MINISTRY OF IRRIGATION AND WATER DEVELOPMENT
NATIONAL WATER DEVELOPMENT PROGRAMME (NWDP) II

RESETTLEMENT POLICY FRAMEWORK

March, 2007
MINISTRY OF IRRIGATION AND WATER DEVELOPMENT
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RESETTLEMENT POLICY FRAMEWORK

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March, 2007
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EXECUTIVE SUMMARY

The Government of Malawi, through the Ministry of Irrigation and Water Development and the five Water Boards, implemented the National Water Development Project (NWDP I) from 1996 to 2003. The primary objective of the Project was to support the implementation of the Water Resources Management Policy and Strategies, adopted by the Government in May 1994. The World Bank and other donors including AfDB, EIB, NDF, CIDA, EU, JICA, KfW, UNDP and UNICEF, contributed to this effort.

The project was aimed at reforming and upgrading the management of water resources and the provision of water-related services in order to

- ensure convenient access to safe water for a progressively larger proportion of the community;
- provide water infrastructure capable of underpinning economic development; and
- assure the protection and management of water resources, aquatic and riparian environments.

To build on the success of NWDP I, the GoM has requested the World Bank to lead the preparation of a follow-on program, the National Water Development Project II (NWDP II). The NWDP II provides a framework for Government and donor investments in the sector. The project will support improved water resources management and expand water supply and sanitation services in cities, towns and villages. The Ministry of Irrigation and Water Development (MoIWD) and the donor group are adopting a common implementation strategy, and MoIWD is establishing management systems that can underpin a Sector Wide Approach (SWAP).

The objective of the NWDP II is to improve water resources management and to increase access to sustainable water supply and sanitation services for people living in cities, towns and villages. The NWDP II will build capacity, through improved monitoring, regulation, incentive structures, public/private partnerships, and coordination.

The project has four main investment components as follows:

Component A is for the improvement of urban water supply and sanitation for the cities of Blantyre and Lilongwe and will be implemented through Blantyre and Lilongwe Water Boards.

Component B will target:
- water supply and sanitation improvements to town and market centres in the water supply areas of the three Regional Water Boards;
- groundwater development in towns with supply gaps and difficult hydro-geological conditions; and
- capacity building of the RWBs in continuing implementation of the HIV and AIDS programmes.

Component C: This component will focus on development of water resources management, and institutional and technical support; establishment of a pilot catchment management authority in selected sub-catchment of the Shire River; Lake Malawi level control studies leading to detailed engineering design and construction of the Liwonde
Barrage and the Shire River low level pumping scheme; and the development of enabling legislation for the implementation of the National Water Resources Management Policy.

**Component D:** will provide capacity building and institutional support to MIWD in managing its sector programme including the sub-sectors of urban water supply and sanitation (UWSS), rural water supply and sanitation (RWSS), town water supply and sanitation (TWSS) and water resources management (WRM). The component will include implementation of the National Sanitation Policy through a strategic sanitation plan to address issues related to sewerage, solid waste and excreta disposal and drainage in Blantyre and Lilongwe. The implementation of a sustainable reform plan to address the urban Water Boards’ deficient organizational culture, inadequate work ethics and lack of commercial discipline as well financial viability of the sector will be tackled under this component.

The proposed project has a number of water infrastructure and water resource management interventions that are likely to have impacts on land holdings, sources of income and livelihoods in various communities and areas where the project activities will be implemented. To mitigate against the potential negative impacts and to enhance the positive attributes and benefits of the project to the potentially affected persons, it is necessary to prepare this Resettlement Policy Framework (RPF).

The RPF will be used during the planning and design stage and throughout the project implementation period; and it will be included in the Program Implementation Manual (PIM). The RPF will identify potential negative impacts (on assets or on sources of livelihood) resulting from the project activities; and it will develop a clear and systematic framework to compensate, or relocate (when necessary) the persons thus affected.

The Environment 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 NWDP II 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 NWDP II has prepared 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, from the NWDP II activities, 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 NWDP II.

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 proposed project areas 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 fair 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 7.

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 of 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 levels or to improve their livelihoods in comparison 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 Project Affected Persons (PAPs), who may be affected during implementation of the NWDP II. The RPF has made recommendations for appropriate local and national structures to facilitate smooth and effective implementation and monitoring of resettlement and compensation for the NWDP II.

The RPF has been prepared in anticipation that the project activities under the NWDP II 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 NWDP II, 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 the NWDP II) for land contributed voluntarily without seeking compensation, as well as land acquired involuntarily. The guiding principle for land acquisition shall be that where land is required for implementation of the
NWDP II activities, the recommended safeguards shall be observed to reduce the suffering of the affected communities.

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

NWDP II 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 Assemblies shall take responsibility for implementation of the RPF at respective local authorities, with assistance from the local Water Board offices and the offices of the above mentioned Government Ministries. For Municipalities, the Municipal Councils shall be responsible for the implementation, with assistance from the Water Boards and local representatives of the relevant Government ministries.

It is recommended that the implementation of the RPF should be systematically organized 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 NWDP II 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 their livelihood.
ACKNOWLEDGEMENTS

The preparation of this Resettlement Policy Framework (RPF) could not have been accomplished were it not for the inputs of so many people and organizations from the proposed project areas of impact. These organizations include the Water Boards, the District Assemblies, the Town Assemblies and the key stakeholder institutions in Mzuzu, Mzimba, Kasungu, Lilongwe, Liwonde, Mangochi, Zomba and Blantyre districts. The Local Leaders and their subjects in these project impact districts played a very important role in the provision of information to make this consultancy a success.

Various institutions of the Government, both at the districts and at the headquarters are being acknowledged for their response to the questionnaires and their participation in meetings for the gathering of information for this study.

