised to disseminate this message to all the schools and parents in his area.

He provided the names of Mr. Medson Kayange (0999489935) and Mrs. Josephine Msowoya (0998067234) to serve on the Grievance Redress Committee. So the whole grievance redress Committee for Traditional Authority Mwakaoko is as follows;

Grievance Redress Committee- Traditional Authority Mwakaoko

- | | | | |
|--|------------|-------------------------|-------------|
| 1. Mr. America Mwamwaya | 0996017344 | Project Affected People | |
| 2. Anthony Kuyokwa | 0882176015 | Project Affected People | |
| 3. Tusekeleghe Liyambwile | 0884233284 | Vulnerable People | |
| 4. Mr. Medson Kayange
Authority | 0999489935 | Representing | Traditional |
| 5. Mrs. Josephine Msowoya
Authority | 0998067234 | Representing | Traditional |

Meeting with the Project Affected People held at Iponga Teacher Development Centre**Iponga Trading Centre****Traditional Authority Mwakaoko****Karonga district****3rd November 2016****Agenda of the Meeting**

- 1) Election of the Resettlement Working Group
- 2) Roles of the Resettlement Working Group
- 3) Composition of the Resettlement Working Group
- 4) Election of the Grievance Redress Committee
- 5) Composition of the Grievance Redress Committee
- 6) Sensitisation on HIV/AIDS, STIs and other gender related issues
- 7) Question and Answer session

Members Present

<u>Name</u>	<u>Designation</u>
1. G.V.H. Mwakaoko	Traditional Authority
2. John Ngámbi	Roads Authority
3. Dr. Chimwemwe Mhango	World Bank
4. Allan Kaziputa	Roads Authority

- | | |
|-------------------------------|---|
| 5. Robert Phiri | Karonga District Council |
| 6. Franklin Mtambo
Council | Human Resources Officer, Karonga District |
| 7. Justice Mwenembako | Head teacher, Iponga Primary School |
| 8. Juwa Mwamwaya | Project Affected Person/ Businessman |
| 9. Richman Simwaba | Project Affected Person/ Businessman |
| 10. Jobson Mwakajwanga | Project Affected Person/ Businessman |
| 11. Steve Mwaseghe | Project Affected Person/ Businessman |
| 12. Agen Mwamughina | Project Affected Person/ Businessman |

Issues/ Question raised during discussions at Iponga Trading Centre

No.	Question/ Comment	Response Provided
1	At what level are these committee going to be formed? Is it at T/A level or Trading Centre level	The Resettlement Working Group will be at Trading centre level but is will also span to areas outside the trading centre. It will mainly comprise of Project Affected People while the Grievance Redress Committee will be at Traditional Authority level to receive and resolve all grievances from within the Traditional Authority
2	How long will our infrastructure be demolished after receiving compensation	It will take a minimum of 3 months in which period the contract will have to be signed, and the contractor to mobilise. However, there will be continuous sensitisation and announcements as o when the contractor will be clearing the road reserve in your area and ask you to move out.
3	We heard on the radio that RA will not be compensating road reserve encroachers, is that true since you are now saying government will be paying compensations	The policy governing this road project is that Project Affected People should be compensated. So you will receive compensation. But the Malawi road Act does not allow road encroachers to be compensated
4	Are the fruits and trees going to be compensated for	Yes, these will also be compensated for
5	Are the infrastructure and fruits developed or planted after the valuation was done going to be compensated	No. No property or trees and fruits planted after the cut off period will be compensated
6	Are you going to compensate for land	No. As earlier indicated, all land within 60 metres width of the road is road reserve and is therefore government land. One cannot receive compensation for the land that does not belong to him or her unless you prove that the piece of land belongs to you

7	How many people should be elected into these committees	Two committees will be elected and each committee will have 5 members
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Election of Committee Members

The following members were elected into the Committees

1. Mr. America Mwamwaya 0996017344 Project Affected People
2. Ms. Tuli Liyambwile 0991210008 Project Affected People
3. Mr. K.K. Kamwela 0999779158 Project Affected People
4. Mr. Huggins Mwaluswa 0997378062 Representing Traditional leaders
5. Ms. Deborah Namtambo 0999322994 Representing Traditional leaders

Meeting with the Project Affected People held at Pusi Trading Centre

Pusi Trading Centre

Traditional Authority Kilupula

Karonga district

4th November 2016

Agenda of the Meeting

- 1) Election of the Resettlement Working Group
- 2) Roles of the Resettlement Working Group
- 3) Composition of the Resettlement Working Group
- 4) Election of the Grievance Redress Committee
- 5) Composition of the Grievance Redress Committee
- 6) Sensitisation on HIV/AIDS, STIs and other gender related issues
- 7) Question and Answer session

Members Present

<u>Name</u>	<u>Designation</u>
1. L.D Mkandawire	Group Village Headman
2. M. Mkandawire	Village headman
3. L.K. Mbughi	Head Teacher
4. John Ngámbi	Roads Authority
5. Dr. Chimwemwe Mhango	World Bank
6. Allan Kaziputa	Roads Authority
7. Robert Phiri	Karonga District Council

