GOVERNMENT OF THE REPUBLIC OF MALAWI
MINISTRY OF ECONOMIC PLANNING AND DEVELOPMENT
INFRASTRUCTURE SERVICES PROJECT (ISP)

Project ID Number: P057761

RESETTLEMENT POLICY FRAMEWORK

FINAL DRAFT REPORT

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EXECUTIVE SUMMARY

The Government of the Republic of Malawi, with assistance from the International Development Association (IDA) wishes to implement the Infrastructure Services Project (ISP). The Government will implement the ISP through the Ministry of Economic Planning and Development. The ISP will focus on improvement of prioritized service delivery in the water and sanitation, electricity, roads and telecommunication sectors in the following priority areas otherwise known as the five corridors:

- Rumphi – Nyika - Chitipa;
- Ntcheu – Tsangano – Mwanza;
- Mangochi – Cape Maclear
- Zomba - Phalombe – Mulanje; and;
- Bangula-Tengani-Nsanje-Makoko.

The development objectives of the ISP are to stimulate broad-based economic growth and public service delivery in the selected development corridors; and to improve access to and reliability of infrastructure services to exploit the productive potential of farm and non-farm rural enterprises. The anticipated project outcome is that the community, farms, other non farm enterprises and public institutions in the targeted corridors will have improved access to stable, reliable and adequate communication, power supply, clean drinking water and efficient transport to markets.

The Environmental Management Act and the World Bank Operational Policies require that, for projects of this nature, an environmental impact assessment should be conducted. This is not possible for the ISP at this time since the precise types and locations of the planned priority infrastructure investments are not yet known. However, to ensure that the environmental and social considerations of the project are addressed, the ISP is preparing an Environmental and Social Management Framework (ESMF). The ESMF will facilitate the identification of potential environmental and social impacts and the development of appropriate mitigation measures for the negative impacts.

Where new land has to be acquired, or where there is an impact on assets or livelihoods, for the ISP, there will be need for the preparation of procedures and principles for land acquisition, resettlement and compensation. This entails providing sufficient investment resources to meet the needs of the Project Affected Persons (PAPs) who may be displaced from their habitat, resources, or livelihoods. It also requires adequate collaborative consultation and agreement with the PAPs to ensure that they maintain or improve their livelihoods and standards of living in the new environment. This RPF is prepared to ensure effective preparation and implementation of the asset acquisition, resettlement and compensation process for the ISP.

The proposed project activities fall under prescribed projects (category B) of the World Bank’s Operational Policy (OP 4.12) on involuntary resettlement. This RPF therefore, has adopted applicable principles outlined in the World Bank’s Operational Policy (OP 4.12) into local experiences and legislation because they are not comprehensive enough to accord fair compensation and resettlement arrangements.

Preparation of this RPF is based on the field visits and public consultations conducted in the five proposed project corridors as well as consultations with other
institutions including Government Ministries. The RPF draws its strength from the legal instruments that exist in Malawi, specifically the Land Act, the National Land Policy, and the Lands Acquisition Act. These and other legislative instruments including the Environment Management Act and the World Bank Operational Policies provide the basis and the legal platform for the conduct of land acquisition, compensation and resettlement; and they have been extensively used to prepare this RPF.

The legal instruments have been noted to contain relevant legislation that defines the different classifications/categories of land, and specific issues that relate to land acquisition and land transfer including the management of the land acquisition and transfer processes itself. The National Land Policy, for instance, dispels the popular notion that customary land in Malawi has no value and stipulates that compensation value for customary land, at the time of acquisition by Government, should be based on the open market value of the land and all the improvements on the land. It is also noted that a Special Law Commission was empanelled, in 2003 to review land-related laws and some of the changes recommended by this Special Law Commission are relevant to land acquisition and resettlement. The legal basis, which has been found very useful in the preparation of this RPF, has been highlighted in Chapter 3.

The field investigations and public consultations have revealed that there are some Land acquisition and resettlement activities managed mostly by the Ministry of Lands, Physical Planning and Surveys. A number if inconsistencies have been identified in the way these activities are managed, particularly with respect to resettlement and compensation. It was noted during the stakeholder consultations that cash compensations have been preferred in return for houses, buildings and structures. The consultations also revealed that the prices used in the determination of compensation values have, in some cases not been updated for the past ten years. This has resulted in PAPs receiving inadequate compensation for them to maintain their livelihoods to the same or better levels compared with pre-project conditions.

Using the information obtained through stakeholder consultations, the existing laws and regulations and the World Bank Operating Policies, this RPF has developed the screening process, methods for valuing assets and procedures for delivery of compensation. The RPF establishes parameters for the conduct of land acquisition, compensation, including resettlement of (PAPs), who may be affected during implementation of the ISP. The RPF has also made recommendations for appropriate local and national structures to facilitate smooth and effective implementation and monitoring of resettlement and compensation for the ISP.

The RPF has been prepared in anticipation that the project activities under the ISP will require additional land, especially customary land to be alienated from local people. The RPF therefore, provides safeguards against adverse impacts of development activities of the ISP, through minimizing the number of (PAPs) in the first place. It provides procedures and means for adequately compensating for the losses the PAPs may incur, in the case that resettlement cannot be avoided.

This RPF includes guidelines for compensation for land contributed voluntarily without seeking compensation, for the Infrastructure Services Project as well as land acquired involuntarily. The guiding principle for land acquisition shall be that where
land is required for implementation of the ISP activities, the recommended safeguards shall be observed to reduce the suffering of the affected community members.

The RPF is intended to assist all proponents implementing World Bank funded (Category B) projects on the ISP. The overall responsibility for implementation of this Framework shall reside with the ISP. The ISP will be assisted by the Ministry of Local Government (MoLG), Ministry of Agriculture and the Ministry of Lands Physical Planning and Surveys.

ISP will ensure that the Framework is publicly disseminated and that project staff has the requisite skills and knowledge and, where necessary, they have received appropriate training to implement the RPF.

The District Assembly shall take responsibility for implementation of the RPF at respective local authorities, with assistance from other line local offices of the above mentioned Government ministries. For Municipalities, the Municipal Councils shall be responsible for the implementation, with assistance from local representatives of the relevant Government ministries.

It is recommended that the implementation of the RPF should be systematically organized and implemented to follow a number of steps including:

- A full understanding of the project components, particularly those requiring land acquisition
- Public consultation and participation
- Determination of land ownership
- Screening of the project sites, resettlement sites and project activities
- Property and asset valuation
- Preparation and approval of resettlement plans
- Implementation of the resettlement plans
- Effective redress of complaints and grievances

These steps will ensure that future ISP micro-projects are satisfactorily and efficiently implemented to effectively address any adverse social, economic and environmental impacts; so that PAPs are fairly treated on land acquisition, resettlement, loss of assets and impact on livelihood.
ACKNOWLEDGEMENTS

The preparation of this Resettlement Policy Framework (RPF) could not have been accomplished if it were not for the input of so many people and organizations from the proposed project corridors and from the Government offices, both at the districts and at the headquarters. Special thanks should be accorded to the management and staff of the ISP for all the support provided.

Special thanks are also given to all District Assemblies, local leaders, community members and people from the various districts that provided information and other support.

In particular we would like to thank the Principal Secretary of the Ministry of Economic Planning and Development, the Project Manager and staff of the ISP, members of the Project Management Team and other private organizations for their insight and support.
### LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ARAP</td>
<td>Abbreviated Resettlement Action Plan</td>
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<tr>
<td>DA</td>
<td>District Assembly</td>
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<td>DC</td>
<td>District Commissioner</td>
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<td>DP</td>
<td>Displaced Person</td>
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<td>EMA</td>
<td>Environment Management Act</td>
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<td>ESCOM</td>
<td>Electricity Supply Commission of Malawi</td>
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<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
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<td>ESMF</td>
<td>Environmental and Social Management Framework</td>
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<td>GoM</td>
<td>Government of Malawi</td>
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<td>HIV</td>
<td>Human Immuno Deficiency Virus</td>
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<td>IDA</td>
<td>International Development Association</td>
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<td>ISP</td>
<td>Infrastructure Services Project</td>
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<td>LGA</td>
<td>Local Government Authority</td>
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<tr>
<td>MACRA</td>
<td>Malawi Communications Regulatory Authority</td>
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<tr>
<td>MEP &amp; D</td>
<td>Ministry of Economic Planning and Development</td>
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<tr>
<td>MERA</td>
<td>Malawi Energy Regulatory Agency</td>
</tr>
<tr>
<td>MI &amp; T</td>
<td>Ministry of Information and Tourism</td>
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<tr>
<td>MoLGRD</td>
<td>Ministry of Local Government and Rural Development</td>
</tr>
<tr>
<td>MoMNRE</td>
<td>Ministry of Mines Natural Resources and Environment</td>
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<tr>
<td>MPW &amp; T</td>
<td>Ministry of Public Works and Transport</td>
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<tr>
<td>MTL</td>
<td>Malawi Telecommunications Limited</td>
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<tr>
<td>MWD</td>
<td>Ministry of Water Development</td>
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<tr>
<td>NGO</td>
<td>Non Governmental Organization</td>
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<tr>
<td>NRA</td>
<td>National Roads Authority</td>
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<tr>
<td>OP</td>
<td>Operational Policy</td>
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<tr>
<td>PAPs</td>
<td>Project Affected Persons</td>
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<tr>
<td>PCU</td>
<td>Project Coordinating Unit</td>
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<tr>
<td>PMT</td>
<td>Project Management Team</td>
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<tr>
<td>PMU</td>
<td>Project Management Unit</td>
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<tr>
<td>PPF</td>
<td>Project Planning Facility</td>
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<tr>
<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<tr>
<td>RWB</td>
<td>Regional Water Boards</td>
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<td>VDC</td>
<td>Village Development Committee</td>
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DEFINITION OF TERMS USED IN THE REPORT

Unless the context otherwise requires, the following terms shall have the following meaning:

"census" means a field survey carried out to identify and determine the number of Project Affected Persons (PAP); in accordance with the procedures, satisfactory to the Ministry of Lands Physical Planning and Surveys, Ministry of Economic Planning and Development, and the World Bank safeguard policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the local chiefs;

"Environmental and Social Management Framework (ESMF)" is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the ISP construction program. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts; offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF;

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

"cut-off date" is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation;

"Project affected persons (PAPs) mean persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the ISP, result in direct or indirect economic and or social hardships, regardless of whether or not the said PAPs physically relocate. These people will have their:

(a) standard of living adversely affected, whether or not the PAPs must move to another location;

(b) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;

(c) access to productive assets temporarily or permanently adversely affected, or

(d) business, occupation, work or place of residence or habitat adversely affected.

"involuntary displacement" means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
(a) loss of benefits from use of such land;
(b) relocation or loss of shelter;
(c) loss of assets or access to assets; or
(d) loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

"Involuntary Land Acquisition" or "Compulsory Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may have the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights;

“land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the ISP;

"land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the ISP;

"rehabilitation assistance" means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels;

"Resettlement and Compensation Plan", also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan" - means a resettlement instrument (document) to be prepared when ISP locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic or subsistence resources. RAPs are prepared by the party (in this case the ISP, or institutions such as ESCOM, Water Board, National Roads Authority, Telecommunication Services Authority, NGOs, or any other entity participating in the ISP) impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be complied with the ISP to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

"replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to the Malawian law. In terms of land, this may be categorized as follows:

(a) replacement cost for agricultural land means the pre-project or pre-displacement cost, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

(b) preparing the land to levels similar to those of the affected land; and
(c) any registration, transfer taxes and other associated fees;

"Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs shall include:

(a) transporting building materials to the construction site;
(b) any labor and contractors' fees; and
(c) any registration costs.

"Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals which ever is feasible and as required, for ease of resettlement;
CHAPTER 1: INTRODUCTION

1.1 BACKGROUND

Urban Centers in Malawi are generally faced with problems of lack of infrastructure services. The main sectors that lack infrastructure include the power supply, water supply and sanitation, transportation and the information communication technology sectors.

Electricity is available for only less than ten percent of the total population of approximately 12 million people. The majority of this ten percent resides in the three cities of Blantyre, Lilongwe and Mzuzu; and in only a few of the urban towns that are connected to the national power grid. Electricity is virtually not available in the rural areas. Approximately half of the population has access to improved water supply and sanitation facilities and only about thirteen percent of the rural roads are in good condition.

The Government of the Republic of Malawi, through the Ministry of Economic Planning and Development, has received a Project Planning Facility (PPF), from the International Development Association (IDA). The PPF will be used to finance the preparation of the ISP, which will focus on prioritized service delivery in the water and sanitation, electricity, roads and telecommunication sectors. Improvement of service delivery in these sectors will be carried out in the following priority areas;

- Rumphi – Nyika – Chitipa;
- Ntcheu – Tsangano – Mwanza;
- Mangochi – Cape Maclar
- Zomba – Phalombe – Mulanje; and;
- Bangula-Tengani-Nsanje-Makoko.

These priority areas, otherwise known as the five proposed development corridors, were identified for feasibility studies, based on the results of the initial assessment study for the ISP. The feasibility studies will determine the economic, financial and technical viability of priority infrastructure investments in the above five potential growth areas.

The precise types and locations of the planned priority infrastructure investments are not known at this time. Therefore, the ISP has prepared an Environmental and Social Management Framework (ESMF) which outlines an environmental and social screening process. The ESMF will ensure that potential negative environmental and social impacts are identified, assessed and appropriately mitigated.

Where new land has to be acquired for the ISP, there will be need for the preparation of procedures and principles for land acquisition, resettlement and compensation, where appropriate. This RPF is prepared to ensure effective preparation and implementation of the land acquisition, resettlement and compensation process for the ISP.

1.2. ISP DEVELOPMENT OBJECTIVES

The development objectives of the ISP are to:
• stimulate broad-based economic growth and public service delivery in the selected priority development corridors; and
• improve access to and reliability of infrastructure services to exploit the productive potential of farm and non-farm rural enterprises.

The anticipated project outcome is that the community, farms, other non-farm enterprises and public institutions in the targeted corridors will have improved access to stable, reliable and adequate communication, power supply, clean drinking water and efficient transport to markets.

1.3 JUSTIFICATION AND RATIONALE FOR THE ISP

Currently in Malawi, infrastructure in many towns is grossly inadequate; characterized by low availability of reliable and affordable investment to support productivity and economic growth. Inadequate infrastructure services (due to fiscal difficulties, aging infrastructure and institutional constraints) are affecting both the urban and rural communities and are a barrier to access to basic needs and inputs of production such as water supply, sanitation, electricity, telecommunication and roads.

The underlying premise for the Project is that coordinated infrastructure service provision and the strategic location of infrastructure service investments will contribute more effectively to the growth of the national productivity. The availability of and access to various infrastructure services will facilitate efficient production of goods and services, leading to the decrease of unit costs of production and the concomitant improvement of livelihoods.

1.4 OBJECTIVES, BASIS AND JUSTIFICATION OF THE RPF

1.4.1 Objectives of the RPF

Involuntary resettlement arising from development projects often gives rise to severe economic, social and environmental hardships. The hardships stem from the following reasons among others:

(a) disruption of production and income generating systems;
(b) affected persons’ skills being rendered inapplicable in new environments;
(c) increased competition for resources;
(d) weakening of community and social fabric and networks;
(e) dispersion of kin groups;
(f) Loss of cultural identity and traditional authority; and
(g) loss of mutual help.

In most cases, resettlement of people to pave way for development projects is done because the project activities demand land acquisition. Little attention, if any, is given to the welfare of the people who may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities. Appendix 1.1 gives details of categories of losses and their impacts on PAPs.

The objective of this RPF is to provide a screening process, for future ISP activities, which include the GEF financed component for solar PV and water heating systems, to ensure that where land acquisition and acquisition of other assets, or impact on
livelihood for the project activities is inevitable, resettlement and compensation activities for lost resources should be conceived and executed in a sustainable manner. This entails providing sufficient investment resources to meet the needs of the persons affected and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the PAPs to ensure that they maintain or improve their livelihoods and standards of living in the new environment.

The RPF provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by the ISP future project activities whose exact locations are not known prior to project appraisal. The RPF is intended for use as a practical tool to guide the preparation of RAPs for sub-project activities during implementation of the ISP; and has been prepared as an instrument to be used throughout the ISP implementation. The RPF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The RAPs for the ISP will be prepared consistent with the provisions of this RPF.

1.4.2 Basis and Relevant Legislation for the RPF

The RPF draws its strength from legal instruments that exist in Malawi, broadly the Land Act and the Land Policy, 2002. These and other legislative instruments provide the basis and the legal platform for the conduct of land acquisition, compensation and resettlement of persons that have to be moved to pave way for development projects such as the ISP. The legislation and policies that are directly relevant are as follows:

1.4.2.1 The Environment Management Act (Cap. 62:01)

The Environment Management Act (EMA) provides the basic legal and administrative framework for environmental planning and management including environmental impact assessment for development projects. The EMA provides for the protection, conservation, and sound management of the environment for sustainable utilisation of natural resources.