In particular we would like to thank the Principal Secretary of the Ministry of Irrigation and Water Development, the Project Coordinator and staff of the NWDP II for their insight and support.
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<td>AEC</td>
<td>Area Executive Committee</td>
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<tr>
<td>AfDB</td>
<td>African Development Bank</td>
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<td>AIDS</td>
<td>Acquired Immunodeficiency Syndrome</td>
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<td>ARAP</td>
<td>Abbreviated Resettlement Action Plan</td>
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<td>CRWB</td>
<td>Central Region Water Board</td>
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<td>CSC</td>
<td>Construction Supervision Consultant</td>
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<td>DA</td>
<td>District Assembly</td>
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<td>DDC</td>
<td>District Development Committee</td>
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<tr>
<td>DEC</td>
<td>District Executive Committee</td>
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<td>EAD</td>
<td>Environmental Affairs Department</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EIB</td>
<td>European Investment Bank</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 Immunodeficiency Virus</td>
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<td>M &amp; E</td>
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<td>MoLGRD</td>
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<td>NAC</td>
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DEFINITION OF TERMS USED IN THE REPORT

Unless the context dictates otherwise, the following terms shall have the following meanings:

1. "Census" means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) and their assets; in accordance with the procedures, satisfactory to the (NWDP II), 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 Leader.

2. 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 NWDP II 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.

3. "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.

4. "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.

5. "Project affected persons" (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people will have their:
   (a) standard of living adversely affected, whether or not the Project Affected Person 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 adversely affected, temporarily or permanently; or
   (d) business, occupation, work or place of residence or habitat adversely affected.

6. "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.
7. "Involuntary 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 be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

8. "Land" refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

9. "Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

10. 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.

11. Resettlement and Compensation Plan, also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan" - is a resettlement instrument (document) to be prepared when project activity 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 resources. RAPs are prepared by the party (in this case NWDP II) impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by NWDP II to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

12. "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 Malawi law for sale of land or property. In terms of land, this may be categorized as follows;

(a) "Replacement cost for agricultural land" means the pre-project or pre-displacement, 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;

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

(a) transporting building materials to the construction site;

(b) any labour and contractors' fees; and

(c) any registration costs.

16. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals which ever is feasible and as required, for ease of resettlement during relocation.
17. "The Resettlement Policy Framework (RPF) has been prepared as an instrument to be used throughout the NWDP II 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 program. The Resettlement Action Plans ("RAPs") for the NWDP II will be prepared consistent with the provisions of this RPF.

18. "Voluntary Land Contribution" refers to a process by which an individual or communal owner agrees to provide land or property for project-related activities. Voluntary contribution is an act of informed consent, made with prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress.

Voluntary Land Contribution may be of two types: -
   (a) Voluntary Land Contribution for Compensation, or
   (b) Voluntary Land Contribution without Compensation

19. "Vulnerable Groups" refers to:
   - Low capacity households - widows, the disabled, marginalized groups, low income households and informal sector operators;
   - Incapacitated households – those no one fit to work and;
   - Child-headed and street children

This group is among other things, characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.
1.0 PROJECT BACKGROUND AND OBJECTIVES OF THE RPF

1.1 Project Background (National Water Development Project I)

The Government of Malawi’s (GoM) strategy for the water sector in Malawi is to turn over the responsibility for water supply and sanitation services to self-sufficient Water Boards and Water Associations, with the view that it focuses its attention on policy formulation and water resources development. To this end the Government has:

(a) established three Regional Water Boards to provide water supply and sanitation services to towns;
(b) developed and demonstrated a district-based strategy for rural water supply in small villages and market centres;
(c) established a Water Resources Management Board;
(d) combined water supply and irrigation planning within the Ministry of Irrigation and Water Development and;
(e) completed important water resources management studies.

The World Bank and other donors including AfDB, EIB, NDF, CIDA, EU, JICA, KfW, UNDP and UNICEF, through the National Water Development Project (NWDP), have contributed to this effort.

The Government of Malawi, through the Ministry of Irrigation and Water Development and the five Water Boards, implemented the National Water Development Project from 1996 to 2003. The primary objective of the project was to support the implementation of the Water Resources Management Policy and Strategies, (the first coherent Water Policy Document that was adopted by Government in May 1994). The policy aimed at reforming and upgrading the management of water resources and the provision of water-related services in order to:

(f) ensure convenient access to safe water for a progressively larger proportion of the community;
(g) provide water infrastructure capable of underpinning economic development and;
(h) assure the protection and management of water resources and aquatic and riparian environments.

The main outputs at the end of the NWDP I included:

(i) The establishment of three Regional Water Boards and reformation of Blantyre and Lilongwe Water Boards, under a new legislative environment.
(j) the Construction of a dam and Water Supply System in Zomba Municipality and the improvement of Water Supply in 18 other Towns in the three Regional Water Boards;
(k) improved water distribution in Lilongwe City and planning studies for improving water and sanitation services to Blantyre and Lilongwe Cities;
(l) the development of a district-based, community-managed approach to rural water supply and sanitation; and the construction of 500 boreholes and two Gravity-Fed Piped Water Schemes, following the new approach;
(m) re-constitution of the Water Resources Board, and studies towards strengthening the same;
(n) capacity building for the Ministry of Water Development and the five Water Boards;
(o) the rehabilitation and protection of 4 selected catchment areas;
(p) Lake Malawi level control strategy to protect power supply and other beneficial uses of Lake Malawi and the Shire River; and
Revision of the Water Policy and development of a National Sanitation Policy were also initiated during the implementation of NWDP I. The new National Water Policy, to replace the 1994 National Water Policy, was completed in August 2005, while the Sanitation Policy was developed through a comprehensive stakeholder consultation process.

1.2 National Water Development Project II

To build on the success of NWDP I, the GoM has requested the World Bank to lead the preparation of a follow-on project; the National Water Development Project II (NWDP II). The proposed project is a five year IDA Specific Investment Grant of $50 million, which will contribute to GoM’s medium term sector program. A sector wide approach (SWAP) has been chosen to implement a consistent policy and harmonized implementation guidelines for the major sector activities. The funding arrangement for the Government and the participating donors will be parallel financing.

1.2.1 Project Development Objective

The development objective of the NWDP II is to increase access to sustainable water supply and sanitation services for people living in cities and towns, and improve water resources management. The project would also contribute to building sector capacity through improved monitoring, regulation, incentive structures, public-private partnerships, and coordination among the sector stakeholders.