-
- | | |
|-------------------------------|---|
| 8. Franklin Mtambo
Council | Human Resources Officer, Karonga District |
| 9. Adolf Gombwa | Project Affected Person/ Businessman |
| 10. Daudi Mwakalinga | Project Affected Person/ Businessman |
| 11. John T. Mwangairo | Chairpeson, Market Committee, PAP |
| 12. Kelvin M. Nyirenda | Secretary of Market Committee, PAP |
| 13. John Sichilima | Project Affected Person/ Businessman |
| 14. William Pusi Munthali | Project Affected Person/ Businessman |
| 15. Tiyane Mkandawire | Project Affected Person/ Businessman |
| 16. Jofle Simkonda | Project Affected Person/ Businessman |
| 17. Abudala Zimba | Project Affected Person/ Businessman |
| 18. Suzana Kuyokwa | Vice Chairlady, Businesswoman, PAP |

Issues raised

Issues/ Question raised during discussions at Pusi Trading Centre

No.	Question/ Comment	Response Provided
1	Who should be in the Resettlement Working Group Committee and the Grievance Redress COmmittee	It is a combination of the Project Affected People and representatives of the Traditional Leaders
2	The 18 meters distance from the centre line for trading centres that will be cleared, are the beacons for the road reserve also going to be within the 18 metres boundary	No, the road reserve beacons will be at a distance of 30 metres on both sides for the road to cater for future expansion of the road
3	Are the people whose property is inside of the beacons for road reserve also going to be compensated	No, these people will not be compensated until their property has been affected

Election of the Committee Members

The following members were elected into the Committees

1. Mr. John T. Mwangairo 0999196644 Project Affected People
2. Ms. Suzana Kuyokwa 0999183340 Project Affected People
3. Mr. Clement Kita 0995800310 Project Affected People
4. Mr. Mwachirwa Mkandawire 0994846438 Representing Traditional leaders
5. Ms. Charity Luhanga Representing Traditional leaders

The members also elected Mr. John T. Mwangairo to represent them at the Grievance Redress Committee which will be T/A level.

Meeting with the Project Affected People held at Kambwe Trading Centre

Kambwe Trading Centre

Traditional Authority Kyungu

Karonga district

4th November 2016

Members Present

<u>Name</u>	<u>Designation</u>
1. George Mtawale	Project Affected Person
2. Naomi Mumba	Project Affected woman
3. Wilson John Mwambomgo	Project Affected Person
4. Chalesi Nyirenda	Project Affected person/Businessman
5. Ted Kaira	Project affected person/ elderly man
6. Mahala	Project Affected person/Businessman
7. Katundu Kangóma	Project Affected person/Businessman
8. Baxter Silumbu	Project Affected person/Businessman
9. France Kalinga (Lusako trading)	Project Affected person/Businessman
10. Robert Phiri	Lands Officer, Karonga district
11. Edda Mbendera Region)	Valuation officer (Lands Northern
12. Shadrick Mtawali	Butcher man
13. Mary Chimaliro	Project Affected person/trees owner
14. Jean Simbeye	Business woman
15. Kent Mwamkonda	Project Affected person/Businessman
16. John Ngámbi	Roads Authority/ Social Specialist

Election of the Committees

After the briefing of the project affected people on the need to form the Resettlement Working Group and the Grievance redress Committee, its objectives and roles and

responsibilities before and during the implementation of the Resettlement Action Plan, the members elected the following members into the committees as follows;

Resettlement Working Group for Kambwe, Lusako and Flotia

Name	Contact Number	Representation
1. Aliko Kangóma	0999609663	PAPs
2. Naomi Mumba	0996633415	PAPs
3. France Kalinga	0999710585	PAPS
4. Mahala Mtawali	0998643186	PAPs
5. Ted Kayira		Vulnerable groups
6. Jean Simbeya	0995539279	Traditional Leaders

Grievance Redress Committee for Paramount Chief Kyungu

Name	Contact Number	Representation
1. Aliko Kangóma	0999609663	PAPs
2. Naomi Mumba	0996633415	PAPs
3. France Kalinga	0999710585	PAPS
4. Representative of Paramount Chief Kyungu Male Leadership		Traditional
5. REpreentative of Paramount Chief Kyungu Female Leadership		Traditional


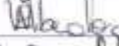
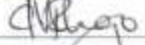

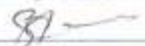







Issues/ Question raised during discussions at Kambwe Trading Centre

No.	Question/ Comment	Response Provided
1	Can the Project Affected People cut down the trees after they have received compensation or the trees will belong to government after compensation	Yes, people are free to cut down their own trees after compensation if they want to do so and use it for something else
2	How are the Project affected people without bank accounts be paid or assisted to cash their cheques	People without bank accounts can still cash their money provided they have identity cards like voter registration cards. Alternatively the RWG and the chiefs can give them letters to help with identification at the bank
3	If someone has got more than one property, will they be compensated for one or all the property that they own	Each property is valued on its own and compensated for in its own right.
4	How will we know which trees will be compensated for since some of them have got no marks	All trees within the 30 metres boundary of the road reserve were valued and assessed for compensation
5	Can one construct a new structure behind the one that has been affected	Yes you can as long as it is not within the 30 metres of the road reserve
6	When is the construction work starting?	The contract will be signed as soon as the compensations are paid and the contractor will be given 2 to 3 months to mobilise. But most likely works will start after rainy season which may be around March or April 2017

Annex 6: Scanned copies of attendance list during Formation of Resettlement Working Groups and Grievance Redress Committees.

01. 11. 16.