The Environmental Affairs Department is mandated to administer Environmental Impact Assessment under section 9 of the EMA. The guidelines for prescribed projects (projects for which Environmental Impact Assessment is mandatory) are provided for in section 24 of the EMA.

For the ISP, the ESMF has been prepared to guide the process of environmental and social screening, impact assessment and preparation of environmental management plans. This RPF is prepared to guide the process of land acquisition and compensation for the PAPs. Both these frameworks are intended to supplement the EMA.

1.4.2.2 The Land Act Cap. 57:01

The Land Act, 1965 provides the administrative legal mechanism for land resources management, delivery and acquisition. The Act defines land into the three categories of Public land, Customary land and Private Land.
Further the land Act highlights sustainable use of land resources to protect the environment and contains provisions regarding compensation:

1.4.2.3 The Malawi National Land Policy

The Malawi National Land Policy, adopted on 17th January 2002, recognizes the rights acquired through systems of customary occupancy and the role of communities in the management of land, natural resources and conflict resolution. In addition to the categories of land ownership defined in the Land Act the Land Policy introduces a new category of “Government Land”.

The policy provides for payment of compensation, regulation guiding disposition of customary land, and the social function of land criteria which advocates for the cultural, economic, social and environmental preservation of sensitive, historic, sacred or scenic areas.

1.4.2.4 The Forestry Act

The Act provides for the management of indigenous forests on public, customary, and private land. Section 46(a) states that no person shall cut, take, fell, destroy, uproot, collect and remove forest produce from a forest reserve, customary land, public land and protected forest area unless duly authorised to do so. In accordance with this section therefore, construction of infrastructure services in areas that are protected by the Forest Act will not be allowed.

1.4.2.5 The Monuments and Relics Act

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 ISP will have to be implemented in such a way that any acquisition, resettlement and compensation conform to section 18 of this Act.

1.4.2.6 The Public Roads Act

The Act provides for the management of road projects in such a way that the different stakeholders involved, especially the local communities, are not adversely affected by the road projects. The Act also requires the processing of land acquisition, resettlement, and compensation issues in accordance with the provisions of the Land Act, for proper implementation of public roads projects.

1.4.2.7 The Electricity Act

This Act provides regulation for the generation, transmission, wheeling distribution, sale, importation and exportation, use and safety of electricity and for matters connected therewith and incidental thereto. It provides for payment of fair and reasonable compensation for any opened paths or damaged structures during implementation.
1.4.2.8 World Bank’s Safeguard Policies

The World Bank’s Safeguard Policy OP 4.12 applies to all components of the project and to all economically and/or physically affected persons, due to implementation of project activities, regardless of the number of people affected, the severity of impact and the legality of land holding. Particular attention should be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The World Bank’s Policy requires that a resettlement action plan is prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to PAPs is carried out prior to the displacement of people. In particular, possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the Resettlement Action Plan.

The policy encourages availing employment opportunity to the affected persons, on the project activities. This facilitates easy participation of the affected persons, in the planning and preparation of Resettlement Action Plans. It also offers the impacted persons an opportunity to generate income.

1.4.3 Justification for the Resettlement Policy Framework for the ISP

In Malawi, there are a number of development projects that have been implemented recently, involving resettlement and compensation.

Consultation during the preparation of this RPF revealed that the Ministry for Lands Physical Planning and Surveys has been involved in resettlement and compensation works where, in some cases, valuations have been done by multi-sector committees comprising representation from Local Government, Agriculture, and Energy. It was learnt that in their assessment of compensation, pre-determined price lists were used for calculating the amounts to be paid for loss of trees, and crops. The list of stakeholders consulted is given in Appendix 13.

During consultation, it became apparent however, that issues of resettlement and compensation have not been implemented in a coordinated manner. In many cases the appropriate ministries such as Ministry of Agriculture and Food Security and the Department of Forestry are not consulted on issue regarding compensation for crops and for trees respectively. As a result very old price lists, which have not been updated for inflation, were in use. It was also noted that the affected persons are preferably given monetary compensation for houses and other building structures. This has resulted in hardships for the affected persons who are often unable to construct houses of similar size and quality due to insufficient funds given as compensation. It was noted that the project affected persons have not been given enough opportunity to express their views regarding compensation and resettlement.

In the ISP, particularly for new projects, the activities are likely to result in resettlement of people, or in some way or another, to affect people’s livelihoods and
access to land and socio-economic opportunities. This RPF therefore is necessary to provide guidelines for addressing concerns of affected persons and to guide on the protection of their interest where:

(a) land will be contributed voluntarily for the ISP, in return for compensation;
(b) land will be contributed voluntarily without seeking compensation, for the ISP; and
(c) land will be acquired involuntarily for the ISP activities.

The guiding principle for land acquisition shall be that where land is required for implementation of the ISP activities, appropriate safeguards shall be observed to reduce the suffering of the affected community members.

This framework shall be used on all ISP sites where land disputes have not been resolved and on all ISP future demand-driven project activities. The framework is intended for use by all proponents implementing World Bank funded (Category B) projects under the ISP and will be applicable to private and NGO institutions that will utilize ISP funds; and all project activities that fall under the ISP. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all situations of population disturbance resulting from the implementation of the ISP activities are catered for.

This RPF, to be used for screening of projects in the ISP, has been prepared following the results of the findings from field investigations. Interviews with local people and officials from various Ministries, Local Government Offices, Private Sector; and information from some previous studies reports and documents have been used in preparing this framework.

The framework establishes parameters for the conduct of land acquisition and compensation including resettlement of persons who may be affected by the implementation of the ISP project activities.

The screening process developed in this framework is consistent with the Bank's safeguard operational policy OP 4.12, for Involuntary Resettlement. This policy requires that all Bank-financed operations are screened for potential impacts, and that the required compensation work is carried out on the basis of the screening results. The framework therefore, while adopting and adapting some of the local experiences and the provisions of local legislation, is based on the World Bank's Operational Policy (OP 4.12) on involuntary resettlement, which emphasizes the following principles:

- Avoiding or minimizing involuntary land acquisition, resettlement, loss of assets and impact on livelihood where feasible; and exploring all viable alternatives before resorting to involuntary resettlement.

- Where involuntary resettlement and land acquisition, resettlement, loss of assets and impact on livelihood is unavoidable, assistance and sufficient resources should be provided to the PAPs with the view to maintaining and/or improving their standards of living, earning capacities and production levels.

- Encouraging community participation in planning and implementing land acquisition, compensation and/or resettlement, and provision of assistance to
PAPs, regardless of the legality of their land rights or their title to land.

1.4.3 Approach and Methodology to the Preparation of the RPF

This Resettlement Policy Framework is prepared for the proposed ISP project, for the activities that might require land acquisition, resettlement and compensation; loss of assets and impact on livelihood. In order to prepare this RPF the basic strategy involved extensive consultations with the various key stakeholders. The rationale of these consultations was to solicit the views of the key stakeholders from the local, district, and central government level.

The strategies of executing the assignment included the steps listed below:

- Review of typical implementation approach and processes for the proposed project activities;
- Review of the existing Malawi policies and legislation applicable to land acquisition, resettlement and compensation.
- Review of land acquisition, resettlement and compensation practices used in other countries within the region
- Identification and analysis of potential environmental and social impacts the implementation processes will likely trigger and generate within and around the project areas. The focus was on the impacts related to land acquisition, resettlement, compensation loss of assets and impact on livelihood;
- Field investigations and public consultations to identify case studies and to learn about the existing practices for land acquisition, resettlement and compensation;
- Development of the appropriate screening processes for the proposed project and settlement sites;
- Development of appropriate land acquisition, resettlement and compensation measures and;
- Compilation of the general contents and format of Resettlement Action Plans and Abbreviated Resettlement Action Plans to be used for the ISP.

1.4.5 Format of the Resettlement Policy Framework

The Resettlement Policy Framework is presented in the following manner:

(a) Chapter 1 provides a brief background of the ISP, narrating the development objectives which are to improve the livelihood of the local communities through provision of the necessary infrastructure services such as water, electricity, telecommunications and roads. The Chapter also gives the objectives, basis and justification of preparing the RPF. The main objective is given as the protection of the PAPs from harsh consequences of resettlement through provision of appropriate and adequate compensation to ensure improved livelihoods of the PAPs after resettlement.

(b) Chapter 2 gives a comprehensive narration of the project components and highlights those components that might lead to land acquisition, resettlement, loss of assets and impact on livelihood. The Chapter concludes by giving reasons why Resettlement Action Plans or Abbreviated Resettlement Action Plans cannot be prepared at this time; the main reason being that the exact extent and location of the proposed project activities are not known at this time.

(c) Chapter 3 summarizes the principles and objectives governing land
acquisition, resettlement, loss of assets and impact on livelihood in Malawi. The Chapter starts by narrating categories of land which include public, private, customary and Government land; and continues to describe the existing policies, legislation and practices that govern land acquisition, resettlement, loss of assets and impact on livelihood.

(d) Chapter 4 describes the process for preparing and approving resettlement plans. Screening processes for sites for project activities and for resettlement sites are given in this Chapter to guide the processes of land acquisition and resettlement. Public consultation is highlighted as one of the key factors for successful implementation of Resettlement Action Plans. Finally the Chapter summarizes the process for approval of RAPs.

(e) Chapter 5 highlights the method for estimating displaced population, which include physical head count and the use of land area and population densities for deriving affected population estimates. The Chapter also gives the eligibility criteria for the beneficiaries and finally describes the likely categories of displaced persons, which among others include orphans, female headed households and the elderly.

(f) Chapter 6 makes a comparison between Malawi's Legal Framework and the World Bank Operating Policies. The gaps between the two are identified and suggestions are made for bridging these gaps.

(g) Chapter 7 presents asset valuation methods and entitlements for compensation. In this Chapter, the problems with current valuation methods are highlighted and a recommendation is given for appropriate valuation methods.

(h) Chapter 8 gives the procedures for delivery of compensation emphasizing consultation and public participation as key in ensuring fair compensation. The Chapter highlights the need for maintenance of up-to-date database of PAPs and assets. The Chapter also states the importance of preparing and signing agreements for compensation payments.

(i) Chapter 9 highlights the institutional and implementation arrangements for efficient delivery of land acquisition, resettlement and compensation.

(j) Finally, Chapter 10 summarizes the budgetary and funding implications.
CHAPTER 2: DESCRIPTION OF THE ISP

2.1 PROJECT COMPONENTS

The precise types and locations of the infrastructure services project activities are not yet known at this time. However, according to the Initial Assessment Study Draft Report of May 2005 and subsequent Aide Memoirs, the Infrastructure Services Project will focus on four main prioritized service delivery areas of, water supply and sanitation, electricity, roads and telecommunications.

The improvement of service delivery will be carried out in the Rumphi – Nyika - Chitipa; Ntcheu – Tsangano - Mwanza; Mangochi – Cape Maclear; Zomba - Phalombe – Mulanje; and Bangula-Tengani-Nsanje-Makoko districts and town centres. Growth centers along the road corridors (such as the Zomba, Phalombe and Mulanje corridor) connecting the town centres will be targeted to boost the economic activity.

The proposed project development activities are broadly described and categorized into the following sub-components under each priority service area, as follows:

2.1.1 Roads

The project activities for this component will include construction of priority feeder roads and periodic road maintenance at the district level. Investment decisions will be based on an annual road sector programme, to be timely submitted on a regular basis, by the Local Authorities and to be consolidated into the National Roads Authority’s (NRA) national plan. NRA will be responsible for maintaining major roads and will pay for maintenance from the fuel levy.

Since rural feeder roads and footpaths are being financed under MASAF and other district resources, the project is not expected to finance these works unless they are considered to achieve economic benefits in the areas; and unless there is no other source of financing is available. If rural feeder roads and footpaths are to be financed under the project, the District Assembly must demonstrate a track record of providing sufficient resources for ongoing maintenance.

According to the information available at this time, the proposed project sub-component 1, for Local Roads under the jurisdiction of the National Roads Authority, will include periodic and backlog maintenance activities, repairs to bridges, drainage structures and any other works necessary to improve access.

Activities under sub-component 2 for District Level Roads will include maintenance activities, spot improvements and repairs of drainage structures, bridges and footbridges. Related activities on this sub-component will include engineering services for contract packaging, support for establishment of community based contractors, and consultancy services for the use of labour based construction methods.

2.1.2 Electrification

In the power services sector, the Project proposes to strengthen medium-voltage lines to the project areas; to intensify customer connections to the grid; and to
expand use of solar PV systems for public institutions. The Project is intended to finance rural electrification through the Government’s Rural Electrification Fund and through ESCOM or its successor companies where applicable.

The Government expects to concession out the distribution operations of ESCOM during the lifetime of the project. In the ESCOM concession, the Government may include an obligation to undertake the Rural Electrification programme that would be partly financed by the Government, through the Rural Electrification Fund. The ISP may contribute to financing this programme.

Under the electrification services sector the proposed sub-component 1 for grid extension, rehabilitation and reticulation expansion will include:

- strengthening of transmission lines and primary sub-stations to reduce the current high network losses; and to ensure adequate electricity supply to the selected project corridors; and
- construction of distribution lines, sub-stations, and transformers in the selected sites

This sub-component will also include engineering services for the design and supervision, feasibility studies for additional loss reduction programmes; and technical advisory services for separating ESCOM’s corporate accounts into rural electrification business accounts and commercial business accounts.

Subcomponent 2 for Capital Contribution to the Rural Electrification Fund will entail the disbursement of a portion of the IDA grant to the rural electrification fund, to support additional electrification in the project corridors through the use of innovative approaches. The funds would be made available to co-operatives, ESCOM or its successor companies; and private enterprises that may wish provide electrification services to communities. These electrification services would include distribution and supply, metering, revenue collection and management of systems in the areas of grid-based as well as renewable energy. The fund would also support the establishment of local energy and water supply service companies. Application of funds for this service would require the existence of strong financial management procedures and regulations to manage the fund.

Sub-component 3 for the promotion of renewable energy options (IDA and GEF financed) will comprise funding for renewable energy systems; mainly solar PV and solar water heating systems for schools, clinics, community centres; and individual consumers for the areas remotely located from the electricity grid. Guidelines on energy supply to these facilities and institutions would have to be developed and the technical specifications and procurement packages for solar PV and solar water heating systems would have to be in place. The development of a sound management system for the funds would also be a prerequisite for the execution of this component.

Sub-component 4 will comprise of advisory services and training for:

- financial and regulatory management;
- design of low cost/affordable distribution standards and innovative management arrangements;
- capacity building for local technicians in the design, installation and maintenance of renewable energy and grid based systems;
- co-operatives and NGO's; and the private investors in operation, maintenance, and management of electricity supply systems;
- support to the Malawi Energy Regulatory Agency (MERA); and
- other activities to be developed at a later stage.

2.1.3 Water supply and sanitation

The Project will finance, within the service areas of the Regional Water Boards, extension of water distribution mains and sanitation services into project areas and; if required increased water production. Outside the service areas of the Regional Water Boards, the project will finance the establishment of Community Water Boards, Local Private Operators, and the construction of small water supply schemes to serve the project areas.

The specific project activities in the water supply and sanitation services area will include the installation of piped water supply and sanitation facilities serving market centres, villages, schools and clinics. Other project related activities will include technical assistance to train water associations and operators, to assist the communities to plan, design and supervise construction of water and sanitation facilities and; the orientation and training of Regional Water Board Staff and Government consultants to better assist the communities to plan and manage their facilities.

2.1.4 Telecommunication

The Project proposes to improve access to information and telecommunications services in the project areas. The options include the provision of rural telephone connections to communities, using public phones and privately operated kiosks as well as connections to interested households and businesses. Internet access and ICT services by establishing small-scale, multi-purpose community telecommunication centres in high growth project areas are also proposed.

The aim is to ensure that service provision in rural and under-served areas is commercially viable over the long term. Where private investment is considered unlikely to serve all areas, the project proposes to support targeted interventions that could potentially be financed through the Universal Access Fund. The fund will be targeted at supporting private operators interested to accelerate access to voice telephony and internet services, to establish rural multi-purpose tele-centres at selected institutions such as schools, hospitals, postal offices, farmers associations and micro-entrepreneurs.

The type of service could differ from one project site to another depending on specific telecommunication needs and taking into account the integrated approach to service provision under the ISP. It is anticipated that the results of the feasibility study will help clarify further, the technical aspects of this service sector. Depending on the cost benefit analysis, one of the best ways to fill in the gaps and increase access to telecommunication services might, for instance, be provision of cellular telephony. The details of this will become clear after detailed assessments. The project will support the retailing of telephone services through small kiosks and bureaus. Improving access to the internet could be provided through several ways and these
will become clear after the feasibility study. The telecommunications project activities would be implemented through MACRA.