The development objective will be measured in terms of the expected project outcomes that would include the:

(a) number of people with improved water supply and sanitation;
(b) efficiency and financial viability of urban and town water utilities and;
(c) improved water resources management.

The project, together with a number of active donors and financiers, also supports the overall sector wide program. The primary focus is to implement projects that will assist the GoM achieve improved management of the nation’s water resources; and ensure the delivery of efficient, reliable, and sustainable water supply and sanitation services; that will benefit an increasingly large number of population in the country overtime.

1.2.2 Project components

The proposed project would include the following project components;

A. Urban Water Supply and Sanitation – Blantyre and Lilongwe Water Boards;
B. Town Water Supply and Sanitation – Regional Water Boards;
C. Water Resources Management and;
D. Sector Management and
E. Rural Water Supply and Sanitation.

The IDA funds would be allocated to components A, B, C and D (Table 1.1), while component E would be funded solely by other major donors and financiers.
Table 1.1: Proposed World Bank Financial Contributions to Project Components

<table>
<thead>
<tr>
<th>Item</th>
<th>Component Description</th>
<th>Category</th>
<th>Cost US$M</th>
<th>% of Total</th>
<th>Bank financing US$M</th>
<th>% of Bank financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Urban Water Supply and Sanitation - Blantyre and Lilongwe Water Boards</td>
<td>Consultants, goods, works, operating costs</td>
<td>55</td>
<td>28</td>
<td>18</td>
<td>36</td>
</tr>
<tr>
<td>B</td>
<td>Town and Market Centre Water Supply and Sanitation - Regional Water Boards</td>
<td>Consultants, goods, works, operating costs</td>
<td>58</td>
<td>29</td>
<td>18</td>
<td>36</td>
</tr>
<tr>
<td>C</td>
<td>Water Resources Management</td>
<td>Consultants, goods, training, operating costs</td>
<td>27</td>
<td>14</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>D</td>
<td>Sector Management</td>
<td>Consultants, goods, training, operating costs</td>
<td>6</td>
<td>3</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>E</td>
<td>Rural Water Supply and Sanitation</td>
<td>Consultants, goods, works, operating costs</td>
<td>54</td>
<td>27</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>Unallocated</td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>Total</td>
<td>200</td>
<td>100%</td>
<td>50</td>
<td>100%</td>
</tr>
</tbody>
</table>

Component A. Urban Water Supply and Sanitation – Blantyre and Lilongwe Water Boards

Component A would be parallel-financed by IDA and the European Investment Bank / European Union Water Facility. The target beneficiaries of the improved service would be the population of Lilongwe and Blantyre, totalling about 1.5 million. Component A consists of five sub-components:

A1: Priority Investments: Priority investments would include investments in production and transmission. For Blantyre; urgent investments will be carried out to solve the existing water crisis, improve the water intake, increase pumping/treatment capacity, and expand off-peak water storage and distribution. For Lilongwe; improvements will include capacity expansion to the existing water treatment plant, through rehabilitation.

A2: Operational Efficiency Improvement: In the short to medium term, improvements will be made to the operational efficiency of the two Water Boards; with regards to their financial management system, bill collection efficiency, and reduction in
non-revenue water. This would be done through the implementation of a service contract with a private operator.

A3: Extension of Service with Particular Attention to Low Income Areas: This sub-component will include the expansion and improvement of the water and sanitation services to the populations of Blantyre and Lilongwe. Particular attention will be given to the low income and peri-urban communities. The implementation arrangements, choice of technology, and cost recovery plans for such services would be based on a study carried out during project preparation.

A4: Development of Future Water Sources: Full feasibility studies and detailed designs will be carried out for developing new raw water sources for Blantyre and Lilongwe in the medium to long-term, based on demand assessment up to year 2035. These feasibility studies, upon completion are expected to be used for future projects funded by any source.

A5: Capacity Building: This sub-component will include training and development of personnel for both Water Boards, in order to build human resources capacity, to efficiently and effectively manage the water systems. Support will be provided to the Water Boards to continue the implementation of the HIV and AIDS programs which include awareness building, encouragement to do HIV/AIDS tests, and prevention of the spreading of the disease.

Component B: Town and Market Centre Water Supply and Sanitation

B1: Town and Market Centres Water Supply and Sanitation: Under this component the three Regional Water Boards (RWBs) will expand water supply facilities and improve operational efficiency in some of their largest, fastest-growing towns including Mzuzu, Zomba, Kasungu, Mzimba and Mangochi and in other smaller towns.

To qualify for investments; business plans that include management arrangements, tariffs, financial projections, phased expansion plans and social/environmental safeguards are required. Investment proposals will be appraised by the Ministry of Irrigation and Water Development (MIWD), based on the cost effectiveness of the proposed design, the long term financial viability of the scheme, and ability to avoid/mitigate negative social/environmental impacts.

A grant will also be given to towns to implement a sanitation action plan that addresses priority concerns of the community. Funds for town water supply will be maintained by the MIWD, a portion of which will be committed to each of the three RWBs, and the remainder will be available on a first come, first serve basis after works contracts for committed funds have been awarded.

B2: Market Centre Water Supply and Sanitation: The component will finance the development of community-managed water supplies in market centres. The RWBs will:

(i) prepare pre-feasibility studies and introduce the project to participating market centres;
(ii) contract local consultants to provide technical assistance to them and;
(iii) arrange and supervise works contracts to expand their water supplies.
Consultants will:
(a) establish autonomous Water User Associations;
(b) assist the Associations to plan their water supply facilities and learn to oversee operations and;
(c) train local utility operators to handle routine operations and maintenance. A grant will also be given to towns to implement a sanitation action plan that addressed the priority concerns of the community.

B3: Groundwater Development: In many towns water supply services are limited by the yield of boreholes. Under this sub-component groundwater sources with supply gaps and difficult hydro-geological conditions, in towns will be developed.

B4: Capacity Building: This sub-component will include training and development of personnel to improve their job skills, to effectively manage the water supply systems. Support will be provided to the RWBs, in continuing implementation of the HIV/AIDS programs which include awareness building, promotion of HIV/AIDS testing, and prevention.