CONSULTATION MEETINGS AT
PARAMOUNT CHIEF KYUNGU

Name	TITLE	SIGNATURE
1. PARAMOUNT CHIEF KYUNGU.		0998233999. 0998490562
2. JOHN NGAMBI, SOCIAL SPECIALIST, RA		
3. ENA MBEDEKA, VALUATION OFFICER (LANDS-N)		
4. DR CHIMWEMWE MTHANGO SOCIAL SAFEGUARDS (WB)		
5. STEPHEN MWE NERIKUMBWE Ndemu Kyungu		
6. SARDULO MWE KUMBO Ndemu Kyungu		
7. MATIASI MWE NIPUMBO Ndemu Kyungu		
8. D. MULWA Ndemu Kyungu		
9. ADAMS WIS Kabanjo C/Secretary		
10. HANCI KATONGA Ndemu		
11. ALLEN KAZIPULA Roads Authority		
12. ROBERT PHIRI Lands Officer (Karonga)		
13. FRANKLIN E. MTHAMBO HR/DADA Karonga		

1	ANA daliah	Oyemila ATA	AS
2	Dickson C Mwakayuni	- Acting CH. Mwakayuni	Dickson
3	Justine Mwenitete	- Member	Justine
4	Archibord Mwenitete	- CHAIRMAN	Archibord
5	CHRISTOPHER MANGUWA	Member	Christopher
6	STENFIELD CHIKWAISO	HT	Stenfield
7	BARNABAS MWAHOS	MEMBER	Barnabas
8	John Mwaikulunga	vice chair Manu	John Mwaikulunga No 0995180793
9	PRIVATE SEMBO	member	P. sembo
10	Kastan mwenitete	member	Kastan
11	VERONICA	Nkhunda member	Veronica
12	MENRE	lxamba M	V. Nkhunda
13	ISAAC	Mwakayoka	I. Mwakayoka
14	Elias	Kabema	Elias
15	Keagan	Mwenitete	Keagan

FORMATION OF RESETTLEMENT WORKING GROUPS, PUSI TRADING CENTRE
2ND NOVEMBER 2016.

Name	ORGANO	Signature
1-J. Ng'ambi	Social Specialist, RA HR/OMSD (KASC)	
2-F.G. Mtambo	GVH	
3-L.S. MKANDAWIRE	V.H	
4-M. Mwandawire	H/T	
5-LK MBUGHA	(Lands Officer - Karonga)	
6-Robert Phiri	Valuation office (Kaduna)	
7-Felix Mbedea	Environmental Specialist	
8-Allan Kaziputa	Chairman Trading center	
9-Adolf Gombert		
10-DAUD - Muzkalinga		
11-JOHN T. MWAMPARO (CHAIR PERSON) (PUSY)		
12-Kelvin M. Nyiranda secretary PUSY		
13-JOHN SICHILINGA		J. Sichinga
14-William Pusi Muntali		wp muntali
15-TIYANE MKANDAWIRE		TIYANE
16-Jofle SIMKODA		Jofale
17-ABUDALA ZIMBA		A. ZIMBA
18-SUZANA KUYOKWA (Vice chair PUSY TR)		S. Kuyokwa

KIWE/Kaporo Trading area - T/A Kilepula,
 Karonga - Songwe Resettlement Action Plan
 Formed by RWG & GRM.
 1st November 2016

Name	Position	Signature
3 Kwabachi Nyasule	Businessman	[Signature]
12 Elizabeth Mwaigombi	Business woman	
Kingwell Nyirenda	Business man	
FRANCIS MBUBA	BUSINESS	
Godfrey Mwaigombale	Business	
Fen KOMBA	Business	
Blessings Tembo	Members	
WAKISA MBUKWA	Business man	
George Mwaigombi		
Sagamuleke Mwaigombi	Business woman	
George Mwafulina	Business man	
Sheamus Mwafulina	Business man	
Geoffrey MBUKWA	Business man	
DANIEL MWAHOCHO	Business man	
Mary Japi	Business woman	
Ester Nwembe	Business woman	
Beauty Nyirenda	Business woman	
ME BOMBA Kuyokua	Business man	
Ms. Thandi Mwafulina	Business man	

KARONGA - SONGWE RESETTLEMENT ACTION PLAN
 MEETING WITH PAs AT KAMBWE TRADING
 CENTRE AND LUSAKA TRADING CENTRE
 4th November 2016.
 T/A KYUNGU'S AREA

Name	WINDO	SIGNATURE
George Mdwale	GROCERY	George
Naomie Mumba	Business	Naomie
Wilson ^{John} Mwambongo	Business	Wilson
Chabsi Ny'kwana	Business	Chabsi
TED KAIRA	Mango Tree	Ted
MAHALA	GROCERY & BALA	MAHALA
KATUNDU KANGOMA	Businessman	Katundu
Baxter Silumbu	GROCERY	Baxter
FRANCE MALIWA	GROCERY	FRANCE
Robert Phiri	Lands Officer - KA	Robert
Eddo Mberera	Valuation Office (LANDS-N)	Eddo
Shadrack Mawuli	BUCHTERMAN	Shadrack
MARY CHIMALIRO	TRCE	MARY
Juan Simbeye	GROCERY	J. Simbeye
Kent Mwanikonda	GROCERY	K. Mwanikonda
JOHN NGAMBANI	PA - Social Specialist	John

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MEETINGS AS IPONGA TRADING CENTRE
 Formation of Resettlement working group
 2nd November 2016

NAME	ROLE	SIGNATURE
ALLAN KAZIPUTA	ENVIRONMENTAL SPECIALIST	
CHIMWEMWE MITHANGO EDPA MBENDERA ROBERT PHIRI	SOCIAL SAFEGUARDS (WB) VALUATION OFFICER (LANSI) LANDS OFFICER (KARONGA-COUNCIL)	
Justice Mwenembako PG VH. Mwakaboko EDGAR MUKONONGO	Headteacher PG VH. GUVH TIMOTI	
Juma Mwalumwa RICHMAN SIMWABA	VALUATION SECT. R. Simwaba	
Jobson Mwaikawinga STUMEE AGEN	Treasurer Member Charl	

- CHAKUTWA MACONSO BUSINESS MAN
- JOHN HAWENDOBO BUSINESS MAN.
- NEISOO: Mwanjooke - BUSINESSMAN.