2.2 PROJECT COMPONENTS LIKELY TO TRIGGER LAND ACQUISITION AND RESETTLEMENT

It is not possible to determine exactly where the construction activities will require land acquisition and resettlement, or will lead to loss of assets and impact on livelihood since the exact project locations are not known at this time. However, it is possible that some of the following activities will require land that is currently used for other purposes and that belongs to persons that may require relocation:

- **construction of priority local feeder roads under the jurisdiction of the National Roads Authority.** These works will include periodic and backlog maintenance activities, repairs to bridges, drainage structures and any other works necessary to improve access. For these works, land acquisition, resettlement, loss of assets and impact on livelihood may take place where the new road alignment passes through private land for which compensation may be demanded;

- **works for strengthening of medium-voltage lines to the project areas; to intensify customer connections to the grid.** These works will require way leaves that might pass through peoples property and gardens;

- **works which might require grid extension, rehabilitation and reticulation expansion, under the electrification services sector for the rural electrification programme.** These works are likely to pass through people’s property, land and gardens

- **works for strengthening of transmission lines and primary sub-stations to reduce the current high network losses; and to ensure adequate electricity supply to the selected project corridors.** The transmission lines may pass through private land or people’s property, for which compensation will be demanded;

- **construction of new distribution lines, sub-stations, and transformers in the selected sites.** These new works may be located or may pass through private land;

- **works for the provision of rural telephone connections to communities, using public phones and for connections to interested households and businesses.** The telephone transmission lines may have to pass through peoples land and gardens for which compensation will be demanded; and

- **construction of small water supply schemes to serve the project areas.** These works include the installation of piped water supply and sanitation facilities serving market centres, villages, schools and clinics within the service areas of the Regional Water Boards, extension of water distribution mains and sanitation services into project areas and; if required increased water production. Construction of water supply pipelines and facilities has high chances to trigger land acquisition, resettlement, loss of assets and impact on livelihood.

2.3 REASONS WHY A RESETTLEMENT PLAN OR AN ABBREVIATED RESETTLEMENT PLAN CANNOT BE PREPARED BY THE PROJECT APPRAISAL

A RAP is a detailed and specific plan that contains information prepared for well
defined specific project activities. A RAP contains detailed census information with the numbers and names of persons that are to be displaced or persons that are affected. A RAP will contain information on property values and the basis for compensation. A RAP also contains specific work plans including dates when the displaced persons are going to be relocated. An ARAP is a brief Resettlement Action Plan that is prepared and used for small projects that may not require a comprehensive RAP. Both RAPS and ARAPS contain specific and legally binding requirements to be abided by the project developer to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

For the ISP, details of the project activities are not yet well defined. The number of displaced persons is not yet known and the compensation values and the persons to be compensated cannot be precisely determined.

It is therefore, impossible to prepare a RAP or an ARAP in the absence of the specific project details for the extent and location of the project activities. Hence, the project appraisal for the ISP cannot prepare these instruments which require very specific project details. Consequently, only a resettlement policy framework can be prepared at this time.

Unmitigated involuntary resettlement arising from development projects often leads to severe economic, social and environmental impacts where:

- production systems are dismantled,
- people face impoverishment if their productive assets or income sources are lost;
- people are relocated to environments where their community institutions and social networks are weakened;
- kin groups are dispersed, and cultural identity, traditional authority and the potential for mutual help are diminished or lost.

Appendix 2.1 gives categories of losses and the social impacts on PAPs.

As part of the ISP efforts, the Project will support the improvement of the physical infrastructure for roads, water supply and sanitation, telecommunications and electricity supply. More important for this RPF, new projects, whose location and technical specifications are not known at the moment, are planned for future implementation.

To ensure that these infrastructure improvements and the new development projects are carried out in an environmentally and socially sustainable manner, the ISP has prepared an Environmental and Social Management Framework (ESMF), as a separate document. **This RPF is confined to those impacts relating to land acquisition, loss of assets, or impact on livelihood and resettlement, arising from implementation of the proposed ISP activities.** The RPF serves to provide safeguards against severe adverse impacts of the proposed project activities and proposes mitigation against potential impoverishment risks by:

a) avoiding displacement of people in the first place;
b) minimizing the number of PAPs;
c) adequately compensating the PAPs for losses incurred or;
d) adequately addressing adverse impacts of the intended interventions.

Implementation of the ISP may result in resettlement of people and/or denying them of access to land and different types of natural resources and other sources of livelihood. This is particularly so taking into account the increasing population and the decreasing available land resources. Although the number of people to be displaced and the magnitude of adverse impacts associated with land acquisition, resettlement, loss of assets and impact on livelihood are unlikely to be significant under the ISP, it is quite appropriate and timely that this RPF be prepared in conformity with the environmental and other sectoral legislation.
CHAPTER 3: PRINCIPLES AND OBJECTIVES GOVERNING LAND ACQUISITION AND RESETTLEMENT

The principles and objectives guiding land acquisition, loss of assets or impact on livelihood and resettlement in Malawi are embedded in the relevant policies and legislation. The guiding principles among others include the following:

- There should be compensation upon land acquisition, resettlement, loss of assets and impact on livelihood;
- There should be no distinction between compensation for private and customary land;

These and other principles are articulated in this Chapter which highlights the relevant policies and legislation. The Chapter starts with defining categories of land in Malawi.

3.1 CATEGORIES OF LAND IN MALAWI

In January 2003, after receiving submissions from various stakeholders (including the ministry responsible for land matters), the Law Commission, pursuant to section 133(b) of the Constitution, empanelled a special Law Commission on the Review of Land-related laws.

The Malawi National Land Policy and the recommendations of the Special Law Commission differ, in some aspects, with what is contained in the existing legislation:

The Land Act does not define land. However, other Acts such as the Local Land Boards Act, Cap. 59:02 define land to include land covered with water, all things growing on land, buildings and other things permanently fixed to land. The special Law Commission is of the opinion that the definition is inadequate and proposes that there should be a provision in the Land Act which should define land as "the material of the earth regardless of the ingredients of which it is composed, whether soil, rock or other substance, including the surfaces covered with water, all things growing on that surface, buildings, other things permanently affixed to the land and free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the airspace imposed, and rights in the use of airspace granted, by law."

The Land Act classifies land into three categories:

**Public Land** is defined as "all land which is occupied, used or acquired by the Government and any other land not being customary or private land and includes:

a) any land which reverts to the Government on the termination, surrender or falling in of any freehold or leasehold title under which any parcel of land concerned is held; and

b) notwithstanding the revocation of the existing orders, any land which was immediately before the coming into operations of this Act not Public land within the meaning of the existing orders."

The Malawi National Land Policy however stipulates that public land will be held in
trust and managed by Government or Traditional Authorities and will be openly used or accessible to the public at large:

Under section 8 of the Act it is provided that all public land is vested in perpetuity in the President, while the Constitution in section 207 provides that all land is vested in the Republic. The special Law Commission has recommended an amendment to the section so that it reflects what is contained in the Constitution;

**Private Land** is defined as “all land which is owned, held or occupied under a freehold title, or a leasehold title or a Certificate of Claim or which is registered as private land under the Registered Land Act.”

The special Law Commission recommends that the definition of private land should be “all land which is owned, held or occupied under a freehold title, a leasehold title or as a customary estate and is registered as such under the Registered Land Act or any other written law.”;

**customary land** is defined as “all land which is held, occupied or used under customary law but does not include public land.”

The Malawi National Land Policy defines customary land as “all land falling within the jurisdiction of a recognized Traditional Authority and which has been granted to a person or a group of persons and is used under customary law.”

The special Law Commission recommends an extension to the definition as follows: “customary land means all land that falls within the jurisdiction of a recognized Traditional Authority and is held, occupied or used under the customary law of the area.”

**Government Land** The Malawi National Land Policy has introduced another category of land as Government land and the Special Law Commission recommends that Government land be defined as land acquired and privately owned by the Government and dedicated to a specified national use or made available for private uses at the discretion of Government.”

3.2 EXISTING POLICIES, LEGISLATION AND PRACTICES

3.2.1 The Malawi National Land Policy
Malawi does not have a stand alone written policy which guides land acquisition, resettlement, loss of assets and impact on livelihood. However the Malawi National Land Policy has a few sections which briefly make reference to matters relating to land acquisition. The Malawi National Land Policy specifies the necessity of having provisions in the land law that would give the Government the opportunity to acquire any piece of land required for public services following guidelines such as –

a) clearly spelling out or specifying the purposes for which Government may require land in order to prevent possible abuse of the power of eminent domain;

b) revocation of leasehold rights granted on Government land to be used to enforce the implementation of expressed and implied development conditions and would be used as an alternative instrument for releasing Government land
for development;

c) payment of compensation in the event of the repossession of a leasehold interest on Government land to be limited to the negotiated value of unexhausted improvements made by the leaseholder and permanently attached to the land; and

d) no compensation to be paid for the land when the private user rights granted as a result of the lease is terminated.

The Malawi National Land Policy recognizes Government’s duty to protect the free enjoyment of legally acquired property rights in land and for that reason a landholder’s entitlement to fair and adequate compensation where the Government acquires the owner’s property for public use.

The Malawi National Land Policy emphatically dispels the popular notion that customary land has no value and stipulates that compensation valuation for customary land, at the time of acquisition by the Government, should be based on the open market value of the land and all improvements on the land.

The Malawi National Land Policy notes that the inadequacy of compensation is always a direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation.

According to Section 4.11 the land policy ensures that security of land tenure can be guaranteed on an equitable basis to all citizens in accordance with the following:

- Any citizen or group of citizens of Malawi can have access to land in any part of Malawi provided that:
  - Land is available where it is being sought
  - The person agrees with the land owner and the laws governing disposal of land
  - The proposed land use is compatible with land use plans, environmental regulations and community land management duties and obligations

- Land values shall be determined by open market procedures for customary lands acquired through compulsory acquisition by the government.

The Ministry responsible for land matters has an ad-hoc resettlement policy which is usually used to help in emergencies. Usually the Ministry deals with matters of resettlement in relation to land redistribution.

3.2.2 The Constitution of the Republic of Malawi

There are several pieces of legislation that deal with matters relating to land acquisition. The Constitution of the Republic of Malawi sets a benchmark on this issue and it provides in:

- section 28(2) that “No person shall be arbitrarily deprived of property.”; and
- 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 to a court of law."

The other pieces of legislation, which deal with matters relating to land acquisition are summarized below

3.2.3 Town and Country Planning Act, cap. 23:01-

This Act under Part VIII – Acquisition of Land and Compensation provides as follows:

(a) in section 61, that no general right to compensation shall accrue in respect of any action, decision or plan taken or made under the Act that does not involve or amount to a taking or deprivation of property.

The special Law Commission is of the view that the provision is unconstitutional in the light of section 28(2) and section 44(4) of the Constitution and recommends a deletion of the provision;

(b) section 63, that the Minister has power to acquire land on his own motion or on request from a responsible authority. The special Law Commission is of the view that this power should vest in the responsible authority;

(c) section 65, that compensation shall be assessed by the Minister in accordance with the Second Schedule\textsuperscript{1} to the Act. Further under subsection (6) of the section it is provided that an assessment of compensation by the Minister shall be final and shall not be subject to any appeal or review by any court. This subsection (6) is unconstitutional. The special Law Commission recommends deletion and substitution as follows:

"(6) A person aggrieved by an assessment of compensation made by a responsible authority under this section may appeal to the High Court within thirty (30) days from the date of the assessment";

3.2.4 Land Act, Cap. 57:01

Section 20 provides that "in the event that the lessee surrenders the lease, such lessee shall be entitled to compensation in respect of the improvements effected upon the premises and such compensation is determined by the Minister". To avoid abuse of power the special Law Commission recommends that determination of compensation should be based on the unexhausted value of improvements.

Further, under section 27 the Minister is given power to convert customary land into public land by a declaration in the Gazette where the land is needed for public purpose. However if the customary land is required for temporary public purposes, then the Minister may authorize such use provided the period does not exceed 7 years. During this period the land shall remain customary land.

Section 28 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;
3.2.5 Public Roads Act, Cap. 69:02

This Act under Part II – Compensation, contains an elaborate compensation scheme. Section 44 provides for the assessment of compensation, payable under the Act, regarding the land or surface rights of an owner or occupier. However subsection (2) provides a difference in treatment and less value if such land is customary land. The special Commission has recommended an amendment to the section so that compensation for customary land should be assessed on the same basis as any private land.

Section 45 provides for the compensation for which land becomes public and specifically states that in the case of customary land compensation shall be in respect of disturbance. In view of the earlier recommendation the special Law Commission has proposed an amendment to the section as well.

Section 46 outlines matters to be taken into consideration and matters to be disregarded in assessing compensation.

Section 47 outlines the procedure to be followed when pursuing claims for compensation and section 48 provides for procedure before compensation boards.

Sections 49 and 50 respectively are on the appeal to the High Court and that there shall be no further appeal from the High Court.

The special Law Commission has recommended amendments to all the sections referred to above;

3.2.6 Lands Acquisition Act, Cap. 58:04

This Act deals generally with matters relating to acquisition of land. The Act gives the Minister wide powers to acquire land. The acquisition may be either compulsorily or by agreement.

The Act also makes provision for preliminary investigation and the procedure to be followed where the Minister is satisfied that the land should be acquired and includes serving notice to the owners or persons who have an interest in the land.

Under section 6, there is provision that the notice given may include a directive to yield up possession of the land within a specified period which should not be less than two months from date of service of the notice, however if there is urgency, such a period may be shorter. The special Law Commission recommends an insertion into the provision that the yielding up should only be after payment of compensation.

Sections 9 and 10 are on payment of compensation and assessment of compensation; while section 11 addresses matters relating to the effect of payment of compensation.

The special Law Commission has made comprehensive recommendations regarding sections 9 to 11 including insertion of new provisions dealing with matters to be taken into consideration in assessing compensation for alienated land, injurious affection, compensation to take into account environmental impact; and compensation for depreciation.
Sections 12 to 14 deal with matters relating to transfer of land after notice of acquisition;

3.2.7 Other Acts

The Electricity Act, No. 22 of 2004 and other Acts relating to utility providers permits services and utility providers of water, electricity, communication, etc. to have access over land, with the consent of owners, whether individuals or authorities, and after adequate compensation. In case of dispute, whether compensation is adequate or whether repair to broken paths, etc. is made good; the matter is supposed to be referred to the Magistrate with jurisdiction in the area.

3.3 LAND ACQUISITION

3.3.1 Previous and Current Land Acquisition Practices

Generally in the past in the rural areas when Government wanted to build schools, health centres, etc. the beneficiary community coordinated by the traditional leaders would provide the land. The affected persons would be allocated alternative land.

Where the development involves matters such as road construction or such other development which goes beyond the rural community, the procedures laid down in the Public Roads Act or the Land Acquisition Act would be followed.

There is a new trend growing that even for the development at rural community level, the persons affected expects compensation from the executing agencies of the development project, including from Government.

3.3.2 Proposed Land Acquisition Mechanism

This RPF for the proposed ISP advocates for all measures to minimize the impacts of physical and economic displacement of people. Therefore where involuntary acquisition of land is unavoidable the Constitutional provisions contained in sections 28 and 44(4) should be the guiding principles and further the ISP shall:

(a) initially endeavor to utilize available freehold or public land;

(b) seek voluntarily donated land, sufficient for the purposes of the project;

(c) negotiate acquisition of land suitable for implementation of the project activities using agreed compensation plans; and

(d) as a last resort only, acquire land through involuntary means following the procedure outlined below:

- where the suitable land for a specific project has been identified by a competent authority, the competent authority shall initiate negotiations with the affected persons including the traditional leaders of the area, the owner or occupier of the land and the District Commissioner or his due representatives;
there shall be close coordination and cooperation, among public institutions and other relevant stakeholders, whenever necessary, in order to use the various expertise and experiences in the implementation of the project;

the implementing agency, in consultation with the developer, shall prepare action plans that comply with the provisions of this RPF for implementation of land acquisition, resettlement and compensation.

the Government or the implementing agency shall serve notice on the PAPS, clearly explaining the purpose of the acquisition, the area of land required and the owner’s or occupier’s right to compensation in accordance with the existing legislation and policies;

in the case of customary land, the competent authority shall ascertain from the traditional leaders, the persons who have rights over the affected land for positive identification and compensation to correct persons;

in the case of private land, the competent authority shall ascertain the correct registered owner of the land from the Lands Registry;

the competent authority shall commission a survey on the land to be acquired. Thereafter a plan shall be prepared and certified accurately showing:

(i) the land to be acquired;

(ii) names of owners or occupiers of the land, as far as they 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;

(iii) names of the traditional and community leaders or representatives to assist in the process of land acquisition and resettlement;

(iv) the estimated magnitude of impacts relative to the need for resettlement or compensation and valuation of assets for the compensation;

(v) financial records to be maintained by the competent authority, District Assemblies 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:

• the person’s detailed identification information, including name, date and place of birth, next of kin, marital status etc;

• number of persons she or he claims as household or homestead dependants; and

• the amount of land available to the person or household when
the dossier is opened.