Component C: Water Resources Management

C1: Water Resources Management Institutional and Technical Support: This subcomponent will continue to support the reform of the water resources sector; and strengthen the Water Resources Management Board. The MIWD will be strengthened to ensure that water resources development is environmentally sustainable; and to re-establish surface water, groundwater and water quality monitoring systems; and a management information system.

C2: Water Resources Investment Strategy: An integrated water resources investment strategy, which identifies the water resources development and infrastructure needs of the country, through a multi-sector economic analysis, is urgently needed in Malawi. The strategy will provide the infrastructure platform required for growth in the different water using sectors.

C3: Pilot Catchment Management and Development: Catchments throughout Malawi are degrading due to poor land use practices and population pressure. This results in erosion, loss of fertile soils, decrease in groundwater recharge, flash flooding, high sediment loads in streams and rivers, and deteriorating water quality. In strategic catchments such as the Shire River, this results in high water treatment costs and damage to hydro-power generation equipment.

A pilot Catchment Management Authority (or Authorities) will be established in a selected sub-catchment of the Shire River, and support will be provided to small scale investments in livelihoods-based catchment management activities, through the preparation and implementation of catchment management plans aimed at reversing the degradation of the river's catchment area.

C4: Lake Malawi Level Control: The outflow from Lake Malawi has been known to cease due to natural lake level fluctuations. Over the past decades critical aspects of Malawi's economy, which are dependent on the flow of the Shire River downstream of Lake Malawi, have been established. These aspects of the economy include the water supply to Blantyre and the generation of 90% of energy for the country. However, whilst
there are increasing demands on the water resources of the Lake, there is no means by which to regulate the flow out of the Lake.

To enable the management of the Lake levels and to avoid the potential of the Shire River ceasing to flow, a feasibility study was undertaken in 2003 to construct a lake level control structure at Liwonde, on the Shire River, and to investigate the feasibility of a low-flow pumping scheme at the mouth of the Shire River.

The sub-component will undertake a detailed engineering design and construction of the Liwonde Barrage, and a detailed design of the Shire River Pumping Scheme. The designs will include independent Environmental Impact Assessments (EIAs) for the two schemes, all safeguard requirements and development of implementation plans of an Integrated Water Resources Management System (IWRMS) for Lake Malawi and Shire River.

C5: Enabling Legislation for National Water Policy: The project will develop and support the promulgation of enabling legislation to support the implementation of the National Water Policy of 2005. This will facilitate the establishment of the required institutional framework for proper water resources management in the country.

Component D. Sector Management

This component would be managed by the MIWD and consists of three sub-components:

D1: Management of SWAP: This sub-component will provide capacity building and institutional support to the MIWD, in managing its sector program, including the sub-sectors of UWSS, RWSS, Town WSS, and WRM. Sector Management would include implementation and monitoring of GoM’s sector policy and common guidelines for all investments in the sector funded by bilateral and multilateral donors, NGOs, and other financiers. Major aspects of such common guidelines would be spelt out in the program implementation manual, and would include investment, financing, and cost recovery policies for each of the sub-sectors.

This sub-component would also build the capacity of the MIWD to effectively carry out monitoring and evaluation (M&E) of the sector monitoring framework with a systematic approach, to developing a medium term investment and financing plan and a MIS system. Other M&E activities would include staffing, training, mid-term and final evaluations, data collection, and technical reviews.

This sub-component would also support the development of an eventual pooled SWAP which would pool donor and GoM funds in one pot and harmonize financial management, procurement, environmental and social safeguards frameworks. It is envisaged that this pooled SWAP would be effective by the end of the project.

D2 - Implementation of Strategic Sanitation Program: Under this sub-component, the National Sanitation Policy dated May 25, 2006 will be implemented through development of a strategy and implementation plan for each of the sub-sectors. This would include:

(i) a strategic sanitation plan to address the issues related to sewerage, solid waste, excreta disposal, and drainage in Blantyre and Lilongwe;
(ii) sanitation planning and services in towns including on-site systems, sewers, and septage treatment/disposal facilities and;

(iii) hygiene and sanitation plans for the rural areas.

The whole population of Malawi is expected to benefit from this sub-component through increased hygiene and sanitation awareness, improved sanitation facilities, and/or change in behaviour towards sanitation.

D3: Implementation of a Sustainable Reform Plan: To ensure sustainability of the sector, this sub-component would implement a reform plan that addresses the Urban Water Board's deficient organizational culture, inadequate work-ethic, and lack of commercial discipline, as well as the financial viability of the sector.

The appropriate institutional framework for ensuring proper governance and accountability for the urban water services would be established through formation of a regulatory framework, clarification in roles and responsibilities of the various sector stakeholders and decision makers, and implementation of a delegated management model possibly through a deeper private sector contract, following the service contract.

To transform the Urban Water Boards into efficient operators, the provision of water services would be contracted out to a water operating company, in an urban water improvement public private partnership (PPP). The project would support GoM's plan to invite Malawian investors to join with specialist international water operators to create a Malawian Water Operating Company. Shares in the Water Operating Company would also be allocated to the staff and management of the Water Boards. The Water Operating Company is expected to take over the staff and operations of the Water Boards. In time, the Water Operating Company could be listed on the Malawi Stock Exchange.

The regulatory framework for urban water supply will not only be for Blantyre and Lilongwe Water Boards but also for the three Regional Water Boards. Regulation will include financial resource allocation, operational efficiency, water quality, and tariff setting and adjustment.

1.3 Objectives of this Resettlement Policy Framework

The proposed project has a number of water infrastructure and water resource management interventions that are likely to have impacts on land holdings, sources of income and livelihoods in various target areas and communities. To mitigate against the potential negative impacts and to enhance the positive attributes and benefits of the project to the potentially affected persons, it is necessary to prepare this Resettlement Policy Framework (RPF).