Eltone Musisha Msiska)
Mezatus Munyimbiri Business man
Rabecca Nyirenda Business Woman.
Thomas Mughogho Treasure of Business Man.

A. Mwanlima Business Man
Lasmis K. Mtonga Headteacher
Boss mymbui Chairperson BOSS
Titiana M. Nyirenda
Wiseman Muzumbwa Ex-4
Relementina Mtonga Business man
Gift Mkumbwa business women
Business man

Annex 7: Responses to IDA's Comments made during the April 2016 Mission

No	Comment	Response	How the comment has been addressed
1	It appears that the Office of the District Commissioner and the Traditional Leadership were not consulted but just informed about the Project was not consulted	The traditional leadership and the District Commissioner has always been consulted. The attendance sheet to the meetings show that as well (see Annex 1).	The District Commissioner and the Traditional Leaders were further consulted during the October to November 2016 meetings. The presentation of Annex 1 above has also been changed to show who among the people that were consulted in from the District Commissioner's office and who is a traditional leader and who are the Project affected people

2	Valuation of property, particularly trees on compliant with the entitlement matrix	Additional Property assessment has been done. There are currently 476 PAPs whose Assets have been affected and 566 tree PAPs. A revised valuation has been done for planted/exotic trees and fruit trees. This has increased the compensation amount from MK32 million to MK114 million	The calculations for trees include a 10 percent premium on the estimated value of the tree and for fruit trees the calculation has been based on the estimated number of fruits each tree produces, the unit cost of the fruit and the estimated lost value of the fruit until the replacement seedlings mature as stipulated in the entitlement matrix.
3	No Modalities for payment of compensations and Grievance Redress	The Resettlement Working Groups and Grievance Redress Committees have been set up in all Major trading centres and at Traditional Authority level during the period 31 October to 4 th November 2016	5 Resettlement Working Groups and 3 Grievance Redress Committees have been set up. See Annex 6 for details

4	Identification of the Vulnerable Groups among the PAPs not done	During the October/November 2016, the PAPs were requested to identify vulnerable people among themselves that may need to receive additional assistance. The vulnerable people were defined as Female headed households, Chronically ill people; Very old people and Child headed households	PAPs had difficulties to identify any people among themselves as vulnerable. However, observations showed that about 4 households qualified as vulnerable people and will receive additional assistance. Since this visit did not do the full census of the households, the RA will continue to monitor and identify vulnerable people during implementation and the relevant support will be provided.
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<p>5</p>	<p>How is the RA going to ensure that <u>Livelihoods are Restored</u> as prescribed in the RAP</p>	<p>The PAPs whose livelihoods have been affected are getting 20% premium on top of the assessed values of their property. In addition to that, they will be offered complimentary support such as employment from the contractors during construction. In this respect the consultant will be requested to allocate a certain percentage of unskilled work to local people including the vulnerable groups. In addition, since most of the PAPs are those that are operating businesses along the road, they will have increased business opportunities arising from the migrant workers and increased incomes that will come from the wages.</p>	<p>Other tangible livelihood restoration plans such as provision of training in business management and savings and investment. This would be done by engaging the COMSIP Union which has already demonstrated its expertise in other Bank funded projects such as the MASAF IV and the Shire River Basin Projects. The Business skills training would be organized by COMSIP so that PAPs and Vulnerable can have savings and investment skills which would improve their incomes and livelihood sources for a long period of time. It is obvious that there are Village Savings Loans groups on the ground especially for women that can also bring a gender aspect which may just require some strengthening.</p> <p>Some resources will be allocated from the Institutional</p>
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			<p>Strengthening and Implementation Assistance component to hire the services of COMSIP for this purpose.</p>
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6	Sensitization of communities on mitigation of risks associated with labor influx into project areas (Spread of HIV/AIDS,	This was going to be done during the October/November 2016 mission to Karonga-Songwe project by the RA safeguards team and will continue during implementation	HIV/AIDS sensitization was part of the agenda items during the formation of RWGs and GRC during the consultation meetings with the PAPs and also with the Resettlement Working Groups. The topics for discussion included HIV/AIDS prevention, including other sexually transmitted infections, avoidance of sexual contacts between the migrant workers and the communities, especially children and other vulnerable groups along the road project. The head teachers of the surrounding schools such Mwenitete, Iponga and Pusi were invited to these meetings so that they can also sensitise the teachers, school going children and their parents. These sensitisation activities will also continue during construction and both the contractor and the supervising consultant will have safeguard specialists
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			on their team to ensure that this is done. The RA will provide regular monitoring of these activities.
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Annex 8: Valuation Report

<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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The Roads Authority
 P/ Bag B346
 Lilongwe 3
 Malawi

4TH NOVEMBER, 2016

Dear Sir,

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

Instruction

In accordance with your request and instruction given to us 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 296,736,320.00
 Plants: MWK 116,624,518

The total sum is MWK 413,360,838 (Four Hundred and Thirtenn million, Three Hundred and Ninety Six Thousand, Eght hundred and Thirty Eight Kwacha only).