- assets – including structures, resources, crops, etc.
- socio-economic status

Each time land is used or acquired by the competent authority, there is need to update the dossier in order to determine if the person or household/homestead is being affected to the point of economic non-viability and eligibility for compensation or resettlement or its alternatives. The dossiers will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received and signed for;

(vi) additional information will be required for individual’s eligibility for resettlement or compensation. This information will include:

- level of income and of production;
- inventory of material assets and any improvements made on the land; and
- debts;

(vii) proposed compensation offers and draft agreements to be signed by the affected persons and the developer;

(viii) 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;

(ix) details of resettlement after-care and assistance, where appropriate;

(x) available employment opportunities for the PAPs to participate in the project activities; and

(xi) mechanisms for monitoring and evaluation.

Copy of the plan will require to be cleared by the World Bank and to be deposited with the office of the District Commissioner or the Chief Executive, as the case may be, of the District Assembly and with the Traditional leaders of the area affected.

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

3.3.3 Voluntary Land Contribution with Compensation

Voluntary land contribution with compensation refers to a case whereby individual or communal owners agree to provide land for project-related
activities, for negotiated compensation in return. The calculation for compensation due to PAPs shall be done in accordance with the applicable legislation and policies and as shown in the entitlement matrix as presented in Appendix 3.1

3.3.4 Voluntary Land Contribution without Compensation

This refers to a situation where individual or communal owners choose to voluntarily contribute their land for use in a project without seeking compensation. Where such donation of land occurs, arrangements should be made to ascertain that:

(a) the land is indeed being given voluntarily and that there is sufficient evidence and documentation to support this;

(b) the donor is the legitimate owner of such land or pieces of land;

(c) the donor is fully informed of the nature of the project and implications and consequences of donating the land; and

(d) if there is any person using the land, the person is entitled to compensation.

The competent authority however should ensure that the following requirements are fulfilled:

- an assessment is carried out to ascertain that the affected person does not suffer substantial loss, affecting his or her economic viability as a result of the donation;

- in the case of customary land, confirmation in writing has been made by traditional leaders and any beneficiary owners that the land is free of claims or encumbrances from third parties; and

- deeds of donation are submitted, duly executed and witnessed by a person authorized under the Oaths and Affirmations Act and declarations as required by the Lands Acquisition Act.

Any voluntary contribution of land without compensation should be accompanied by a consent form, which should contain the name(s) of the land donor(s) and details of the contribution, including the type, size, location, specified period of use, etc., as appropriate. The form should be signed by the land donor(s), including the male and female heads of the household involved or any person who has rights over the land.

3.3.5 Involuntary Acquisition of Land

Involuntary acquisition of land and assets thereon and consequent resettlement of persons should, unless absolutely necessary, be avoided.

Where involuntary land acquisition, resettlement, loss of assets and impact on livelihood is unavoidable then it shall be minimized to the greatest extent possible.

Any plans for involuntary acquisition of land and other assets; and the provision of compensation thereof shall be done in consultation with the affected persons, District
Commissioner and Traditional Leaders; and in a manner that ensures minimum disturbance.

The PAPs shall participate throughout the various stages of planning and implementation of the land acquisition, compensation and resettlement plans and processes.

Prior to the preparation of the Resettlement Action Plans, the persons to be displaced shall be informed of the provisions of this Framework and their entitlements at public meetings.

The relevant legislation such as the Public Roads Act and Lands Acquisition Act set out in detail the procedures for acquisition of land by Government for public purposes.

3.4 OBJECTIVES OF RESETTLEMENT PREPARATION AND IMPLEMENTATION

Resettlement of persons affects all parties including the implementing persons and institutions, the displaced, the host communities and the dependents of both the displaced persons as well as the host communities. People are usually unwilling to move from a location where they have lived for a long time; and to leave the acquaintances that they have developed over that period. Therefore in order to effectively implement the resettlement and compensation activities, there is need to carefully and tactfully prepare for the resettlement process.

The objectives of resettlement preparation and implementation are to:

- provide an effective, systematic and efficient procedure and mechanisms for the implementation of the compensation and resettlement.
- determine the necessary and appropriate detailed list of activities including the time frames for all the stages of compensation, resettlement and post resettlement.
- plan for the necessary resources including financial, equipment and human resources (persons and institutions) required for effectively implementing resettlement and compensation for the number of people to be displaced as determined by the census,
- ensure that development that follows in both the vacated and resettlement land takes place in an orderly, efficient and environmentally friendly manner.
- plan for the systematic implementation of appropriate mitigation measure to avoid adverse consequences of social, cultural, economic and environmental integration with host communities
- ensure that the needs of the displaced and affected are timely, smoothly and conveniently provided during the transition period.
CHAPTER 4: PROCESS FOR PREPARING AND APPROVING RESETLEMENT PLANS

The project activities under the ISP will include construction of:

- new power supply distribution lines, substations, and transformers; and maintenance of existing structures;
- piped water supply and sanitation facilities;
- secondary and tertiary roads and rehabilitation of existing structures; and
- new telecommunication lines and rehabilitation of existing structures.

These activities may require land acquisition, resettlement or may lead to loss of assets and impact on livelihood. They may also lead to people's denial or restriction of access to land and natural resources, services and social amenities. In this case, resettlement action plans, consistent with OP 4.12 and the resettlement policy framework, must be prepared. This Chapter presents the screening processes for sites for the proposed project activities as well as for the resettlement sites.

4.1 THE SCREENING PROCESS FOR SITES FOR PROPOSED PROJECT ACTIVITIES

Once the list of project activities and sites for the specific sectors, in the ISP, has been approved by the Project Management Unit (PMU) or MEP&D, land acquisition and resettlement must start with the screening process, which includes identification and analysis of possible and alternative sites for project implementation. The screening process should also include, among other things, a baseline study and census to determine the level of impact to PAPs, assets; and to establish the cut-off date. The screening criteria for sites for the ISP activities are provided in Appendices 4.1 and 4.2.

The screening process is a very important component of several activities that contribute to the preparation of the RAPs; or the Abbreviated ARAPs. Preparation and submission of the RAPs or ARAPs to the relevant authorities comprises of the steps listed below.

Step 1
The relevant Ministries (Ministries of Information and Tourism; Irrigation and Water Development; Roads, Public Works and Transport; and Mines, Natural Resources and Environment) will prepare the project activities, to be undertaken in the targeted corridors, for the construction and rehabilitation of the proposed infrastructure. The project activities should be approved by the PMU or MEP&D.

Step 2
A Project Management Team (PMT), represented by all the sectors in the ISP must be appointed by the District Assembly. As far as possible the structures already existing at the District level must be used. Efforts should be made to ensure that the PMT is composed of at least 40 per cent by women.

Step 3
Using participatory methods, the Project Coordination Units (as proposed in the implementation arrangements for the project) in consultation with Project
Management Team and the Village Development Committee within the local boundary area will identify the required piece of land, using the screening criteria given in Appendix 4.1. At this stage the cut off date will be established.

**Step 4**
The PMT will request its service providers to carry out a socio economic survey, a census and to collect other information about the land and the area. This will be done to identify the potential PAPs (focusing on the individual household and vulnerable groups) and; to calculate their incomes, and assets, as the first step in the preparation of the RAP’s or the ARAPs.

**Step 5**
On completion of the socio-economic survey and the baseline census, the PMT will identify a service provider to carry out valuation of the affected assets and determine compensation values.

**Step 6**

All construction activities that trigger OP 4.12 and therefore require resettlement plans would be subjected to final approval of the World Bank, to ensure compliance with the Bank’s safeguards. Thus, ensuring that land is actually acquired or access to resource is lost, denied, or restricted; and that the individual resettlement plans are consistent with this RPF.

For construction activities that do not have any resettlement issues and do not trigger OP4.12, the provisions of this RPF do not apply and therefore the PMT should refer to the Environmental and Social Management Framework ESMF. Approved compensation costs that do not entail resettlement can be effected at this time.

For construction activities that require resettlement, the screening process for resettlement sites presented in 4.2 below will apply.

### 4.2 SCREENING PROCESS FOR RESETTLEMENT SITES

Having identified the project sites; and having established the cut off date for the activities for which compensation and resettlement cannot be avoided, OP4.12 and the Lands Acquisition Act and other relevant legislation shall apply.

**Step 1**
The PMT in consultation with the VDC will notify the PAPs about the project activities; and the impending compensation and resettlement.

**Step 2**
The PMU will request for suitable land, for resettlement from Traditional/relevant Authority.

**Step 3**
PCU, PMT, VDC, PAPs and the local community will assess the identified land for suitability using criteria given in Appendix 4.2.

**Step 4**
Where it is determined that the site is suitable, based on the screening criteria, the screening process shall continue at Step 6 below.

**Step 5**
If the site does not meet the screening criteria in Appendix 4.1, go to step 2 and repeat the process.

**Step 6**
Where it is determined that the site is suitable for resettlement PMU will prepare RAP's and ARAP's as the case may be for each parcel of land that is affected by compensation and resettlement. The format and main contents of the RAPs and ARAPs are presented in Appendix 4.3 and 4.4.

Where the impacts on the entire displaced population are minor, (i.e. affected people are not physically displaced and less than 10% of their productive assets are lost); or fewer than 200 people are displaced, the Bank may approve the preparation of an ARAP.

The World Bank OP 4.12 article 25 and Annex A provides the basic requirements and contents of the RAP. Where any element is not relevant to the PMT's circumstances, it should be noted in the RAP.

**Step 7**
The PMT should forward the RAP's or the ARAP's, together with the modified designs, to the respective District Assemblies for scrutiny and approval, in compliance with the applicable by laws, sectoral requirements as well as the World Bank policy requirements.

The World Bank must provide final clearance and approval of the RAP's or ARAP's, which should be in compliance with the applicable by-laws, sectoral requirements as well as the World Bank Policy requirements.

### 4.3 PUBLIC CONSULTATION AND PARTICIPATION

Projects involving the community owe their success to community participation and involvement from the planning stage to implementation. Hence public consultations through participatory rural appraisal shall be mandatory for all projects requiring land acquisition, compensation and resettlement for the ISP activities.

During screening there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the ISP activities, facilities and structures. The affected persons must be made aware of:

- their options and rights pertaining to resettlement and compensation;
- specific technically and economically feasible options and alternatives for resettlement sites;
- process of and proposed dates for resettlement and compensation;
- effective compensation rates at full replacement cost for loss of assets and services; and
- proposed measures and costs to maintain or improve their living standards.
The aim of public consultations at the screening stage would be to:

- disseminate concepts for proposed project activities with a view to provoking project interest amongst the communities;
- promote sense of ownership for the project and resettlement activities;
- invite contributions and participation on the selection of project sites;
- determine communities' willingness to contribute in kind towards the implementation of the project; and
- determine community willingness to contribute towards long term maintenance of the project facilities.

### 4.4 APPROVAL OF THE RESETTLEMENT ACTION PLANS

Once the RAPs or the ARAPs have been prepared, they must be forwarded together with the socioeconomic surveys, to the District Assembly for scrutiny and approval. Once satisfied with the RAPs and the ARAPs, the District Assembly will forward them, together with their recommendations, to the Ministry of Lands, Physical Planning and Surveys for their endorsement and approval. The World Bank will also have to endorse the RAPs or ARAPs to ensure compliance with the Bank's operating procedures.
CHAPTER 5: DISPLACED POPULATION AND LIKELY CATEGORIES AFFECTED

5.1 ESTIMATION OF DISPLACED POPULATION

For purposes of compensation and resettlement, it is very important that the correct numbers of displaced persons are established. This will ensure that all the affected persons are compensated for and therefore the number of complaints will be minimal. At the same time paying compensation to opportunists will be avoided.

The following are steps that need to be followed in order to determine actual numbers of people to be displaced:

a) In close liaison with the Project Management Unit (PMU) for a particular infrastructure service, determine the alignment of the infrastructure service in question, taking every precaution to avoiding human settlements as much as possible.

b) Clearly demarcate the recommended way leaves and road reserves as prescribed by the infrastructure service authority or as stipulated in the Town Planning Guidelines and Standards, in the case of road reserves.

c) Calculate the total area of land this particular infrastructure service will occupy.

d) Carry out a physical count (census) of all the persons and assets falling within the demarcated area to be occupied by the infrastructure service. This will give the actual numbers of affected persons and assets, on which calculations of compensation amounts will be based. The data on affected persons should be disaggregated into the likely categories of displaced persons as described in Section 5.3 below. This segregation will assist in identifying special needs of the different categories of the displaced persons.

Where an estimate is required for purposes of preparing budgets, and where carrying out actual head counts of the affected persons might not be practically feasible, use of the population density of a particular area, obtained from the National Statistics Office, to estimate the total number of persons to be affected may suffice. This is will give a fair estimate of the total population to be displaced from an area demarcated for infrastructure services construction.

In both the two methods given above, it may be helpful the cross check the number of persons with the most recent national statistical records.

5.2. BENEFICIARIES ELIGIBILITY CRITERIA

The rural communities in Malawi still maintain strong extended family and interdependence ties and generally prefer to live in close proximity to one another. In general, rural families in Malawi live in sets that co-reside, sharing production, consumption and domestic farming services on a regular and continuous basis. Therefore it is necessary that efforts should be made to preserve their socio-cultural
fabric and economic dependency upon which the generally depend for survival.

Alignment of the proposed infrastructure services should avoid displacement of people or should endeavor to keep displacement of human settlement to a minimum. Therefore the location of infrastructure services in densely populated areas should be avoided. At the same time resettlement should endeavor to minimize disruption the socio-cultural fabric and economic dependence of the affected communities. Hence, unless otherwise preferred by the displaced communities and families through a participatory process, special effort should be made to resettle indigenous communities and families as entire communities. Where feasible, relocation of affected persons should be within the precincts of the existing settlements.

The identification of persons eligible for compensation and resettlement in a particular area will be on the following criteria:

(a) person with homes, farmland, structures or other assets within the proposed road reserve or way leave of any infrastructure proposed for construction or rehabilitation;
(b) persons dependent on displaced families or persons in (a) above. These may include any member of the household whether men, women, children, dependent relatives, friends and tenants,
(c) vulnerable individuals who may be too old or ill to fend for themselves.
(d) members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood,
(e) members of the household who may not eat together but provide housekeeping or reproductive services, critical to the family's maintenance.
(f) persons who may not live together with the rest of the displaced family, for reasons such as polygamy.

5.3 LIKELY CATEGORIES OF DISPLACED PERSONS

During the process of compensating and resettling the displaced, there is need to ensure fairness and equity among the beneficiaries with diversified needs. This entails making sure that the vulnerable and the voiceless are not left out. Therefore, for the purposes of this policy framework, the categories of persons likely to be affected include but are not limited to:

**Unmarried Women or Female Headed Households**
Unmarried women may depend on sons, brothers, any member of the family or property/business that might be displaced by this project. Resettlement and compensation considerations for the ISP should allow for such persons.

**The Elderly**
Elderly persons usually depend on subsistence farming, often benefiting from assistance from family members for daily needs as well as cultivating their farms. The economic and social welfare of these people may be compromised, as their bread winner moves to a distant area due to resettlement on the ISP. This group of people therefore, should be adequately compensated to ensure that their means of livelihood is promoted and maintained.

**Aids Affected and Chronically ill Persons**
In Malawi, high percentages of mostly poor people are either living with the HIV
or are terminally ill with Aids. Some of these people are beneficiaries of assistance from various health programmes. Resettlement may isolate these people from those that are taking care of them and from the health programmes that they are now able to access. In the assessment of affected persons for compensation and resettlement, under the proposed ISP, the needs of this group of people should be given special consideration.

**Orphans and Child Headed Households**
The AIDS pandemic has created a large number of children without parents. These children may be divided into three categories. There are those children too young to go to school and those that are able to go to school. These two categories often depend on family members or relatives. The third category consists of children who, for some reason or another, cannot go to school but take care of their younger brothers and sisters. All these categories need some of assistance that will enable them earn a living. Some of these children depend on government health programmes and others engage in small business activities including begging from business enterprises and persons that might be displaced by this project. Resettlement and compensation should adequately provide for these various groups of children in form of paying for their rehabilitation. Where necessary this should include training in various useful vocational skills. Placing them in children's care homes or children's charities could also be one way of adequately compensating them.

**Small-Scale Farmers**
Small-scale farmers, when moved from places where they have been farming for several years, may find it difficult to open up new farms in an area that has thick vegetation, grass and trees. Labour costs for opening up new farms should be given to them through the Resettlement Action Plan. Prior to opening of new farms, the requirements of the environmental and social management framework must be satisfied.

**People with Disabilities**
People with disabilities may be attached to a particular service center. Others may be too incapacitated to build a new home and start earning a living on their own. Their special needs should be adequately provided for.

Local leaders and District Assembly officials will verify eligibility of beneficiaries and assume responsibility of vacated lands.