The RPF will be used during the planning and design stage and throughout the project implementation period; and it will be included in the Program Implementation Manual (PIM). The RPF will identify areas of potential negative impacts (on assets or on sources of livelihood) resulting from the project activities; and it will develop a clear and systematic framework to facilitate compensation, or relocation (when necessary) of the persons thus affected.

1.4 Scope of the RPF

This Resettlement Policy Framework, for the NWDP II, provides an assessment of the social impacts of the project and develops appropriate mitigation plans. The mitigation plans comply with the appropriate national and local laws and guidelines, and with the World Bank's policy directives related to OP4.12/BP4.12 - Involuntary Resettlement. These policy directives require
that in cases of involuntary resettlement, satisfactory relocation must be completed before the civil works for the project are undertaken. Appropriate action must also be taken to restore incomes and other resources lost by the Project Affected Persons (PAPs). The RPF complements the Environmental and Social Management Framework (ESMF) for the NWDP II.

This RPF, prepared to assist in determining compensation and rehabilitation assistance to PAPs, is based on the overall principle that people shall not suffer net losses as a result of the project activities of NWDP II. It contains categories of PAPs and their corresponding entitlements. The RPF clarifies resettlement and rehabilitation principles, in line with OP4.12 (paragraphs 26 – 28), to be applied to NWDP II sub projects during project implementation. This RPF requires that subproject Resettlement Action Plans (RAPs), consistent with this RPF be prepared and submitted to the Bank for approval, after specific planning information becomes available, as required by OP 4.12, paragraph 29.

The RPF is organised into the following sections:

- Section 1 gives the introduction which contains the project background. A brief description of the activities already carried out under NWDP I and the activities proposed for the NWDP II are given in this section. The section further narrates the project objectives and scope of this RPF;
- Section 2 presents the project component activities that are likely to need land currently being used by other persons in the project impact areas. The section also presents the impacts that the PAPs may face, conditions that may pose difficulties and those that may provide opportunities to resettlement;
- Section 3 presents the current land acquisition mechanisms; basic principles and vision of the resettlement programme and highlights aspects of resettlement preparation and implementation;
- Section 4 gives an overview of the steps that lead to the preparation of RAPs, highlighting the need for public consultation and participation. The section also gives the requirements for approval of RAPs;
- Section 5 defines the procedure for estimation of PAPs and the categories of PAPs. These categories include the disadvantaged persons and those that are powerless in society;
- Section 6 gives the eligibility criteria for PAPs, narrating the importance of the cut-off date. The section also gives the recommended eligibility criteria;
- Section 7 cites the relevant legal framework for land acquisition and resettlement in Malawi. The section also presents the discrepancies that are among the various legislations. The relevant World Bank Operational Policies are also cited and the gaps between these and the Malawi legislation are highlighted. The section concludes by giving recommendations for bridging the gap and recommends the use of the more stringent of the two (Malawi or World Bank Policies) to ensure that PAPs are adequately and fairly compensated;
- Section 8 gives the current asset valuation methods and highlights the problems with this method. The section also gives the recommended valuation methods, which will ensure that the PAPs are adequately and fairly compensated;
- Section 9 deals with the land acquisition and resettlement implementation process. Stages of the land acquisition and resettlement process are given; linking the resettlement process to the implementation of the civil works. Important time frames to be observed are also given;
• Section 10 highlights the process for delivery of entitlements and compensation, which includes notification of asset holders, maintenance of a database and public consultation. The section highlights the need for having proper compensation agreements through signing of contracts;
• Section 11 highlights the importance of Public Consultation in the entire process of the project to ensure successful implementation;
• Section 12 highlights mechanisms for grievance redress emphasizing consensus and negotiations as the best mechanisms for conflict resolution;
• Capacity building, which is central to the successful implementation of the RPF, is given in section 13. Recommendations for the types of training including the participants to be trained are given in this section;
• Monitoring and evaluation requirements and recommendations are given in section 14. The areas to be monitored, the indicators and the institutions to carry out the monitoring are also given in this section and;
• Finally, Section 15 gives the budgetary implications and funding mechanisms. This section highlights the fact that it is not possible at this time to present the budget for resettlement and rehabilitation since the specific details of project sites and designs are not available at the moment.
2.0 IMPACTS, LAND ACQUISITION, AND RESETTLEMENT

2.1 Component Activities that are Likely to Cause Impacts

In the NWDP II, components A to C may trigger land acquisition and resettlement safeguard policies. Project activities in these components might require the removal of structures, particularly those that have been erected in the project areas. The activities may also require temporary or permanent acquisition of land currently used for farming or other purposes in these areas.

In some cases, the actual removal of structures or crops may not take place. However, restriction of access to services or restrictions to movement may result particularly during construction.

Specifically, the following components and sub-components may trigger land acquisition, resettlement safeguards and may restrict access to services or movement:


This component will focus on urban water supply and sanitation improvements for the Cities of Blantyre and Lilongwe. For this component, the activities that may trigger land acquisition, resettlement safeguards and restriction to movement are:

A1: Priority Investments that Include Investments in Production and Transmission:
For Blantyre, urgent investments will be carried out to solve the existing water crisis, including improvement in the water intake, increase in pumping/treatment capacity, and expansion of off-peak storage and water distribution. For Lilongwe, capacity expansion will be carried out to the existing water treatment plant through rehabilitation.

A3: Extension of Service with Particular Attention to Low Income Areas:
This sub-component will include the expansion/improvement of the water and sanitation services to the population of Blantyre and Lilongwe, with particular attention to the low income and peri-urban communities.

These activities, particularly expansion of water distribution; improvement of the water intake, storage and distribution facilities and development of future water sources may require extensive civil works construction.