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**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.
- 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.

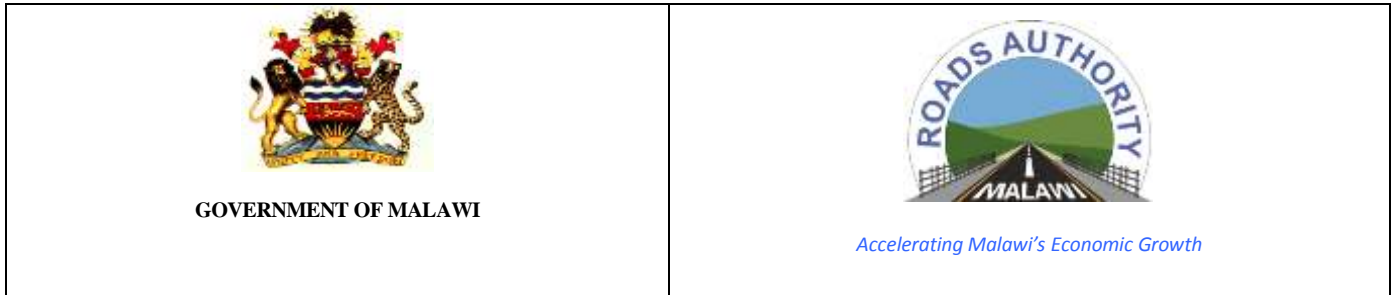
Signature:  Date: 4th November, 2016

EDDA MBENDERA (Valuation Officer, Dpt. Of Lands)

For: THE REGIONAL COMMISSIONER FOR LANDS (North)

Annex 9:

Annex 9: Action Plan for Managing Risks Associated with Migrant Labour Influx



The Roads Authority

**SOUTHERN AFRICAN TRADE AND TRANSPORT FACILITATION
PROJECT -SOP2**

PROJECT NUMBER : P145566

CREDIT NUMBER : 5622- MAI

**ACTION PLAN FOR MANAGING RISKS OF ADVERSE IMPACTS ON
COMMUNITIES FROM TEMPORARY PROJECT INDUCED LABOUR
INFLUX**

Roads Authority

Functional Building

Off Paul Kagame Road

Private Bag B346

Lilongwe 3

DECEMBER 2016

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1.0 Background

The government of Malawi with funding from the World Bank is implementing the Southern Africa Trade and Facilitation Project (SATTFP) SOP2. The objective of the SATTFP is to facilitate the movement of goods and people along the North South Corridor (NSC), whilst supporting improvements in the services for HIV/AIDS and road safety. This objective is to be realized through a sequential improvement in the physical, institutional and social infrastructure, and the strengthening of the management of the corridor, in participating countries. This Project has got 4 components, namely; (1) Improving Road Infrastructure, (2) Improving Social Infrastructure, (3) Improving Trade Facilitation and (4) Institutional Strengthening and Implementation Assistance.

The implementation of this Project will involve construction of civil works for which the required labour force and associated goods and services will not be fully supplied locally for a number of reasons, among them worker unavailability and lack of technical skills and capacity. In this case, the labor force (total or partial) will need to be brought in from outside the projects area. This influx may be compounded by an influx of other people (“followers”) who follow the incoming workforce with the aim of selling them goods and services, or in pursuit of job or business opportunities. The rapid migration to and settlement of workers and followers in the project area may affect project areas negatively in terms of public infrastructure, utilities, housing, sustainable resource management and social dynamics.

The influx of workers and followers can lead to adverse social and environmental impacts on local communities. Such adverse impacts may include increased demand and competition for local social and health services, as well as for goods and services, which can lead to price hikes and crowding out of local consumers, increased volume of traffic and higher risk of accidents, increased demands on the ecosystem and natural resources, social conflicts within and between communities, increased risk of spread of communicable diseases, and increased rates of illicit behaviour and crime. Such adverse impacts are usually amplified by local-level low capacity to manage and absorb the incoming labor force, and specifically when civil works are carried out in, or near, vulnerable communities and in other high-risk situations.

While many of these potential impacts are identified in a project’s Environmental and Social Impact Assessment (ESIA), they may only become fully known once a contractor is appointed and decides on sourcing the required labor force. This means that not all specific risks and impacts can be fully assessed prior to project implementation, and others may emerge as the project progresses. Thus, measures defined in the project Environmental and Social

Management Plan (ESMP) to address such problems sometimes may be insufficient. It is therefore important to develop site specific measures before the contractor starts work, and update them as necessary to reflect project. Overall, adequate monitoring and adaptive management of the potential impacts from labor influx will be put in place for addressing and mitigating risks.

2.0 Key Principles for Managing impacts of Influx of Labour

There are three key principles that will be followed when assessing and managing risks associated with an Influx of migrant workers/labour under the Southern African Trade and Transport Facilitation Project. These include the following;

2.1 Reducing Labour Influx by tapping into the local workforce;

The contractors will be encouraged to recruit locally most of the unskilled labour force while only the skilled labour force should be hired from elsewhere. This will help to avoid or reduce the influx of migrant labour in the project sites.

2.2 Assess and Manage labour influx risk based on appropriate instruments

The assessment and management of the labour influx will be based on the risks identified in the ESIA and appropriate mitigation measures as specified in the ESMPs. Other site specific Labour Influx Management Plans and/or Workers Camp Management Plan may be developed for high risk environments.