The categories given above may not cover all types of affected persons. In addition, the categories are not mutually exclusive. It is important therefore that the ISP activities should have well prepared and comprehensive resettlement and implementation action plans that would benefit all the categories of affected persons in a fair manner, through the following and other actions as may be appropriate:

(a) Quick decisions and rapid action on the resettlement process to assist the affected persons timely;
(b) Both individual and collective consultation;
(c) The affected persons should be given the opportunity to participate or to work in the project activities;
(d) Alternative subsistence farming plots should be identified and surveyed (following procedures and standards set forth by the authorities responsible
for land, surveys and environment) and developed and made available to those losing land;

(e) Compensation for loss of crops and trees should be determined at the time of re-location or construction and paid as soon as possible thereafter;

(f) Transitional support, during construction and re-establishment, where appropriate, should be given to those moved from their land;

(g) Resettlement should be aimed at improving their livelihood;

(h) Monitoring of the resettlement process to ensure that resettlement and compensation is benefiting all the affected persons to improve their livelihoods, in comparison with the pre-resettlement conditions and;

(i) Technical and financial assistance should be made available to them should they wish to open up income generating activities or to use the grievance mechanism described in Chapter 9.
CHAPTER 6: COMPARISON OF MALAWI'S LEGAL FRAMEWORK AND THE WORLD BANK'S OPERATIONAL POLICIES

6.1 MALAWI'S LEGAL FRAMEWORK

Section 3.2 and Section 3.3 above provide the legal basis for determining eligibility for compensation in accordance with the Laws of Malawi, other legislation and the current practice used by some of the government institutions. In general, cash compensations are paid based upon market value of the crops. In the case of customary land, land is given for lost land and cash compensation is paid for crops and other relevant disturbances. The affected persons are, in some cases, entitled to new housing on authorized land under government housing programmes.

Shortfalls on resettlement and compensation, in the Malawian Legislation can be addressed by adopting the relevant provisions in the Malawi National Land Policy, and the internationally acceptable standards, including the World Bank policies, on resettlement and compensation.

6.2 RELAVANT WORLD BANK OPERATIONAL POLICIES

According to OP 4.12 of the World Bank, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, shall be based on the following:

(a) persons that have formal legal rights to land, including customary and traditional; and religious 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 on through generations.

(a) persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim to such land or assets through the national and customary laws of Malawi. This class of people includes those that come from outside the country and have been given land by the local chief to settle, and/or to occupy in matrimonial society; and

(c) persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

Affected persons classified under paragraph (a) and (b) shall be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project. The compensation shall be in accordance with the provisions of this RPF
and if affected persons occupied the project area prior to the cut-off date (date of commencement of the Census).

Persons covered under sub-paragraph (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy. In addition, they have to be given the necessary assistance to satisfy the provisions set out in this RPF, if they occupy the project area prior to the established cut-off date.

All persons in the three sub-paragraphs above are to be provided with compensation for loss of assets over and above the land. Consequently, this RPF advocates for some kind of assistance to all affected persons, including squatters or other persons encroaching on the ISP area illegally, irrespective of whether they have formal titles, legal rights or not. However, all persons who encroach on the project area after the cut-off date will not be entitled to any compensation or any assistance.

Communities including districts, towns, wards and villages permanently losing land, resources and/or access to assets shall be eligible for compensation. Compensation to communities will include that for public toilets, market places, car parks and health posts or other appropriate compensation chosen by the community. Compensation measures shall ensure that pre-resettlement socio-economic status of the communities are restored and maintained.

6.3 GAPS BETWEEN MALAWI LEGISLATION AND WORLD BANK O.P.4.12

The following are the gaps that exist between the Malawi legislation/law and the World Bank O.P.4.12:

(a) The World Bank advocates payment of compensation for "illegal occupants" of land (e.g. for those persons who develop in road reserves, etc.). The Malawi legislation does not.

(b) The World Bank O.P.4.12 makes no distinction on the categories of land when considering compensation after land acquisition. In the case of Malawi legislation the current value of customary land, is regarded as arbitrarily lower than private land. However this discrepancy has already been recognized as pointed out in the Malawi National Land Policy;

(c) the World Bank prefers land for land compensation whilst in the Malawi legislation this does not clearly come out although customary law practices preferred this.
6.4 BRIDGING THE GAPS

The underlying principle in this Framework is that compensation should be made following the Constitutional provisions and where these provisions are not adequate; the World Bank’s Operational Policies should be applied. Compensation should be fair and equitable and the PAPs should not, in any way, be placed in a worse position socially and economically, than their position before their land was acquired for the ISP activities.

To bridge the gaps between the Malawi Legislation and the World Bank’s Operational Policies, it is therefore recommended, for this framework, that:

(a) compensation for customary land, at the time of acquisition by Government, should be based on the open market value of the land and all permanent improvements on the land as it is provided for in the Malawi National Land Policy;

(b) Compensation payments should be paid to all categories of PAPs, including illegal occupants provided they satisfy the conditions set out in this RPF

(c) Compensation in form of land for land, for those that have been displaced, should be a preferred option. Compensation for all other loss and property should be paid as well in line with the provisions of this Framework.

Appendix 6.1 provides a matrix for comparison between the Malawian Legislation and the World Bank OP 4.12 with regard to compensation. The higher of the two provisions in the matrix should be applied to ensure that PAPs are adequately compensated for loss incurred through the process of displacement. It is to be noted, however that more comprehensive details should be provided in the preparation of the RAPs. In view of the foregoing, all land acquisitions by the ISP should be done in line with this RPF and should be subject to the Laws of Malawi and the Bank’s OP4.12.
CHAPTER 7: ASSET VALUATION METHODS AND ENTITLEMENTS

7.1 CURRENT ASSET VALUATION METHODS

The existing methods of valuation for compensation are based on the Malawi Legislation. The Public Roads Act Cap 69: 12 is the most comprehensive of all the acts that deal with the compensation for assets such as physical buildings, bare land, crops, vegetables, fruit/plantation, trees and forest trees.

The Ministry of Lands, Physical Planning and Surveys, uses compensation schedules to determine values for loss of assets due to implementation of projects for construction of roads, dams, hospitals, electricity and other infrastructure. Currently there are three types of compensation schedules based on type of assets affected. These schedules are used to determine compensation for:

- a) physical assets (buildings, bare land and other structures;
- b) crops, fruit/plantation crops;
- c) indigenous and exotic forest trees;
- d) income earning activities.

Each compensation schedule has its own method for valuation as follows:

7.1.1 Valuation of physical assets
The Ministry of Lands, Physical Planning and Surveys is responsible for carrying out the valuation of physical assets. The owner is identified with the help of the Traditional Authority or village headman; or title documents are used as evidence or proof of ownership for leased physical assets.

Values for affected buildings and bare lands are determined by taking into account the construction materials used, floor/surface area covered, age and location of building or property. The market value of a similar building, in the same location is used to calculate the compensation value based on 'Open Market Value'.

7.1.2 Valuation of field crops and fruit/plantation trees
The procedure for valuing affected crops and fruit/plantation trees is based on pre-determined produce unit prices. The valuation takes into account the type of crop the yield level (High, Medium or Low yield variety), the expected yield for and the produce unit price. The total value is arrived at by multiplying the yield (e.g. Kg/Ha) with the pre-determined produce unit price (Kwacha/Kg.) and the area of land (Ha). The unit price compensation schedule currently in use by the Ministry of Lands, Housing and Surveys was compiled in 1994.

7.1.3 Valuation for forest trees (indigenous and exotic species)
Trees (both indigenous and exotic) are valued depending on the type (species) of
tree, measured diameter at breast-height (1.3 m) and “market price” in Kwacha per cubic metre. The compensation schedule currently in use by the Ministry of Lands, Physical Planning and Surveys was compiled in 1994. The schedules were compiled with the assistance from the Ministry of Agriculture (for field crops and fruit/plantation trees) and the Department of Forestry (for forest trees (indigenous and planted tree species).

7.2 PROBLEMS WITH THE CURRENT VALUATION SYSTEM, PRINCIPLES AND METHODS

The current valuation methods have several problems, and as a result PAPs are unfairly compensated for loss of their assets. The major problems include:

(a) loss of socio-economic benefits such as income generating opportunities is not included in the valuation;
(b) the market prices used for field crops & fruit/plantation trees as well as forest trees are too old (1994 prices) and therefore the PAPs are unfairly compensated for;
(c) the valuation of field crops & fruit/plantation trees as well as the forest trees does not take into account the costs of developing new land to reach the same productive potential as the old piece of land;
(d) the valuation for physical assets does not take into account the amount of money that would be required to put up similar physical structures. This results into the affected persons being unable to put up new structures that are equal to or better than the old ones;
(e) the valuation methods do not provide for any assistance, for the transition period, to the affected persons;
(f) the system has no consideration for gender and the disadvantaged groups, particularly widows, disabled persons, aged and school children;
(g) the valuation does not take into account the costs of developing the new places where the affected persons may resettle;
(h) the system does not consider the social problems PAPs may face in the new places.
(i) the system does not assist PAPs to find new land for resettlement or farm development. However PAPs are given the choice between money or land options.
(j) the calculation of compensation value of affected assets is done without the involvement of the PAPs and;
(k) key stakeholders and experts from other Ministries such as Ministry of Agriculture, Forestry, Commerce and Industry and are involved to contribute their expertise at the initial development of the pricing schedules. However, it takes a long time for the Ministry to update the price schedules.
(l) The District Commissioners do not always consult the Ministry or PAPs when determining compensation values.
(m) PAPs are allowed to take away whatever they can from demolished structures.
7.3 RECOMMENDED VALUATION METHODS

The valuation methods being recommended for the Infrastructure Services Project are an improvement on the current methods. Following below is a summary of the recommended methods.

7.3.1 General consideration

Compensation in kind should be preferred, if the loss amounts to more than 20% of the total loss of subsistence assets.

For cash payments, compensation will be calculated in Malawi Kwacha adjusted for inflation. For compensation in kind; items such as land, houses, other structures, building materials, seedlings, agricultural inputs and financial credits for equipment should be included. Assistance should include allowances for transfer, transportation and labour. An example of a schedule for preparing labour costs for activities on replacement land is given in Appendix 7.1. Table 7.2 gives an example of a schedule that can be used to determine monetary compensation for land use.

Making cash payments raises issues regarding inflation and security that have to be considered. Cash payments must allow for inflationary adjustments of compensation values. Security, for people who will be receiving cash compensation payments will need to be addressed by the local administration. Cash lump sum payments have other disadvantages in that the recipient may use the funds for purposes other than for resettlement. These are some of the reasons why compensation in-kind would be preferred. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient, in consultation with Ministry of Economic Planning and Development and respective district assemblies.

In the assessment and valuation of land, property, structures and consequential loss the services of appropriately qualified experts should be sought to ensure fair and equitable compensation.

7.3.2 Valuation for physical assets

The Ministry of Lands, Physical Planning and Surveys or a qualified private valuer will value all affected buildings, bare land and other structures based on current market prices. Compensation for the affected physical assets will be paid by replacing huts, houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on the acquired replacement land. However, cash compensation should be available as a preferred option for structures such as extra buildings lost, that were not the main house or a house in which someone is living. The applicable replacement costs for construction materials will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The ISP should survey
and update construction material prices on an ongoing basis. Table 7.3 provides a typical schedule for calculation of compensation for buildings and structures.

Compensation will be made for structures that are abandoned because of: relocation, resettlement of an individual or household and structures that are damaged directly by construction activities.

Replacement values will be based on:
(a) drawings of individual's house and all its related structures and support services;
(b) average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc);
(c) prices of these items collected in different local markets;
(d) costs for transportation and delivery of these items to acquired/replacement land or building site and;
(e) estimates of construction of new buildings including labour required.

7.3.3 Valuation of Cultural Property and Sacred sites
This policy does not provide for compensation for the use of land defined as cultural property or sacred sites. This property is also not covered by the Bank's Safeguard Policy OP 4.11. Sacred sites include but are not restricted to altars, initiation centres, ritual sites, tombs and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred.

7.3.4 Valuation for field crops
The Ministry of Agriculture and Food Security shall take the lead in the valuation of field crops, vegetable gardens, and fruit/plantation trees affected by the project. Valuation will be done based on a combination of staple foods and cash crops. The unit price (Kwacha per Kilogram) of staple crop shall be taken as the highest market unit price over the past 3 years. This unit price of the commodity, multiplied by the yield (Kg/Ha), and multiplied by the total area (Ha) will give the compensation value for the crop. The yield (Kg/Ha) shall be the high yield for that particular crop variety as determined by the Ministry of Agriculture and Food Security (see table 7.2 for an example of the schedule).

The value of labour invested in preparing agricultural land will be compensated for using Government wage for the same period of time. The labour cost for preparing replacement land will be calculated on what it would cost a farmer to create a replacement farmland. This value will be determined by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

All agricultural labour activities are included for two reasons. The first reason is to ensure uniformity. All land labour will be compensated for at the same rate.
Secondly, it is difficult to forecast when, during the growing season, a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make.

In certain cases, assistance may be provided to land users, in addition to compensation payments. For instance, if a farmer is notified that his/her land is needed after the agriculturally critical date (critical date, may be different in different parts of the Corridors) when he/she will no longer have enough time to prepare another piece of land, assistance will be provided in form of labour intensive village hire, or mechanized clearing so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that he/she can pay for sowing, weeding and harvesting.

7.3.5 Valuation for vegetable gardens
Vegetables are planted for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will have to purchase these items on the market. The replacement costs therefore, will be that calculated to be the average amount an average town dweller spends on buying these items for one year, from the local market.

7.3.6 Valuation for Fruit/plantation trees:
Trees are primarily important as a source of:
- Subsistence food for families
- Cash that contributes to the local and export economy
- Petty market income in some areas and,
- Shade (in the case of cashew, mango and some coconut trees)
- Traditional medicinal value

The valuation of fruit/plantation trees shall be based on the current compensation schedule that takes into account factors which include: type of fruit/plantation tree species, estimated average yield of a mature tree and unit price (MK/Kg). The unit price should be based on the current market price of the type of fruit grown and should be calculated according to the schedule given in Appendix 7.4.

Given their significance to the local subsistence economy, fruit trees will be compensated on a combined replacement value. Fruit trees such as mangoes and orange trees commonly used for commercial purposes will be compensated at replacement value based on historical production statistics. If households are resettled, they will be compensated for the labour invested in the trees they leave behind. This assumes that they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household/individual chooses to transfer ownership of the trees, transfer costs will be paid in addition to labour costs. The compensation rate will be based on
information obtained from the socio-economic surveys. Based on this information, a compensation schedule for guava, mango and other trees can be developed, incorporating the following criteria:

(a) replace subsistence fruit (e.g. guava or mango) based on production yields.

(b) provide subsistence farmers with trees to extend the number of months of the year during which the fruits (e.g. guavas/mangoes) are produced and can be harvested as a supplemental source of food for their families during their "hunger season".

(c) Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits at off-season periods.

(d) Provide cash payments to farmers to replace pre-project income derived from the sale of excess guava or mango production until replacement trees produce the equivalent (or more) in projected cash income.

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula: \((\frac{1}{2} \text{diameter of canopy})^2 \times 3.14\).

The compensation schedule in Appendix 7.4 is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.

7.3.7 Valuation for forest trees

The Forestry Department shall take the lead in the valuation of affected forest trees by taking into account such factors as: type of tree (indigenous or exotic), tree species name (botanical and vernacular names), measured diameter at breast height (1.3 m) and current market price (MK/m\(^3\)) as determined by the Forestry Department.

7.4 ENTITLEMENTS FOR COMPENSATION

Appendix 7.5 provides a format for the contents of a comprehensive compensation budget and the assumptions made in deriving the budget.

Entitlements for compensation shall be based on ownership and the various categories of losses identified in the field consultations. Appendix 7.6 gives the entitlement matrix for various categories of PAPs. This matrix will be used in the settlement of claims for compensation to PAPs for the loss of assets where land is involuntarily taken. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given to PAPs.

In dealing with compensation, preference shall be given to land based
resettlement strategies for PAPs whose livelihoods are land-based. If land is not the preferred option for PAPs, the provision of land would adversely affect the sustainability of the project. Where sufficient land is not available at a reasonable price, non-land based options based on opportunities for employment or self re-employment should be provided in addition to cash compensation for land and other assets lost. However the lack of land shall be documented and justified.

In addition to these entitlements, households who are found in difficult situations and are at greater risk of impoverishment (i.e. vulnerable groups, Section 5.3) as identified by the census will be provided with appropriate assistance by the ISP through the PMT. PMT shall furnish the PMU with the necessary information. Assistance may be in form of food, temporally accommodation and employment in project activities. The assistance is meant to help them cope with the displacement caused by the project.

The items covered in this chapter are only representative of some of the common items that may be compensated for. It is hoped that the PMT with the assistance from PMU, and other experts in the specific fields will be able to determine compensation values for items that are not covered here.

7.5 VALIDITY OF THE CALCULATED VALUES
Due to the continued fluctuation of the Malawi Kwacha, the calculated values of assets should be implemented as soon as possible. The recommended period for compensating PAPs should not exceed six months from date of valuation.
CHAPTER 8: PROCEDURES FOR DELIVERY OF COMPENSATION

Compensation and resettlement activities will be funded like any other project activity eligible under the ISP. Funding would be processed and effected through the Project Management Team’s financial processing arrangements.