Component B: Town and Market Centre Water Supply and Sanitation - Regional Water Boards

This component will target water supply and sanitation improvements in the water supply areas of the Regional Water Boards. The following sub-components are likely to trigger land acquisition, resettlement safeguards and restriction to movement:

B1: Town and Market Centres Water Supply and Sanitation:
Under this component the three RWBs will expand water supply facilities and improve operational efficiency in some of their largest, fastest-growing towns including Mzuzu, Zomba, Kasungu, Mzimba and Mangochi and in other smaller towns;
**B2: Market Centre Water Supply and Sanitation:**

The project will finance the development of community-managed water supplies in market centres. The RWBs will (i) prepare pre-feasibility studies and introduce the project to participating market centres, (ii) contract local consultants to provide technical assistance to them, and (iii) arrange and supervise works contracts to expand their water supplies;

**B3: Groundwater Development**

In many towns water supply services are limited by the yield of boreholes. Under this sub-component groundwater sources in towns with supply gaps and difficult hydro-geological conditions will be developed.

**Component C: Water Resources Management**

The following sub-components are likely to trigger land acquisition, resettlement safeguards and to restrict movement:

**C3: Pilot Catchment Management and Development**

A pilot Catchment Management Authority (or Authorities) will be established in selected sub-catchment of the Shire River through this sub-component. Support will be provided to small scale investments in livelihoods based catchment management activities through the preparation and implementation of catchment management plans, aimed at reversing the degradation of the river's catchment area.

**C4: Lake Malawi Level Control**

This component will undertake the detailed engineering design and construction of the Liwonde Barrage, and the detailed design of the Shire River Pumping Scheme. However, the designs will include independent EIAs for the two schemes, all safeguard requirements and development of implementation plans of an Integrated Water Resources Management System (IWRMS) for Lake Malawi and Shire River.

Given the nature and size of the project and the nature of the project sub-components, it is very likely that acquisition of land types of different uses including illegally occupied land and farmland will take place.

Where the investment sub-projects involve civil and construction works, new or additional land may be required for:

- construction of access and service roads;
- construction of different types of service buildings and operation structures;
- construction of the different types of drainage structures for roads;
- water drained from access roads may flow into people’s gardens and onto land used for different purposes thereby creating gullies;
- borrow pits and works camps construction may require additional land for operation of the borrow pits and for transportation routes for construction materials.

It is important therefore (at this stage of planning, identification and preparation of investment sub-projects) to ensure that the taking of land currently used or earmarked for the project activities is minimised.
2.2 Impacts of Land Acquisition and Resettlement

Unmitigated involuntary land acquisition and resettlement, arising from development projects, often lead to severe economic and socio-economic impacts where:

- production and income generating systems including natural resources are disrupted;
- PAPs face impoverishment as their productive assets or income sources are lost;
- PAPs skills are rendered inapplicable in new environments;
- PAPs are relocated to environments where their access to community institutions and facilities is lost and where social networks are weakened;
- kin groups of PAPs are dispersed; and cultural identity, traditional authority, social status and the potential for mutual help are diminished or lost and;
- PAPs face increased competition for resources in newly settled areas;

In most cases, resettlement 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.

Certain conditions in the project and sub-projects may present special problems or opportunities to resettlement. Some of these special problems may result from:

(a) illegal settlements;
(b) ineligible opportunists taking advantage of compensation offers;
(c) disadvantaged affected persons being sidelined;
(d) lack of awareness (by the PAPs) of their rights;
(e) problems of integration with host communities and;
(f) compensation amounts that do not match the replaced assets.

Opportunities may include:

(i) better facilities (transport and communication as a result of the improved road infrastructure conditions) provided along with the resettlement programme;
(ii) better and new employment opportunities or income generating capacity and;
(iii) improved transport and communication as a result of the improved road and infrastructure conditions.

The diversity of these problems, some of which will be project and site specific, requires extensive consultation and public awareness for the Project Affected Persons to appreciate the benefits of the development project to them and to the country as a whole.
3.0 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

3.1 Current Land Acquisition Mechanisms
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 as compensation.

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. However, in some areas incidences have happened where project developers have acquired land for development without consulting the local communities and their leaders. During investigations such cases were reported to have happened, for instance at Samama, T/A Mponda in Mangochi district.

Now, there is a new trend growing that for any development including at rural community level, the project affected persons expect compensation from the executing agencies of the development project, including from Government.

3.2 Basic Principles and Vision of the Resettlement Programme.

This RPF for the NWDP II advocates for all measures to move or deprive from resources, as few people as possible. Therefore the principles of doing no harm, avoiding or minimizing resettlement are to be followed in all sub-projects of the NWDP II.

In reality, increasing pressure on land resources (due to high population growth) has lead to scarcity of land for agricultural and for other development project activities. Hence acquisition of land or resources may be necessary, and resettlement may not be avoided in every case of the sub-project activities.

Where physical and economic displacement of people; loss of assets, or impact on people’s livelihoods cannot be avoided, involuntary acquisition of land for the NWDP II shall, as a matter of principle:

(a) initially endeavour to utilize available freehold or public land;
(b) utilize land voluntarily donated by individual/communal owners. The individual or communal owners must freely agree to provide the land or property for the project-related activities. The contribution must be an act of informed consent, made with prior knowledge of other options available (including the right not to contribute or transfer the land) and their consequences. The land, sufficient for the purposes of the project must be donated without undue coercion or duress. In this context, voluntary donation means that the people are not coerced to part with their land; and that the donation does not deny them receiving compensation for their loss;
(c) demonstrate the commitment to ensure that the PAPs are meaningfully consulted; and timely, fully and fairly compensated for their losses before land acquisition. The NWDP II shall demonstrate the commitment to restore the PAPs livelihoods to at least their original condition; and the PAPs shall be assisted in their efforts to improve their livelihoods and standards of living by the NWDP II;
(d) ensure that there shall be no distinction between compensation for private and customary land.
(e) negotiate for land for implementation of the project activities, using agreed compensation plans and the provisions of this RPF and;
(f) as a last resort only, acquire land through involuntary means following the procedure outlined below:

i. where suitable land for a specific project has been identified by the NWDP II or a competent authority, the NWDP II or the competent authority shall initiate negotiations with the affected persons including the traditional/community leaders of the area, the owner or occupier of the land and the District Assembly or its recognized representatives;

ii. there shall be close coordination and cooperation, among public institutions and other relevant stakeholders in order to benefit from the various expertise and experiences in the implementation of resettlement for the NWDP II activities;

iii. the implementing agency, in consultation with the developer, shall prepare Resettlement Action Plans (RAPs) that comply with the provisions of this RPF, for implementation of land acquisition, resettlement and compensation.