2.3 Incorporate Social and Environmental Mitigation measures in the civil works contract

Most adverse impacts from labour influx can only be mitigated by the contractor who is always on site. The management of these impacts will therefore be reflected as a contractual obligation, with appropriate mechanism for addressing noncompliance. The construction contracts require that the contractors provides a Social and environmental specialist who will ensure that mitigation measures are being implemented and the Roads Authority will be undertaking regular monitoring of compliance. The works contract will include the ESMP and the Roads Authority will ensure that the sub project specific ESMP is reflected in the contractor's ESMP (CESMP).

3.0 Potential Adverse Impacts of Labour Influx

Labor influx for construction works can lead to a variety of adverse social and environmental risks and impacts. The list below provides a summary of typical adverse social and environmental impacts, but is not exhaustive. While many of these impacts could have been present already or might occur regardless of the labor influx, they are likely to be exacerbated by it. The actual type and degree of impact varies significantly depending on the characteristics of the project, community and incoming workforce. For example, linear projects like roads will

have different types and extent of impacts as compared to nuclear projects like One Stop Boarder Posts.

3.1 Adverse Social Impacts

The list below indicates common categories of social risk associated with labor influx:

3.1.1 Risk of social conflict: Conflicts may arise between the local community and the construction workers, which may be related to religious, cultural or ethnic differences, or based on competition for local resources. Tensions may also arise between different groups within the labor force, and pre-existing conflicts in the local community may be exacerbated. Ethnic and regional conflicts may be aggravated if workers from one group are moving into the territory of the other.

3.1.2 Increased risk of illicit behaviour and crime: The influx of workers and service providers into communities may increase the rate of crimes and/or a perception of insecurity by the local community. Such illicit behaviour or crimes can include theft, physical assaults, substance abuse, prostitution and human trafficking. Local law enforcement may not be sufficiently equipped to deal with the temporary increase in local population.

3.1.3 Influx of additional population (“followers”): Especially in projects with large footprints and/or a longer timeframe, people can migrate to the project area in addition to the labor force, thereby exacerbating the problems of labor influx. These can be people who expect to get a job with the project, family members of workers, as well as traders, suppliers and other service providers (including sex workers), particularly in areas where the local capacity to provide goods and services is limited.

3.1.4 Impacts on community dynamics: Depending on the number of incoming workers and their engagement with the host community, the composition of the local community, and with it the community dynamics, may change significantly. Pre-existing social conflict may intensify as a result of such changes.

3.1.5 Increased burden on and competition for public service provision: The presence of construction workers and service providers (and in some cases family members of either or both) can generate additional demand for the provision of public services, such as water, electricity, medical services, transport, education and social services. This is particularly the case when the influx of workers is not accommodated by additional or separate supply systems.

3.1.6 Increased risk of communicable diseases and burden on local health services: The influx of people may bring communicable diseases to the project area, including sexually transmitted diseases (STDs), or the incoming workers may be exposed to diseases to which they have low resistance. This can result in an additional burden on local health resources. Workers with health concerns relating to substance abuse, mental issues or STIs may not wish to visit the project’s medical facility and instead go anonymously to local medical providers, thereby placing further stress on local resources. Local health and rescue facilities may also be

overwhelmed and/or ill equipped to address the industrial accidents that can occur in a large construction site.

3.1.7 Gender-based violence: Construction workers are predominantly younger males. Those who are away from home on the construction job are typically separated from their family and act outside their normal sphere of social control. This can lead to inappropriate and criminal behavior, such as sexual harassment of women and girls, exploitative sexual relations, and illicit sexual relations with minors (girls under the age of 18) from the local community. A large influx of male labor may also lead to an increase in exploitative sexual relationships and human trafficking whereby women and girls are forced into sex work

3.1.8 Child labor and school dropout. Increased opportunities for the host community to sell goods and services to the incoming workers can lead to child labor to produce and deliver these goods and services, which in turn can lead to enhanced school dropout.

3.1.9 Local inflation of prices: A significant increase in demand for goods and services due to labor influx may lead to local price hikes and/or crowding out of community consumers.

3.1.10 Increased pressure on accommodations and rents: Depending on project worker income and form of accommodation provided, there may be increased demand for accommodations, which again may lead to price hikes and crowding out of local residents.

3.1.11 Increase in traffic and related accidents: Delivery of supplies for construction workers and the transportation of workers can lead to an increase in traffic, rise in accidents, as well as additional burden on the transportation infrastructure.

3.2 Adverse Environmental Impacts

The environmental impacts listed below are more likely to be of relevance for projects that require a larger labor force, which results in a bigger project footprint:

3.2.1 Inadequate waste disposal and illegal waste disposal sites: Large populations of workers generate increased amounts of waste, for which no sufficient local waste management capacities may exist, which would likely lead to improper disposal practices.

3.2.2 Wastewater discharges: Project-related activities, along with workers' camps, and a lack of appropriate wastewater discharges may pollute nearby water resources. Major health risks can occur if latrine pits spill over into local streams that are used for drinking water by the host community.

3.2.3 Increased demand on freshwater resources: The provision of clean drinking water and water for hygiene purposes can result in increased pressure on freshwater resources in the project or camp site area.

3.2.4 Camp related land use, access roads, noise and lights: In ecologically sensitive areas, workers' camps can have impacts on the local wildlife. This may include disturbance of

species, as well as illegal hunting. In the same context, new access routes for workers' camps may have impacts on natural habitats.