The compensation process, which will involve several steps, would be in accordance with the Project Management Team’s Resettlement and Compensation Plans and would be delivered paying attention to the following:

8.1 CONSULTATION AND PUBLIC PARTICIPATION

Consultation and public participation with the PAPs will initiate the compensation process. This consultation and public participation will be part of an ongoing process that would have started at the planning stage; and would have continued through the technical design inception and development, land selection and screening stages. This trend will ensure that all affected individuals and households are well informed and adequately involved in the entire process.

8.2 NOTIFICATION OF LAND RESOURCE HOLDERS

Those who hold title to the land resources would be informed through the press, notices published in the print media, radio announcements, leaflets and flyers, public meetings and where possible, church announcements. Where there are clearly no identified land or property owners or users, the respective Regional Lands Authorities, District Administration and the Traditional Leaders will notify the community leaders and representatives to help to identify and locate the land users and owners. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives. In addition, representatives of traditional leaders, religious leaders, other elders and individuals who control pastoral routes, fishing areas, indigenous tress, and hunting areas will ascertain localities of these sensitive areas.

8.3 MAINTENANCE OF DATABASE OF AFFECTED HOLDINGS AND ASSETS

The Regional Lands Authorities, District Administration and Traditional Leaders and officials of the Project Management Team will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, officials of the Project Management Team will complete a compensation dossier containing necessary personal information on:

a. the affected party including household members,
b. total land holdings,
c. inventory of assets affected, and
d. information for monitoring their future situation.

This information will be confirmed and witnessed by the Regional/District Lands Authorities, District Administration and Traditional Leaders or their representatives. The dossiers will be kept current and will include documentation of pieces of land that are to be surrendered. All claims and assets will be documented in writing. Such baseline information is necessary for monitoring.
8.4 AGREEMENT ON COMPENSATION AND PREPARATION OF CONTRACTS

All types of compensation are to be clearly explained to the individual and households involved. The Project Management Team will draw up a contract listing all property and land being surrendered; and the types of compensation (cash and/or in-kind) selected and agreed upon. Those selecting in-kind compensation will sign an agreement form, which will be witnessed by the Village Development Committees’ Representative. The compensation contract and the grievance redress mechanisms shall be read aloud in the presence of the affected party and the representative of the Regional Lands Authorities, District Administration and the Traditional Leaders, prior to signing.

8.5 COMMUNITY COMPENSATION PAYMENTS

Community compensation will be paid in-kind only for a community as a whole. This will be in the form of reconstruction of the facility to at least the same or better standard and as required by the planning regulation. Examples of community compensation include:

a. School Building (public or religious)
b. Public Toilets
c. Well or Pump
d. Market Place
e. Road
f. Storage warehouse

Community compensation may in itself require land-take and people may be affected, thereby requiring compensation.

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, the traditional leaders and their officials; and representatives of the local government administration.

8.6 GENERAL CONSIDERATIONS FOR DELIVERY AND MANAGEMENT OF COMPENSATION

Compensation shall be managed and delivered in the following manner:

(a) by agreement between the Government and the landowner(s)/occupier:
(b) the Government shall offer such sums deemed adequate as compensation, including replacement cost for lost assets, to that person; and the person may accept that amount as compensation payable to him or her;
(c) such sums will be disbursed to the District Commissioner (DC) for the district assembly in question to pay to the PAPs. The DC shall maintain a record of PAPs, their claims and entitlements. After payment of such sums, the DC shall document the name(s) of the PAPs, the amount of compensation and the records of how the compensation was arrived at;
(d) by the court if there is no agreement. If the compensation payable is not agreed upon between the Government and the land owner/occupier, such compensation shall be determined by the courts of law.
(e) A claim shall not be entertained after five years from the date of the cut off date; and/or 12 months after the execution of the purpose out of which the claim has arisen, in respect of any damage done to the land acquired.
(f) Payment of compensation shall strictly be based on results of the census and shall be recorded in the register at the office of the District Assembly. A copy shall be kept by the Village Administrator for record purposes and future reference.
CHAPTER 9: INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENT

9.1 INSTITUTIONAL ARRANGEMENTS

The Ministry of Economic Planning & Development (MEP&D) will have the overall responsibility for coordinating and monitoring implementation of the RPF for the ISP, through the Project Management Unit.

The MEP&D shall make every effort to ensure that no land is acquired against the will of any person(s), exercising rights over their land. In the event that land acquisition, resettlement, loss of assets and impact on livelihood is unavoidable, it shall be done according to the process outlined in this Framework.

The Project Coordinating Units will ensure that the framework is publicly disseminated and that project staff have the requisite skills and knowledge and, where necessary, appropriate training to implement the framework should be provided.

The Project Management Team (PMT) will be responsible for the technical work at the local level. They will provide the assistance to carry out the socio-economic surveys and to determine the appropriate compensation amounts. They will also be party to the payment of compensation and to ensure that PAPs are adequately compensated for. The PMT will carry out the monitoring activities of the RPF.

At the District level, the PMT’s in the target corridors shall take full responsibility for the implementation of the Framework in selected project sites. The PMT shall report to the DA on activities being undertaken and the progress or problems being encountered. The PMT will be assisted by the Village Development Committee.

The proposed organogram for the institutional arrangements is provided Figure 9.1 below.
Figure 9.1: Institutional Arrangements for the Implementation of RPF

Abbreviations:

DA: District Assembly
MTL: Malawi Telecommunications Limited
MEP&D: Ministry of Economic Planning and Development
MPW&T: Ministry of Public Works and Transport
MI&T: Ministry of Information and Tourism
MWD: Ministry of Water Development
MOMNRE: Ministry of Mines, Natural Resources and Environment
NRA: National Roads Authority
PMT: Project Management Team
PCU: Project Coordinating Unit
RWB: Regional Water Boards
VCD: Village Development Committee
9.2 LAND ACQUISITION AND RESETTLEMENT IMPLEMENTATION PROCESS

The implementation of the land acquisition and resettlement activities follows a process that needs to be carefully planned, implemented and monitored. The steps that have to be followed include:

**the planning stage** where an effective administrative and reporting system has to be set up. This stage will include desk studies of the ISP concept and objectives by all relevant stakeholders, alerting of all PAPs and Local Authorities on the necessity of land acquisition and resettlement, discussing the RPF to understand its implications and formation of the relevant implementing committees as well as briefing them on the planned activities;

**the land acquisition stage** which requires community involvement and participation, the screening of project sites, demarcation of sites and preparation of maps and drawings including setting up of the cut-off date.

**carrying out of the socio-economic surveys** to be done with community involvement and participation. The activities include identification PAPs, estimation of impacts and their magnitude, carrying out the valuation and creating the database of the details of the census.

**Paying out compensation and implementing the resettlement activities** which include signing agreements and paying out compensation, provision of starter packs as well as up-dating the database.

**After resettlement activities** that include after-care-assistance and carrying out monitoring and evaluation activities

Appendix 9.1 gives an example of a land acquisition and resettlement implementation plan.

9.3 LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

Displaced persons (DP) will need to be compensated, in accordance with this Resettlement Policy Framework, before any project activity is implemented.

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to DPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual Resettlement Action Plans (RAPs).

In the Implementation Schedule of each RAP (Section 17 of appendix 4.2) precise details on resettlement and compensation must be provided. Similarly, the ARAP section on Arrangements for Monitoring and Implementation (Section 5 of Appendix 4.3) must provide a schedule for details on resettlement and compensation. In both of these sections, the schedule for the implementation of activities, as agreed between the EP & D and DPs must include:
• target dates for start and completion of civil works,
• timetables for transfers of completed civil works to DPs,
• dates of possession of land that DPs are using (this date must be after transfer date for completed civil works to DPs and for payments of all compensation) and,
• how these activities are linked to the implementation of the overall sub project.

When approving recommendations for resettlement during screening, affected DAs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works should ensure that no affected persons would be displaced (economically or physically) due to civil works activity, before compensation is paid and before resettlement sites with adequate facilities are prepared and made available to the affected individual or homestead.

Once the resettlement plan is approved by EP & D, it should be sent to the affected DAs for final review and verification.

9.4 COMPLAINTS AND GRIEVANCES MECHANISMS

Various legislation, including the constitution 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. This Framework therefore proposes that 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.

9.4.1 Objections

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and households would have been informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple and will be administered as far as possible, at local levels to facilitate access by PAPs.

Since the implementing agency of the Project would be a party to the contract it would not be the best office to receive, handle and rule on disputes. Therefore, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to a local committee comprising traditional leaders of the affected area and representatives of the District Assembly.

All attempts should be made to settle, grievances amicably. Those seeking redress and wishing to state grievances would do so by notifying the local committee. The local committee will inform and consult with the implementing agency and the District Commissioner to determine validity of claims. If valid, the local committee will notify the complainant who will be assisted as appropriate. If the complainant's claim is rejected, the matter shall be brought before the District Commissioner for settlement. All the decisions regarding complaints should as far as possible be made within a full growing season after the complaint is lodged.

It has been 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 redress mechanisms is 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 court for resolution.

Compensation and resettlement plans (contracts) will be legally binding, and will recognize that customary law is the law that governs land administration and tenure in the rural/village 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, to the implementing agency with copies to the Ministry of Economic Planning and Development within 20 days after the public notice; or through a formal complaint lodged via the Traditional Authority and District Assembly.

The traditional leaders and the local committee shall maintain records where grievances and complaints, including minutes of discussions, recommendations and resolutions made, will be recorded.

9.4.2 Consensus, Negotiations and Conflict Resolution

Consensus and negotiation are central to addressing grievances. In general, people are aware of their rights, their commitments to the country as citizens and their allegiance to village and family issues. For this reason, many Government funded community projects have been implemented without obstacles from project affected persons.

However some projects have been known to stall due to delays in disbursement of compensation; or sometimes even after getting the compensation the PAPs do not get possession of the acquired land in time. Prior negotiations, between Government representatives and project beneficiaries, are therefore crucial to the success or failure of the project. As a guiding principle emphasis should be placed on simplicity and suitability of the conflict resolution mechanisms to the affected persons and the following should be noted:

(a) negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual land owners or households affected by community projects. These grievances shall be channeled through the traditional leaders;

(b) the implementing agency should ensure that consensus is achieved freely by the main parties involved. The general public should be advised clearly by the implementing agency or the relevant government representative as to who is responsible for the process for handling grievances or compensation claims;

(c) grievances should be addressed during the verification and appraisal process. If a suitable solution is not found, the implementing agency shall defer consent of the project and the concerned project activities
shall not be allowed to proceed;

(d) grievances for which solutions have not been found should be referred back to the community for discussion where the traditional leader and District Assembly will redress the matter of concern to assist the claimants. The mediation process will be implemented according to traditional methods of mediation/conflict resolution. The resolution will then be documented on the relevant consent forms and verified.

(e) if an agreement cannot be reached at community level the aggrieved party or parties shall raise their concerns with the Ministry of Economic Planning and Development who shall refer them to the respective District Assembly, within 20 days of the verification meeting. Grievances that cannot be resolved at the district level shall be officially referred to the Ministry of Economic Planning and Development. Should grievances remain unresolved at this level, they can be referred to a court of law.

9.5 TIME FRAMES

The following key timeframes shall apply unless otherwise agreed between the Ministry of Economic Planning and Development (MEP&D) and the District assemblies on behalf of recipient; provided however, that no agreement to waive the timeframes shall adversely affect the rights or interests of Project Affected Persons under this Framework:

- The inventory shall be completed at most four months prior to the commencement of work.

- The Resettlement Plan shall be submitted to MEP&D for approval immediately after completion of inventory.

- Compensation, resettlement and rehabilitation activities shall only commence after the MEP&D and the persons to be displaced have accepted the Resettlement Plan.

- Civil works will not begin until all resettlement is complete.

Comprehensive time frames shall be drawn up and agreed upon by all parties including affected persons.

Compensation payments for acquired land and affected assets, resettlement of affected persons and documentation/validation of voluntary land donations, as described above, must be completed as a condition for taking away of land and before commencement of the civil works under the project.

Adequate time and attention should be allowed for consultation of both the displaced and host communities before bringing in the new comers. The actual length of time will depend on the extent of the resettlement and compensation and will have to be agreed upon by all parties.
CHAPTER 10: BUDGETARY IMPLICATIONS AND FUNDING

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by the Ministry of Economic Planning and Development. In general, the cost burden of compensation will be borne by the executing agencies such as government ministries, NGO's and the private service providers as may be appropriate.

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. The Ministry of Economic Planning and Development would have to finance the resettlement compensation because they are the parties who would be impacting on the livelihoods. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs and local chiefs, will made through the relevant District Administration.

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the technical designs and details have not yet been developed and the land needs have not yet been identified. When this information is available and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available. Such information will facilitate the preparation of a detailed and accurate budget for resettlement and compensation.

The PMT will prepare the resettlement budget which will be financed through the administrative and financial management rules and manuals like any other activity eligible for payment under the ISP. This budget will be subject to the approval by the Ministry of Economic Planning and Development.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative comprehensive budget, highlighting key elements that the budget must contain. Such an indicative comprehensive compensation budget is provided in Appendix 9.1.
CHAPTER 11: PUBLIC CONSULTATION AND PARTICIPATION

11.1 NOTIFICATION PROCEDURE

The Ministry of Economic Planning and Development (MEP&D) shall by public notice, published in the Press (Daily newspapers, Malawi Television, Malawi Broadcasting Corporation), notify the public of its intention to acquire land earmarked for the project.

The Notice shall state:

a) Government's proposal to acquire the land
b) The public purpose for which the land is needed
c) That the proposal or plan may be inspected at the MEP&D offices or the offices of the District Assemblies in the respective districts, during working hours
d) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the MEP&D with copies to DA, TA and Chief's Headquarters within 14 days of the first public announcement or appearance of the notice.

11.2 PUBLIC CONSULTATION MECHANISMS

Public consultation and participation are essential because they provide an opportunity for informing the stakeholders about the proposed project. It creates a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs. Public consultation will thus afford the Potentially Affected Persons an opportunity to contribute to both the design and implementation of the program activities. In so doing, the likelihood for conflicts between and among the affected and with the management committees will be reduced.

In recognition of this, particular attention should be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement and compensation concerns are involved.

As a matter of strategy, public consultation should be an on-going activity taking place throughout the entire project cycle. Hence, public consultation should take place during the:

- Project inception and planning
- Screening process
- Feasibility study,
- Preparation of project designs
- Resettlement and compensation planning
- Drafting and reading/signing of the compensation contracts.
- Payment of compensations
- Resettlement activities and
- Implementation of after-project community support activities

Public consultation and participation should take place through meetings, radio and television programmes, request for written proposals/comments, completion of
questionnaires/application forms, public readings and explanations of the project ideas and requirements.

Public documents should be made available in appropriate languages at both national, and district levels. Public consultation measures should take into account the low literacy levels prevalent in the rural communities, by allowing enough time for discussions, consultations, questions, and feedback.
CHAPTER 12: MONITORING AND EVALUATION

In order to assess whether the goals of the resettlement and compensation plan are met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities.

The arrangements for monitoring the resettlement and compensation activities would fit the overall monitoring programme of the entire ISP, which would fall under the overall responsibility of PMU. PMU will institute an administrative reporting system that:

(a) Alerts project authorities on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, resettlement, loss of assets and impact on livelihood provisions in the design technical specifications and budgets;
(b) Provides timely information about the asset valuation and negotiation process,
(c) Maintains records of any grievances that require resolution, and
(d) Documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary loses, as well as unanticipated, additional construction damage.
(e) Updates the database with respect to changes that occur on the ground as resettlement and compensation activities are being implemented

Annual evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; and whether the PAPs enjoy the same or higher standard of living than before.

A number of objectively verifiable indicators (O V I’s) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for different RAPs or ARAPs will have to be developed to respond to specific site conditions. As a general guide, Appendix 12.1 provides a sample of land acquisition and resettlement process monitoring plan with indicators.

This framework is suggesting that where appropriate and where it is determined to be cost effective, the office of the District Assembly is structured to host the M&E component of the project/program. This would take the form of giving the districts the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the program life. Their reports would then be sent to the PMU and to the PMT. The reports would become part of the official documents of the ISP.