Where resettlement, asset acquisition, or impact on livelihood has to take place, an RPF is needed to guide the process for preparation of the RAPs. RAPs are necessary for land acquisition, compensation and resettlement to be done in a fair manner.

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 in some way or another, (e.g. by loss of shelter, loss of access to services and loss of means of livelihood). A RAP will contain information on property values, the basis and conduct for compensation. A RAP also contains specific work plans including dates when the PAPs are going to be compensated and relocated.

RAPs contain specific and legally binding requirements to be abided by the project developer; to resettle and compensate the affected persons before implementation of the project activities causing the adverse impacts.

3.3 Resettlement Preparation and Implementation

This RPF covers projects that will be clearly defined in the future. Under the NWDP II, RAPs must be presented for those project activities triggering resettlement. Hence, no construction work may begin on such components of the NWDP II until the RAPs have been developed and approved for these components.

The project office or consultants for the NWDP II will prepare the RAP and the NWDP II will pay for the costs of resettlement. NWDP II (not the construction companies) shall be responsible for the land-taking, evaluation and compensation activities. This is important in order to ensure that the construction companies’ performance is not influenced by the resettlement activities; their integrity is not compromised and that the PAPs are treated in a fair manner. With this approach, the project authority and the local officials shall not to delegate the census of the affected population, the inventory of assets to be taken, the valuation of those assets, the negotiation of compensation amounts, or the payment of compensation. NWDP II
will support this approach and will therefore provide the necessary financial and administrative resources.

The objectives of resettlement preparation and implementation are to:

3.3.1 provide an effective, systematic and efficient procedure and mechanisms for the implementation of compensation, resettlement and rehabilitation;
3.3.2 determine the necessary and appropriate detailed list of activities including the time frames for all the stages of compensation, resettlement and post resettlement;
3.3.3 plan for the necessary resources including financial, equipment and human resources (persons and institutions) required for effectively implementing resettlement and compensating the people to be displaced as determined by the census;
3.3.4 ensure that the development that follows in both the vacated and resettlement land takes place in an orderly, efficient and environmentally and socially friendly manner;
3.3.5 plan for the systematic implementation of appropriate mitigation measures to avoid adverse consequences of social, cultural, economic and environmental integration with host communities and;
3.3.6 ensure that the needs of the displaced and affected are timely, smoothly and conveniently provided for, during the transition period.

Where land acquisition is inevitable for the NWDP II activities, the following procedure shall be adhered to:

3.3.7 the Government or the implementing agency shall serve notice on the PAPS, clearly explaining the intention and purpose of land acquisition, the area of land required and the owner's or occupier's rights to compensation in accordance with the existing legislation, policies and this RPF;
3.3.8 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 accurate identification and fair compensation to affected persons;
3.3.9 in the case of private land, the competent authority shall ascertain the correct registered owner of the land from the Lands Registry.

The NWDP II shall engage a competent authority to survey the land to be acquired. Thereafter a RAP shall be prepared and certified to accurately show:

3.3.10 the land to be acquired;
3.3.11 names of owners or occupiers of the land, as far as they can be officially ascertained; and 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;
3.3.12 names of the traditional and community leaders or representatives to assist in the process of land acquisition and resettlement;
3.3.13 the estimated magnitude of impacts relative to the need for resettlement or compensation and valuation of assets for the compensation;
3.3.14 financial records (to permit calculation of the final cost of resettlement and compensation per person or household, to be maintained by a competent authority)

Each person or household receiving compensation will have a dossier containing:

3.3.15 the person's detailed identification information, including name, date and place of birth, next of kin, marital status etc;
3.3.16 number of persons she or he claims as household or homestead dependants;
3.3.17 the amount of land available to the person or household when the dossier is opened;
3.3.18 assets – including structures, resources, crops, etc and;
3.3.19 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.

Additional information will be required for individual’s eligibility for resettlement or compensation. This information will include:

3.3.20 level of income and production;
3.3.21 inventory of material assets and any improvements made on the land; and debts if any;
3.3.22 proposed compensation offers and draft agreements to be signed by the affected persons and the developer;
3.3.23 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;
3.3.24 details of resettlement after-care and assistance, where appropriate;
3.3.25 available employment opportunities for the PAPs to participate in the project activities; and
3.3.26 mechanisms for monitoring and evaluation

The RAP will be prepared in close consultation with PAPs to ensure their needs and concerns are appropriately addressed. A copy of the plan will have to be cleared by the World Bank and to be deposited with the District Assembly; and with the Traditional Leaders of the area affected.
4.0 RAP PREPARATION, REVIEW, AND APPROVAL

4.1 Steps Leading to the Preparation of RAPs

The extent and detail of screening for project sites and for planning and information needs will depend on the severity of impact. In general, screening for project sites shall include, among other things, a baseline study and census to determine the level of impact to PAPs, and; assets; and to establish the cut-off date.

Generally for NWDP II, strips of land for pipe trenches and tank construction will be taken. For these types of works most of the farmer’s fields will remain cultivable and will not be permanently affected. Hence all that will be necessary is a valuation of the assets, land and crops and there will be no need for detailed socio-economic surveys for these activities.

The proposed dam construction in Mzimba is likely to require resettlement of about 100 families. This is will be the major resettlement activity for the NWDP II for which a detailed socio-economic survey will be required. The extent of resettlement requirements is not precisely known at the moment and will only be established after the specific project designs are prepared.

Screening for land acquisition is a very important component of several activities that contribute to the preparation of the RAP. In the NWDP II, identification and acquisition of new land will be very limited for most of the project activities, since only small strips of land will be affected. Relatively small pieces of land for borrow pits and service buildings will also be required.

In preparing the RAPs for the activities that will require resettlement, the following steps will provide guidance:

Step 1
The NWDP II or a consultant will prepare the project activities to be undertaken in the proposed sites, for the construction, rehabilitation and maintenance of the proposed water supply facilities, service buildings, borrow pits and access roads, or any other associated project activity. NWDP II will approve the project activities.