3.2.5 Increased deforestation, ecosystem degradation, and species loss: These can result from forest or land conversion for worker housing and workers' agricultural subsistence activities.

3.2.6 Increased use of / demand for natural resources: This can include logging for construction, fuelwood collection, use of water resources, farming and grazing, hunting and fishing, trade in endangered species, potential introduction of invasive or non-native species, and land degradation

4.0 Assessment and Management of Risks and Impacts

In order to manage risks and impacts associated with an influx of labour, various players play important roles. Some of these roles are played by the contracting authority, in this case the Roads Authority and other roles will be played by the Contractor. A number of instruments will be used to assess and mitigate project related risks, including: (i) the project ESIA and ESMP, which were already prepared by the Roads Authority and reviewed and cleared by the Bank and which are part of the Bank's Financing Agreement with the Government of Malawi, and (ii) the CESMP, which is part of the contract between the Roads Authority and the contractor. Contractually, the contractor must follow the CESMP, which builds upon the findings and proposed measures identified in the project ESIA and ESMP.

4.1 Roles of the Roads Authority in Assessing and Managing Labour Influx Risks and Impacts

4.1.1 Ensuring that the contractor implements robust measures to address the risk of gender-based violence.

4.1.2 Ensure that the contractor should provide the CESMP which provides a detailed explanation of how the contractor will comply with the project's safeguard documents such as the ESMP, and demonstrate that sufficient funds are budgeted for that purpose.

4.1.3 Ensure that the CESMP includes specific mitigation measures based on the ESMP, the final design, the proposed work method statements, the nature of the project site, etc.

4.1.4 Ensure that the contractors CESMP include specific management plans for: (i) work activities; (ii) traffic management; (iii) occupational health and safety; (iv) environmental management; (v) social management; and (vi) labor influx.

4.1.5 Lobby Government to provide complimentary state support: While clear and decisive measures by the contractor are critically important, the effectiveness of these measures often depends on complementary actions by the Government. These are focused on public administration and law enforcement, such as:

- (i) Reinforcing community policing in a remote setting, where services may not be sufficiently staffed or equipped to maintain public order after the influx,
- (ii) Ensuring that complaints about gender-based violence are taken seriously by local law enforcement,
- (iii) Deploying female officers to the project area, and
- (iv) Participating in preventive training with workers to demonstrate the presence of government authority in the project area.

4.2. Contractors Responsibilities

Ensuring that construction workers and contractors avoid fraternisation. Fraternization refers to conducting close social relations, which are considered inappropriate with people who are unrelated to one another. In the context of labor influx, this refers to incoming workers' pursuit of social contact, typically with female members of the local community. This can lead to a spectrum of unacceptable and/or illicit behaviours, ranging from unwanted aggressive advances and sexual harassment to gender-based violence against women and children. In order to avoid fraternisation, the contractor will need to do the following

- (i) Provide mandatory and repeated training and awareness raising for the workforce about refraining from unacceptable conduct toward local community members, specifically women;
- (ii) informing workers about national laws that make sexual harassment and gender based violence a punishable offence which is prosecuted;
- (iii) introducing a Worker Code of Conduct as part of the employment contract, and including sanctions for non-compliance e.g., termination;
- (iv) Adopting a policy to cooperate with law enforcement agencies in investigating complaints about gender-based violence and in appropriate sexual contacts with minors.
- (v) providing additional measures that aim to reduce incentives to engage with the local community by providing workers with the opportunity to spend their time off away from the host community, where feasible with a small transport allowance, ideally allowing workers to regularly return for brief visits to their families, spouses and friends, or to visit nearby urban centers that provide a variety of legal social opportunities.

5.0 LABOUR INFLUX MANAGEMENT PLAN

No.	Expected Adverse Impact	Potential Mitigation Measures	Broader enabling Environment	Responsibility
	Social Impacts			
1	All	<ul style="list-style-type: none"> i. Establishment and operation of an effective GRM accessible to community members—ideally with involvement of NGOs—to facilitate early identification of problems and targeted mitigating interventions by Borrower; ii. Provision of information to communities on how to use the GRM to report issues; iii. Monitoring and taking appropriate actions to ensure CESMP provisions are met; iv. Inclusion of relevant provisions in the ESMP v. Inclusion of relevant provisions in the contract. 		Roads Authority/ Project Engineer/ Social Specialist
2	Risk of social conflict	<ul style="list-style-type: none"> i. Consultations with and involvement of local communities in project planning and implementation; ii. Awareness-raising among local community and workers. 		Roads Authority/Social Specialist/ Project Engineer

		<ul style="list-style-type: none"> iii. Provision of information regarding Worker Code of Conduct in local language(s); iv. Provision of cultural sensitization training for workers regarding engagement with local community. 		Contractor
3	Increased risk of illicit behaviours and crime (including prostitution, theft and substance abuse)	<ul style="list-style-type: none"> i. Police monitoring to prevent drugs trafficking; ii. Sensitization campaigns both for workers and local communities 		
		<ul style="list-style-type: none"> iii. Sourcing of local workforce; iv. Creation of supervised leisure areas in workers' camp; v. Cooperation with local law enforcement; vi. Introduction of sanctions (e.g., dismissal) for workers involved in criminal activities; vii. Provision of substance abuse prevention and management programs. 		Contractor
4	Adverse impacts on community dynamics	<ul style="list-style-type: none"> i. Liaison with civil society organizations to create integrative action plans; ii. Provision of upfront information on potentially detrimental impacts on local communities. 		Roads Authority