Independent monitoring can be arranged from time to time to validate the programme implementation. Independent monitoring of the compensation and resettlement activities can be done by NGO’S and EAD. Carrying out such independent monitoring will enhance the openness and transparency of the compensation and
resettlement programme. The Ministry of Economic Planning and Development would have to approve participation of NGO’s in independent monitoring activities, depending on their requirements. Participation of would be funded by the NGO’s themselves, using their own resources; unless under special funding and participation arrangements to be approved by the Ministry of Economic Planning and Development.
APPENDICES
### APPENDIX 2.1 categories of losses and their impacts on project affected persons

<table>
<thead>
<tr>
<th>Loss Category</th>
<th>Social Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relocation</td>
<td>Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community system and social networks, loss of access to social amenities such as hospitals and schools, water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, emotional stress.</td>
</tr>
<tr>
<td>Loss of land (no relocation)</td>
<td>Impoverishment, loss of sources of income / livelihood, Loss of other assets or access to assets, increased time to access resources</td>
</tr>
<tr>
<td>Loss of other assets</td>
<td>Emotional stress, impoverishment, reduced sources of income, loss of social status</td>
</tr>
<tr>
<td>Loss of income / livelihood</td>
<td>Impoverishment, loss of access to basic needs of life, loss of self confidence and self esteem, emotional stress, loss of family stability.</td>
</tr>
<tr>
<td>Alienation due to neighbors being relocated</td>
<td>Impoverishment, weakening of community systems and social networks, loss of mutual help and community support, loss of traditional authority, Loss of identity and cultural survival, emotional stress.</td>
</tr>
<tr>
<td>Hosting PAPs</td>
<td>Impoverishment, loss of sources of income, reduced time and access to resources such as hospitals and schools, water, increased time to access resources, Disruption of social fabric, increased crime, increase in diseases such as STDs and HIV/AIDS, Clash of cultural and religious beliefs and cultural norms</td>
</tr>
</tbody>
</table>
APPENDIX 4.1 Screening Criteria for Sites for the ISP Project Activities

During the screening for possible sites for new infrastructure and other related structures, the Project Management Team consisting of representative members of the Project Coordinating Units, will request from the Village Development Committee, suitable and appropriate land, in the area proposed for location of the new infrastructure. Using participatory methods, PCU, PMT, VDC in consultation with the local communities within the project boundary area, will identify the required piece of land to allocate to the Project Management Team, using the following criteria:

1. For water supply, telecommunication, electrification services, the service should be within reach of the communities to be served as determined by PMT.

2. There should be a sustainable source of water.

3. The site owners and/or users, if any should be consulted and invited to participate in local meetings of the project activities.

4. The Project Management Team should secure legal title to the land for the project activities.

5. The site boundaries including way-leaves should be clearly marked, measured and recorded.

6. Natural or man-made features on the site (e.g. swamps, water pipes, gullies, bedrock, flood plains, graveyards, rock falls, steep cliffs, electricity pylons, etc) should be clearly recorded.

7. The site must conform to the local development plan for the area or district.

8. The site should not lead to either the physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or the loss, denial or restriction of people's access to economic resources. If it does impact on any one of these, another site should be chosen. If it is not possible to locate another suitable site, OP 4.12 is triggered; a RAP needs to be prepared and cleared by the World Bank consistent with the RPF so that those affected can be properly compensated.
APPENDIX 4.2 Screening Criteria for Sites for Resettlement of ISP Project Affected Persons

1. The site should not be within an environmentally sensitive area.

2. The resettlement area should be within reach of social services such as water supply, electricity, roads, hospitals, schools, etc.

3. As far as possible ensure that the PAPs are resettled within or close to their original settlement areas.

4. There should be a sustainable source of water within 1 km. of the site.

5. The site should be large enough to accommodate the Project Affected Persons including public and social services.

6. The site owners, users and PAPs should be consulted and invited to participate in the meetings and activities of the resettlement.

7. The Project Management Team should secure legal title to the land for resettlement.

8. The site boundaries including individual PAPs as well as public service land allocations should be clearly marked, measured and recorded.

9. There should not be any natural or man made features on the side (e.g. swamps, water pipes, gullies, bedrock, flood plains, graveyards, rock falls, steep cliffs, electricity pylons, etc) to obstruct construction or cause danger to people, animals or building structures.

10. The site must conform to the local development plan for the area or district.

11. The site for resettlement should not result in either physical displacement of people, loss of their shelter, loss of assets, loss of income sources or means of livelihood, or the loss, denial or restriction of people's access to economic resources.
APPENDIX 4.3 Main Contents of the Resettlement Action Plan

1) Description of the project
2) Potential impacts
3) Objectives
4) Socio-economic studies
5) Legal framework
6) Institutional framework
7) Eligibility
8) Valuation and compensation for losses
9) Resettlement measures
10) Site selection, site preparation and relocation
11) Housing infrastructure and social services
12) Environmental protection and management
13) Community participation
14) Integration with host population
15) Grievance procedures
16) Organizational responsibilities
17) Implementation schedule
18) Cost and budget
19) Monitoring and evaluation
APPENDIX 4.4  Contents for Abbreviated Resettlement
Action Plan

1) Census of project affected persons and valuation of assets.
2) Description of compensation and other resettlement assistance to be provided.
3) Consultations with displaced people about acceptable alternatives.
4) Institutional responsibility for implementation and procedures for grievance redress.
5) Arrangements for monitoring and implementation and,
6) A timetable and budget.
### APPENDIX 6.1 Comparison of Malawi's Legal Framework and the World Bank Operational Policies

<table>
<thead>
<tr>
<th>Category of PAPs/Type of Land</th>
<th>Malawi Legislation</th>
<th>World Bank Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land owner/occupier of land</td>
<td>Public Roads Act</td>
<td>Owners of permanent buildings are entitled to in-land compensation at full replacement cost including labour and relation expenses, prior to displacement.</td>
</tr>
<tr>
<td></td>
<td>Cap. 69:02</td>
<td>Entitlement to compensation for crops. May be entitled to replacement land and income must be restored to at least pro-project levels.</td>
</tr>
<tr>
<td></td>
<td>S.44 No compensation for any improvements on land in road reserve.</td>
<td>World Bank generally recommends land for land compensation. Other compensation is supposed to be at replacement cost.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In the case of owners of temporary buildings, they are entitled to in-land compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Persons are entitled to compensation regardless of the legal or illegal recognition of their occupancy.</td>
</tr>
</tbody>
</table>
No compensation for squatters unless they occupy the land uninterrupted for a period of over 7 years. Persons are entitled to compensation regardless of the legal or illegal recognition of their occupancy.

In the case of owners of temporary buildings, they are entitled to in-land compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.

| Land owner/occupier | Lands Acquisition Act Cap. 58:04 | S.10 Compensation agreed to between the parties or the Minister to assess fair compensation taking into account-
(a) the amounts paid by the person when acquiring the land;
(b) value of unexhausted improvements to the land made at the expense of the person entitled to the land; and
(c) any other appreciation in the value of the land since acquired by the claimant.
(d) Compensation not to exceed market value. | Owners of permanent buildings are entitled to in-land compensation at full replacement cost including labour and relocation expenses, prior to displacement. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land owner/occupier</td>
<td>Land Act, Cap. 57</td>
<td>Reasonable cash compensation to the affected persons for loss of land.</td>
</tr>
</tbody>
</table>
| Land owner/occupier | Customary Law Practice s       | Land for land compensation                                                                                                                                                                           | -World Bank generally recommends land for land compensation. Other compensation is supposed to be at replacement cost.
-Owners of permanent buildings are entitled to in-land compensation at full replacement cost including labour and relocation expenses, prior to displacement. |
The following table presents an example of a compensation schedule for a one-hectare piece of land. The Malawian labor rates in Kwacha, will need to be validated at the time payments are made.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Month Paid (may be different depending on climate zones)</th>
<th>Labor in Malawian Kwacha/ha (Daily Rate) x (Number of days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Clearing</td>
<td>September/October</td>
<td></td>
</tr>
<tr>
<td>Ploughing</td>
<td>November</td>
<td></td>
</tr>
<tr>
<td>Sowing</td>
<td>December</td>
<td></td>
</tr>
<tr>
<td>Weeding</td>
<td>January</td>
<td></td>
</tr>
<tr>
<td>Harvesting</td>
<td>March/April</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 7.2  An Example of a Schedule to be Used to Determine Monetary Compensation For Land Use

<table>
<thead>
<tr>
<th>Item Compensated</th>
<th>Basis of Calculating Value</th>
<th>Malawian Kwacha/ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Value of Crops</td>
<td>Average of the highest current official and market survey of prices per ha of staple food crops (maize, rice etc.), plus value of cash crops (e.g. sugar cane, corn).</td>
<td></td>
</tr>
<tr>
<td>Labor Invested</td>
<td>Labor costs of preparing the land and tending the crop.</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Replacement value of crops plus labor</td>
<td></td>
</tr>
</tbody>
</table>

* Note: Malawian currency payments will be revised to reflect crop values and labor rates applicable at the time of compensation

Crop values will be determined based on a combination of staple foods and cash crops.

The value of staple crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of these factors:

- Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market price.
- Farmers most often purchase cereals when they have run out, during the "hungry season" when prices are high. Compensating at a lower value might put the individual or household at risk.
- Averaging the highest price of staple foods yields a high per ha value that reimburses for the vegetables and other foods that are commonly intercropped with staples, but are almost impossible to measure for compensation.
### APPENDIX 7.3 Example of a schedule for Calculation of Compensation for Buildings

<table>
<thead>
<tr>
<th>Structure</th>
<th>Material/Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Cost (MK)</th>
<th>Total Cost (MK)</th>
</tr>
</thead>
<tbody>
<tr>
<td>House</td>
<td>Raw or baked bricks</td>
<td>1000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Straw</td>
<td>Bundle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tin roofing sheets</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kitchen</td>
<td>Open, closed</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stables/ sheds/pens</td>
<td>Cattle, goat, sheep, donkey, other</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coops</td>
<td>Chicken, duck, other</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence</td>
<td>Straw</td>
<td>Bundle</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Poles</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>raw/baked bricks</td>
<td>1000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>cement blocks</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private bathing</td>
<td>raw/baked bricks</td>
<td>1000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latrine</td>
<td>Lump Sum</td>
<td>No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open well</td>
<td>Internally lined with concrete rings and provided with a hand driven pump.</td>
<td>Sum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage buildings</td>
<td>Cement/sand block walls with thatched roof on z-profiled metal sheets.</td>
<td>Sum</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sun screen open huts/shades</td>
<td>Similar to those replaced, on thatched roof on wood poles.</td>
<td>Sum</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note**: Buildings and structures will be replace by an equivalent structure or, on an exceptional basis cash and/or credit will be paid based on replacement costs. Replacement latrines will be similar to those currently operational and financed by the bank or other donor agencies at health centers, schools. Detailed schedules will be different, based on the specific Census surveys.
## APPENDIX 7.4  Example for Calculating Compensation for Fruit Trees

### Local Fruit Trees, e.g. Guava and Mangoes

<table>
<thead>
<tr>
<th>Estimated Avg. Fruit Yield (kg) of mature tree</th>
<th>800 to 1,300 kg/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Yield used</td>
<td>Ten sacks (1,000kg)/tree/year</td>
</tr>
<tr>
<td>Market Price:</td>
<td></td>
</tr>
<tr>
<td>- Peak of harvest season (March/April)</td>
<td>Malawi Kwacha/kg</td>
</tr>
<tr>
<td>- End of season (late May)</td>
<td>Malawi Kwacha/kg</td>
</tr>
<tr>
<td>Price used as basis of this estimate</td>
<td>80% height of season; 20% end of season</td>
</tr>
<tr>
<td>Years to Production</td>
<td>Six to seven</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
<td>Twenty</td>
</tr>
<tr>
<td>Costs of Sapling</td>
<td>Malawi Kwacha, locally available</td>
</tr>
</tbody>
</table>

### Grafted Fruit Trees, e.g. Mangoes

<table>
<thead>
<tr>
<th>Estimated Avg. Fruit Yield (kg) of Mature tree</th>
<th>800 to 1,300 kg/year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Yield used</td>
<td>Almost entire yield due to market value</td>
</tr>
<tr>
<td>Market Price, (varies according to variety)</td>
<td></td>
</tr>
<tr>
<td>- Height of harvest season (June/September)</td>
<td>Malawi Kwacha/kg</td>
</tr>
<tr>
<td>Price used as basis of this estimate</td>
<td>Price per fruit or sac (100kg) as quoted by grower</td>
</tr>
<tr>
<td>Years to Production</td>
<td>Four to five</td>
</tr>
<tr>
<td>Years to Maximum Production</td>
<td>Eight</td>
</tr>
<tr>
<td>Costs of Sapling</td>
<td>Malawi Kwacha, locally available</td>
</tr>
</tbody>
</table>

---

67
## Proposed schedule for fruit (e.g. Guava or Mango) trees cut down

<table>
<thead>
<tr>
<th>Average age of tree</th>
<th>Estimate age (yrs)</th>
<th>In kind replacement for local guava and mangoes</th>
<th>Credits/Financial support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sampling</td>
<td>0-1</td>
<td>Deliver to farmer:</td>
<td>Malawi kwacha</td>
</tr>
<tr>
<td>Trees planted after</td>
<td></td>
<td>- Choice of two guava or mango trees</td>
<td></td>
</tr>
<tr>
<td>project cut-off</td>
<td></td>
<td>- (local and/or improved grafted)</td>
<td></td>
</tr>
<tr>
<td>date in area will</td>
<td></td>
<td>- Supplies: fencing to protect,</td>
<td></td>
</tr>
<tr>
<td>not be eligible for</td>
<td></td>
<td>tree, a bucket for watering and</td>
<td></td>
</tr>
<tr>
<td>compensation</td>
<td></td>
<td>a spade</td>
<td></td>
</tr>
<tr>
<td>Sapling/young tree</td>
<td>1-6</td>
<td>Deliver to farmer</td>
<td>Equivalent of x no.</td>
</tr>
<tr>
<td>First minor production</td>
<td>12-50 fruits occurs about age 4-5</td>
<td>- Choice of two guava or mango trees.</td>
<td>Malawi Kwacha in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- (local and/or improved grafted)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Supplies: fencing to protect Tree, a bucket for watering, and a Spade</td>
<td></td>
</tr>
</tbody>
</table>
| Guava/Mango Trees | 6-30 | Deliver to farmer:  
| Fruit Producing | | -Choice of two guava or mango trees  
| | | -(local and/or improved grafted)  
| | | -Supplies: fencing to protect Tree, a bucket for watering, and a Spade  
| | | Equivalent of X no. Malawi Kwacha in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment.  
| | | Equivalent of X no. Malawi Kwacha in credits or other financial support, representing eight years, (8 years x 10 sacks x Malawi Kwacha/sack) lost  
| | | Income/subsistence until replacement trees begin production.  
| | | This rate to be agreed by farmers.  
| | | Total: Equivalent of X no. M in cash or Equivalent financial support to be paid in one installment.  
| Mature Trees - Low or Non- Fruit Producing | 30+ | Same as for mature trees above  
| | | Same as above  

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square meters of surface area removed. The total surface area of the tree will be calculated using the following formula: \((1/2 \text{ diameter of canopy})^2 \times 3.14\).
APPENDIX 7.5 Contents of a Comprehensive Compensation Budget

<table>
<thead>
<tr>
<th>#</th>
<th>Item</th>
<th>Costs (in MK)*</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land</td>
<td>/hectare</td>
<td>For land acquisition purposes, based on cost realized in projects involving similar issues in Malawi.</td>
</tr>
<tr>
<td>2</td>
<td>Compensation for loss of Crops</td>
<td>/hectare of farm lost</td>
<td>Includes costs of labor invested and cost of crop based on average of highest price of staple food crops as per methods described in Appendix 7.2 above</td>
</tr>
<tr>
<td>3</td>
<td>Compensation for loss of access to pastoralists</td>
<td>N/a</td>
<td>Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)</td>
</tr>
<tr>
<td>4</td>
<td>Compensation for loss of access to fishing resources</td>
<td>Say, /fishmonger</td>
<td>Data provided from revised socio-economic study will determine market values of catch for fish.</td>
</tr>
<tr>
<td>5</td>
<td>Compensation for Buildings and Structures</td>
<td></td>
<td>This compensation would be in-kind. The new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage.</td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Trees</td>
<td>/year/tree</td>
<td>Based on methods described in Appendix 7.4 above.</td>
</tr>
<tr>
<td>7</td>
<td>Cost of Relocation Assistance Expenses</td>
<td>/household</td>
<td>This cost is to facilitate transportation, etc.</td>
</tr>
<tr>
<td>8</td>
<td>Cost of Restoration of Individual Income</td>
<td>Say</td>
<td>Assumed to be higher than the GDP/capita.</td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Household Income</td>
<td>Say</td>
<td>Through employment in Program Activities.</td>
</tr>
<tr>
<td>10</td>
<td>Cost of Training Farmers, pastoralists and other PAPs</td>
<td></td>
<td>This is a mitigation measure, which seeks to involve those affected by the project activities.</td>
</tr>
</tbody>
</table>

* These costs are to be confirmed during the socio-economic study and revised at the time the payments are made.
## APPENDIX 7.6 Entitlement Matrix for Various Categories of PAPs