		<ul style="list-style-type: none"> iii. Provision of services in the workers' camp to reduce the need for workers to use local community facilities (internet, sports); iv. Provision of entertainment and events for workers within camp to reduce incentives for mixing with local community. 		Contractor
5	Influx of Additional Population ("Followers")	<ul style="list-style-type: none"> i. Communications campaign to manage expectations and discourage spontaneous influx of job seekers; ii. Local government to address this additional influx of the "followers" to ensure that no illegal and unsafe settlements develop; iii. Explore options for orderly accommodation on open space that can be monitored by law enforcement. iv. Contractor to hire workers through labour/ recruitment offices and avoid hiring "at the gate" to discourage spontaneous influx of job seekers. 		District Commissioner's office

				Contractor
6	Increased burden on public service Provision	<ul style="list-style-type: none"> i. Workers' camp to include wastewater disposal and septic systems; ii. Identification of authorized water supply source and prohibition of use from other community sources; iii. Separate service providers for community and workers' camp/construction site; iv. Worker Code of Conduct on water and electricity consumption 		
7	Increased risk of communicable diseases (including STDs and HIV/AIDS)	<ul style="list-style-type: none"> i. Contracting of an HIV service provider to be available on-site; ii. Implementation of HIV/AIDS education program; iii. Information campaigns on STIs among the workers and local community; 	Awareness raising about public health impacts from labor influx	Contractor

		<ul style="list-style-type: none"> iv. Education about the transmission of diseases; v. Provision of condoms; vi. Monitoring of local population health data, in particular for transmissible diseases. 		
8	Gender-based violence, including sexual harassment, child abuse and exploitation	<ul style="list-style-type: none"> i. Instruction and equipping of local law enforcement to act on community complaints; ii. Information and awareness raising campaigns for community members, specifically women and girls; iii. Provision of information to host community about the contractor's policies and Worker Code of Conduct (where applicable) iv. Training of School Management Committee and head teachers on sexual violence and protection of children particularly adolescent girls 	<p>Increased security presence in nearby communities;</p> <p>Reinforcement of police force where needed;</p> <p>Deployment of female police officers in project area; Application of long-term community-based approaches to address the issue;</p> <p>Enforcement of laws on sexual violence and human trafficking</p>	Government

		<ul style="list-style-type: none"> 1. Mandatory and regular training for workers on required lawful conduct in host community and legal consequences for failure to comply with laws; v. Commitment / policy to cooperate with law enforcement agencies investigating perpetrators of gender-based violence; vi. Creation of partnership with local NGO to report workers' misconduct and complaints/reports on gender-based violence or harassment through the GRM; vii. Provision of opportunities for workers to regularly return to their families; viii. Provision of opportunities for workers to take advantage of entertainment opportunities away from rural host communities. 		Contractor
9	Child labor and school drop out	<ul style="list-style-type: none"> i. Communication on hiring criteria, minimum age, and applicable laws. ii. Ensuring that children and minors are not employed directly or indirectly on the project. 	Enforcement of legislation on child labor.	<p>District Labour Officer</p> <p>Contractor</p>

10	Increased traffic and rise in accidents	<ul style="list-style-type: none"> i. Local government engagement with contractor and communities to identify accident hotspots and formulation of solutions. Preparation and implementation of a traffic management plan to be approved by supervision engineer; 		DC
		<ul style="list-style-type: none"> ii. Building additional/separate roads to project and workers' camp sites; iii. Organization of commute from camp to project to reduce traffic; iv. Road safety training and defensive driving training for staff; v. Sanctions for reckless driving. 		Contractor
	Environmental Impacts			
1	Inadequate waste disposal and creation of illegal waste disposal sites	<ul style="list-style-type: none"> i. Inspection of waste disposal arrangements 		Resident Engineer
		<ul style="list-style-type: none"> ii. Reduction of waste generation; Sound practices for waste disposal. 		Contractor
2	Wastewater Discharges	<ul style="list-style-type: none"> i. Regular inspection to ensure proper functioning. 		Resident Engineer
		<ul style="list-style-type: none"> ii. Ensuring workers' camp and associated facilities are connected to septic tank or other wastewater systems which are appropriate 		Contractor

		and of sufficient capacity for the number of workers and local conditions.		
3	Increased demand on freshwater resource	Water conservation and recycling of water; Consideration of use of rainwater where feasible; Avoiding contamination of fresh water sources.		Contractor
4	Camp related land use, access roads, noise and lights	Placement of workers' camp away from environmentally sensitive areas to avoid impacts on the local wildlife; Routing of new access routes for workers' camp to avoid/minimize environmentally sensitive areas.		RE/Contractor
5	Increased deforestation, ecosystem degradation, and species loss	Cooperation with environmental organizations in the area to seek their advice and allow for early feedback on adverse impacts. Only wood from commercial sources to be used on the project; Use of wood for fuel prohibited; Reduction in energy demand, reduced noise and light generation, reduced and safe use of dangerous chemical substances.		Environmental Planner/ Contractor contractor
6	Increased use/demand on natural resources	Close monitoring of impact on natural resources with enforcement of contract or legislative options; Minimized land use change and use of other natural resources; Avoidance of deforestation around camp area; Prompt and effective response to environmental and social issues raised by supervision engineer.		Environmental and Social Planner Contractor

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for conducting ESIA and RAP for the Karonga to Songwe section of the M1 Road

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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

TERMS OF REFERENCE

for conducting ESIA and RAP for the Karonga to Songwe section of the M1 Road

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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

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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

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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

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- 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.