<table>
<thead>
<tr>
<th>Category of PAP</th>
<th>Type of Loss</th>
<th>Compensation for Loss of Structures</th>
<th>Compensation for Loss of land and other Assets</th>
<th>Compensation for Loss of Income/Livelihood</th>
</tr>
</thead>
</table>
| Property Owners (including those covered by customary law) | Loss of Land                  | Costs at full replacement value                                  | Land replacement at new site, plus land clearing by the project      | -Cash compensation for crops/trees at replacement cost in scarce season  
|                                  | Loss of Structures Residential or Business | Compensation at full replacement value (not depreciated).          | (Fences block work, wire, and wood) Wells Stores Waste water facilities Connection to utilities Access roads | -Allow sufficient time to harvest crops  
|                                  |                               |                                                                  |                                                                    | -For lost income from rented property: Lump sum cash payment of agreed number of months of rental per tenant. |
| Socio-economic and cultural identity |                               |                                                                  |                                                                    | -Disturbance assistance, shifting and relocation costs  
|                                  |                               |                                                                  |                                                                    | -Rehabilitation assistance, skills training and other development activities to be provided in coordination with other government agencies; if the present means of livelihood is no longer viable and if the PAP will have to engage in a new unfamiliar income generating activity  
|                                  |                               |                                                                  |                                                                    | -Arrange for assistance from host communities                     |
| Residential Tenant: Business Tenant | Loss of rental accommodation | No loss of structure, no entitlement to housing at new site.     | Replacement costs for non-movables.                                 | -Disturbance assistance.                                           
|                                  |                               |                                                                  |                                                                    | -Transportation assistance, if relocating  
<p>|                                  |                               |                                                                  |                                                                    | -Rental for a few months                                             |</p>
<table>
<thead>
<tr>
<th>Loss of Premises</th>
<th>None</th>
<th>Replacement costs for non-movables if installation was agreed with owner.</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of business</td>
<td>None</td>
<td>None</td>
<td>For loss of business, payment of lost income at an agreed rate (say payment of six months of past year average turnover)</td>
</tr>
<tr>
<td>Encroachers (using Land)</td>
<td>Loss of shelter, assets and land for cultivation where applicable</td>
<td>Cash compensation for trees/crops at replacement cost in scarce season.</td>
<td>Allow for sufficient time to harvest crops</td>
</tr>
<tr>
<td>Squatters (living on Site)</td>
<td>Loss of Shelter</td>
<td>Where possible assistance in securing other access to land for growing crops, subject to approval of local Authorities/communities</td>
<td>Allow for sufficient time to relocate</td>
</tr>
<tr>
<td>Community</td>
<td>Public facilities</td>
<td>-Compensation at full replacement value for structure, relocation to resettlement site, with payment of site rent.</td>
<td>-Transport assistance if relocating</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Land replacement at new site, plus land clearing by the project</td>
<td>For loss of business, payment of lost income</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-Waste facilities, connection to utilities and provision of access roads</td>
<td>-Provision of alternative temporary facilities during construction, where appropriate.</td>
</tr>
</tbody>
</table>

*Note: All payments to be made in Malawi Kwacha.*
APPENDIX 9.1 An Example of Land Acquisition and Resettlement Implementation Plan

<table>
<thead>
<tr>
<th>Item No</th>
<th>STAGE OF WORK</th>
<th>KEY ACTIVITY</th>
<th>Time</th>
<th>Responsible Person/Institution</th>
<th>Monitoring Institution</th>
</tr>
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<tbody>
<tr>
<td>1.0</td>
<td>Project Planning</td>
<td>Setting up an effective administrative reporting system</td>
<td>PMU</td>
<td>MEP&amp;D</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>ISP concept/objectives studied and understood by key stakeholders</td>
<td>PMU</td>
<td>MEP&amp;D</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>Resettlement Policy Framework discussed with stakeholders</td>
<td>PMU</td>
<td>MEP&amp;D</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>Project authorities and stakeholders alerted on the necessity for land acquisition and resettlement.</td>
<td>PMU</td>
<td>MEP&amp;D</td>
<td>PMU</td>
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<td></td>
<td></td>
<td>Formation of National District and Village implementation Committees</td>
<td>PMU</td>
<td>MEP&amp;D</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>Community involvement, sensitization and participation initiated</td>
<td>PMT</td>
<td>PMU</td>
<td>PMU</td>
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<tr>
<td>2.0</td>
<td>Land acquisition</td>
<td>Community involvement, sensitization and participation</td>
<td>DA/VDC.</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>Screening of project sites indicating areas of possible resettlement</td>
<td>PMT</td>
<td>DA</td>
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<tr>
<td></td>
<td></td>
<td>Prepare maps for the affected areas</td>
<td>DA/Min. of Lands</td>
<td>PMU</td>
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<td></td>
<td></td>
<td>Obtain land authorization</td>
<td>DA</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>Demarcate authorized area to be affected</td>
<td>PMT./Min of Lands</td>
<td>PMU</td>
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<td></td>
<td></td>
<td>Set cut-off date</td>
<td>DA</td>
<td>PMU</td>
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<tr>
<td>3.0</td>
<td>Socio-economic Survey</td>
<td>Community involvement, sensitization and participation</td>
<td>PMT</td>
<td>PMU</td>
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<td></td>
<td></td>
<td>Identify affected persons, party or homestead and register their names in detail</td>
<td>D/A and PMT.</td>
<td>PMU</td>
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<tr>
<td></td>
<td></td>
<td>Estimate the magnitude of the impacts relative to the need for resettlement and/or compensation</td>
<td>DA and VDC.</td>
<td>PMU/Lands</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Compile land register</td>
<td>PCU/VDC.</td>
<td>DA/PMU</td>
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<td></td>
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<td>Carry out valuation of</td>
<td>PCU/VDC.</td>
<td>DA/Lands</td>
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<td></td>
<td></td>
<td>Create a database for comparative analysis at all levels of Government</td>
<td>PCU/DA/PMU</td>
<td>MEP&amp;D</td>
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<td></td>
<td>Resettlement /Compensation</td>
<td>PAPs/PMT</td>
<td>PMU</td>
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<tr>
<td>4</td>
<td>Report any grievances that require resolution</td>
<td>PMU</td>
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<td></td>
<td>Community involvement, sensitization and participation</td>
<td>PMU</td>
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<td></td>
<td>Create fora for identifying social investment opportunities</td>
<td>PMU</td>
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<td>Identify social investment opportunities as part of the projects activities</td>
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<td>Prepare information about the valuation and negotiation process</td>
<td>PMU</td>
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<td>Prepare RAPs</td>
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<td>Authorization of project and RAPs by MEP&amp;D</td>
<td>MEP&amp;D</td>
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<td>Up-date database for comparative analysis at all levels of Government</td>
<td>PMU</td>
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<tr>
<td></td>
<td>Formulate compensation offers and obtain signed agreements with those affected</td>
<td>DA</td>
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<td></td>
<td>Provide alternative land (if applicable) inclusive of ancillary support services such as transport, housing, crop starter packs and food support</td>
<td>MEP&amp;D</td>
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<td></td>
<td>Up-date database for comparative analysis at all levels of Government</td>
<td>MEP&amp;D</td>
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<td>5</td>
<td>After Resettlement Activities</td>
<td>PAPs, VDC, DA</td>
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<td></td>
<td>Draw up a programme for after resettlement activities</td>
<td>PMU</td>
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<td>Provide Resettlement After-care Assistance</td>
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<td>Up-date database for comparative analysis at all levels of Government</td>
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<td>Carry out monitoring activities</td>
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<td>Item No</td>
<td>ISSUES / ACTIVITIES TO BE MONITORED</td>
<td>INDICATORS</td>
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<tr>
<td>1</td>
<td>General success/acceptability of the compensation/resettlement process</td>
<td>Outstanding (unsigned) individual compensations/resettlement contracts as a percentage of total compensation/resettlement contracts</td>
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<td>Ratio of PAPs remaining supportive of the project against those not supportive</td>
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<td></td>
<td></td>
<td>Level of public consultation measured as ratio of those that acknowledge to have been consulted vs. those that were not consulted. This ratio can be determined by random sampling. The ratio should be greater than 1.5</td>
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<td>Actual time of completing resettlement compared to planned time</td>
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<td>2</td>
<td>Project acceptance (or not) by the community</td>
<td>Number of complaints as a percentage of total PAPs</td>
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<td>Number of grievances successfully resolved as a percentage of total number of grievances</td>
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<td>3</td>
<td>Acceptance (or not), of PAPs by host community</td>
<td>Number of conflicts between PAPs and host community</td>
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<td>4</td>
<td>Restoration of grazing land temporarily disrupted by construction</td>
<td>Area of land restored to cultivation as a percentage of total area of land disrupted</td>
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<tr>
<td>5</td>
<td>Replacement of grazing land permanently displaced by access roads and building construction</td>
<td>Area of new land opened up for cultivation/grazing as a percentage of total original land area cultivated/grazed</td>
<td></td>
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<tr>
<td>6</td>
<td>Quality of life compared with that before compensation/resettlement</td>
<td>Number of larger houses of better quality provided as a percentage of total number of houses in the original settlement</td>
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<td></td>
<td></td>
<td>Number of individuals and families able to re-establish their pre-displacement activities, land and crops or other alternative incomes, as a percentage of total PAPs</td>
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<td>Number of impacted locals employed by the Management Board's civil works' contractors</td>
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<td></td>
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<td>Pre-project income of vulnerable affected individuals/groups versus their present</td>
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<tr>
<td>#</td>
<td>Industry</td>
<td>Description</td>
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<td>------------------------------------------------------------------------------</td>
<td></td>
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</tr>
<tr>
<td>1</td>
<td>Income</td>
<td>Number of people participating in project activities compared to total PAPs</td>
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<tr>
<td>2</td>
<td>Income</td>
<td>Number of students in school as a percentage of total persons eligible for school</td>
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<tr>
<td>3</td>
<td>Income</td>
<td>Trends in environmental diseases such as malaria, diarrhea, coughs etc</td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>Income</td>
<td>Trends in respiratory diseases</td>
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<tr>
<td>5</td>
<td>Income</td>
<td>Trend in HIV/AIDS statistics in comparison with pre-settlement statistics</td>
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<td>6</td>
<td>Income</td>
<td>Mortality rates after resettlement compared with pre-settlement rates</td>
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<tr>
<td>7</td>
<td>Income</td>
<td>Number of PAPs with access to potable water compared with total PAPs</td>
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<tr>
<td>7</td>
<td>Productivity</td>
<td>Pre-project production versus present production (crop for crop, land for land).</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>8</td>
<td>Productivity</td>
<td>Post project production per affected household/homestead compared with pre-project income.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>9</td>
<td>Productivity</td>
<td>Wildlife conservation and eco-tourism activity on acquired land as per plan,</td>
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</tbody>
</table>

Note: These are only some of the indicators that could be used. Specific indicators will need to be developed taking into account site specific conditions.
### APPENDIX 13  List of Persons and Institutions Consulted

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>ADDRESS</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. F Tukula</td>
<td>Commissioner for physical planning</td>
<td>Physical Planning Department</td>
<td>9 December, 2005</td>
</tr>
<tr>
<td>Mr. Majankono</td>
<td>Commissioner for lands</td>
<td>Lands Department</td>
<td>9 December, 2005</td>
</tr>
<tr>
<td>Mr. P A Makwenda</td>
<td>Planning Engineer</td>
<td>Central Region Water Board</td>
<td>29 November, 2005</td>
</tr>
<tr>
<td>Mr. Geoffrey Mwepa</td>
<td>Chief Irrigation Officer</td>
<td>Ministry Of Irrigation And Water Development</td>
<td>28 November, 2005</td>
</tr>
<tr>
<td>Mr. Ntekateka</td>
<td>Assistant Distribution Engineer</td>
<td>Electricity Supply Cooperation Of Malawi</td>
<td>6 December, 2005</td>
</tr>
<tr>
<td>Mr. Vincent Nkhoma</td>
<td>Industrial Development Officer</td>
<td>Ministry Of Trade And Private Sector Development</td>
<td>8 December, 2005</td>
</tr>
<tr>
<td>Mr. Ligomeka</td>
<td>Director</td>
<td>Ministry Of Local Government And Rural Development</td>
<td>7 December 2005</td>
</tr>
<tr>
<td>Mr. H Njaka</td>
<td>Chief Local Government officer</td>
<td>Ministry Of Local Government And Rural Development</td>
<td>6 December, 2005</td>
</tr>
<tr>
<td>Mr. B Mbwana</td>
<td>Deputy Director PAM</td>
<td>Ministry Of Health</td>
<td>29 November, 2005</td>
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<tr>
<td>Mr. Kabati</td>
<td>Administrative secretary</td>
<td>Decentralization Secretariat</td>
<td>5 December, 2005</td>
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<tr>
<td>Mr. Banda</td>
<td>Project Planning, Monitoring &amp; Evaluation Officer</td>
<td>Decentralization Secretariat</td>
<td>5 December, 2005</td>
</tr>
<tr>
<td>Mr. Mkandawire</td>
<td>Extension Officer</td>
<td>Ministry Of Agriculture and Food Security</td>
<td>28 November, 2005</td>
</tr>
<tr>
<td>Mr. B Chilora</td>
<td>Fisheries Officer</td>
<td>Department of fisheries</td>
<td>2 December, 2005</td>
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<tr>
<td>Fereza Laston</td>
<td>Business Person</td>
<td>Ntcheu</td>
<td>23 November, 2005</td>
</tr>
<tr>
<td>Daudi Chinganji</td>
<td>Business Person</td>
<td>Ntcheu</td>
<td>23 November, 2005</td>
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<tr>
<td>Henry Pendame</td>
<td>Village Headman Mwambo</td>
<td>T/A Mwambo - Zomba</td>
<td>22 November, 2005</td>
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<tr>
<td>Mr. Chibadula</td>
<td>Business Person</td>
<td>Ndege Trading Centre</td>
<td>22 November, 2005</td>
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<td>Helbert Mwale</td>
<td>Court Clerk</td>
<td>T/A Mabuka - Mulanje</td>
<td>25 November, 2005</td>
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<td>Mr. F Muwawa</td>
<td>Business Person</td>
<td>Likhubula Market Mulanje</td>
<td>26 November, 2005</td>
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<td>Village Headman Jimu</td>
<td>Jimu Village Chief</td>
<td>T/A Mkumba</td>
<td>24 November, 2005</td>
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<tr>
<td>Mrs. Nansongole</td>
<td>Business Person</td>
<td>Phalombe</td>
<td>23 November, 2005</td>
</tr>
<tr>
<td>Name</td>
<td>Title/Position</td>
<td>Contact Information</td>
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<tr>
<td>Mr. Masemu</td>
<td>District Lands Officer</td>
<td>Zomba assembly</td>
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<tr>
<td>Mr. Mahonga</td>
<td>MAREP Coordinator - South</td>
<td>ESCOM</td>
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<tr>
<td>Lloyd Phiphira</td>
<td>District Lands Officer</td>
<td>Mulanje Assembly</td>
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<tr>
<td>Mr. Solomoni</td>
<td>Nsanje District Commissioner</td>
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<tr>
<td>Mr. Chimbalanga</td>
<td>Director of Planning &amp; Dev</td>
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<td>Francis Mapeto</td>
<td>Acting Lands Officer</td>
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<td>Joseph Nkhutche</td>
<td>Nsanje Water Scheme-In-Charge</td>
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<td>Enoch Makuluzi</td>
<td>Assistant Plant Operator</td>
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<td>Malemia</td>
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<td>Lundu</td>
<td>Village man</td>
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<td>TA</td>
<td>Nsanje DA</td>
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<td>T. N. Lambwe</td>
<td>Owner of Grocery/Maize/Video RM</td>
<td>08365385</td>
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<tr>
<td>Yohane Thole</td>
<td>Owner of Grocery</td>
<td>Tengani Station</td>
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<tr>
<td>Peter Filimoni</td>
<td>Owner of Grocery</td>
<td>Phokera T.C</td>
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<tr>
<td>David Chinyanya</td>
<td>Director of Planning &amp; Development</td>
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<td>L. Phiphila</td>
<td>Lands Officer, Mulanje</td>
<td>08892261</td>
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<td>Kennedy Jakisoni</td>
<td>Assistant Land officer, Mulanje</td>
<td>08528261</td>
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<td>John Kangata</td>
<td>ESCOM-In-Charge, Mulanje</td>
<td>ESCOM MJ</td>
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<tr>
<td>Mr. Vitula</td>
<td>Irrigation Officer, Mulanje</td>
<td>MJ DADO</td>
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<tr>
<td>Mr. Banda</td>
<td>Land Resources Officer, Mulanje</td>
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<td>M. P. W. Kabuluzi</td>
<td>DADO for Zomba</td>
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<td>Mr. B. B. Masemu</td>
<td>Lands Officer, Zomba DA</td>
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<td>E. J. Zangazanga</td>
<td>District Forest Officer, Zomba</td>
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<tr>
<td>Sudzo Gondwe</td>
<td>Environmental District Officer, Zomba</td>
<td>09244802</td>
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<tr>
<td>Mr. Matope</td>
<td>Sen. Estate Management Officer</td>
<td>08302780</td>
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<tr>
<td>R. Sikoti</td>
<td>Sen. Assistant Evaluation Officer</td>
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