Step 2
NWDP II will coordinate the project activities with the Regional Water Boards and the District Assemblies, other relevant stakeholders and the Local Leaders in the project areas. As far as possible the local community development structures already existing at the district level must be used.

Step 3
Using participatory methods, NWDP II, the Regional Water Boards and the District Development Committees responsible for the project boundary area will establish the cut off date.

Step 4
NWDP II will request its service providers to carry out a socio economic survey, a census and to collect other information about the land and the assets to be affected. The census will be done to identify the potential PAPs (focusing on the individual household and vulnerable groups) and; to assess their incomes and assets, as the first step in the preparation of the RAP.
Socioeconomic characteristics of families and businesses will be compiled as demonstrated in Appendix 4.1 (Appendix 4.1, Table 1 – Property Affected; Table 2 – Socioeconomic Characteristics of Families; and Table 3 – Socioeconomic Characteristics of Business). Consultation with PAPs will be undertaken to ensure PAPs are properly informed as well as to elicit contributions and address concerns in the design of the RAP.

**Step 5**

On completion of the socio-economic survey and the baseline census, NWDP II 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 action plans will be subjected to final approval of the World Bank, to ensure compliance with the Bank’s safeguards. The Bank will ascertain that land is actually acquired or access to resource is lost, denied, or restricted; and that the individual resettlement action 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 NWDP II shall refer to the Environmental and Social Management Framework (ESMF) or the relevant environmental management laws and legislation. Approved compensation costs that do not entail resettlement can be effected at this time.

For construction activities that require resettlement, screening for resettlement sites shall be conducted.

The World Bank OP 4.12 article 25 and Annex A provides the basic requirements and contents of the RAP (see Appendix 4.2 and Appendix 4.3). Where any element of the Appendices is not relevant to the NWDP II circumstances, it shall be noted in the RAP.

**Step 7**

NWDP II, shall forward the RAP, together with the modified designs, to the respective Water Boards who together with the District Authorities will scrutinise them to ensure compliance with the applicable by laws and sectoral requirements.

**Step 8**

The RAPs will be shared with the PAPs in order to ensure their needs and concerns have been incorporated into the design plans.

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

### 4.2 Public Consultation and Participation

Projects involving the community owe their success to community participation 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 NWDP II 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 NWDP II activities, facilities and structures. The affected persons must be made aware of:

(a) their options and rights pertaining to resettlement and compensation;
(b) the specific technically and economically feasible options and alternatives for resettlement sites;
(c) the process of and proposed dates for resettlement and compensation;
(d) effective compensation rates at full replacement cost for loss of assets and services; and
(e) the proposed measures and costs to maintain or improve their living standards.

The aim of public consultations at the screening stage will 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.

During public consultation, there is the need to negotiate compensation and resolve conflicts. Grievance redress is very important to the success of implementation of RAPs. Grievance redress is covered in more detail in Section 12 of this RPF.

4.3 Template for the Design of Sub-Project Raps

A RAP will contain a complete inventory of all assets to be acquired for which a full census shall be undertaken to register and document the status of the potentially affected population within the project impact area, their assets, their tenurial status, and their sources of livelihood. All forms of land occupancy (including informal title) will be inventoried. The asset inventory and census will determine the cut-off date for entitlement to relocation assistance or other benefits from the project. In accordance with the provisions of the RPF and the specific RAPs, all people moving into the project area after the cut-off date will not be entitled to support.

A RAP will contain a time-bound schedule of implementation. Compensation and assistance are to be based on the overall principle that people shall not suffer net losses as a result of the project. If indigenous peoples are affected by the project, specific measures shall be undertaken to ensure that they are not adversely affected, in accordance with World Bank Operational Policy 4.12 and Malawian policy.

The RAP shall give detailed guidance on how to implement the provisions in the RPF, including institutional arrangements and budgets, based on the numbers of PAPs with entitlements under the RPF. Participation by involvement of stakeholders throughout the project, both in planning and implementation, shall be incorporated in the process.

The RAP will follow the usual outline (OP 4.12, Annex A), and the template given in Appendix 4.2, appropriately modified in order to take into account those matters dealt with in the RPF. The scope and level of detail of the RAP will vary with the magnitude and complexity of resettlement. The RAP is based on up-to-date and reliable information about land acquisition.
(including land for borrow pits, construction camps and other allied works), the proposed resettlement and its impacts on the PAPs and other adversely affected groups.

4.4 **Approval of the Resettlement Action Plans**

Once the RAP has been prepared, it must be forwarded to the respective Water Boards who will together with the District Assembly scrutinise and recommend them for approval. Once satisfied with the RAP, the Water Boards and the District Assembly will forward them, together with their recommendations, to the Ministry responsible for lands, physical planning and surveys for their approval and endorsement. The World Bank will also have to endorse the RAP to ensure compliance with the Bank’s Operating Procedures.
5.0: ESTIMATED POPULATION DISPLACEMENT AND LIKELY CATEGORIES AFFECTED OF PERSONS

5.1 Estimation of Project affected Persons

For purposes of compensation and resettlement, it is very important that the correct numbers of project affected 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.

Below are the steps that need to be followed in order to determine actual numbers of PAPs:

a) In close liaison with the DEC or TCPC for a particular water supply service, determine the alignment of the water supply service in question, taking every precaution to avoiding human settlements as much as possible.

b) Calculate the total area of land this particular water supply service will occupy.

c) Carry out a physical count (census) of all the persons and assets falling within the demarcated area to be occupied by the water supply 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 PAPs as described in Section 5.3 below. This disaggregation will assist in identifying special needs of the different categories of the PAPs.

An estimate may be required for purposes of preparing budgets, and where carrying out actual head counts of the PAPs might not be practically feasible. In such cases the population densities obtained from the National Statistics Office may be used to estimate the potential number of PAPs. This will give a fair estimate of the total population to be displaced from an area demarcated for the water supply services construction.

5.2 Likely Categories of Project Affected Persons

During the process of compensating and resettling the PAPs, 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 RPF, the categories of persons likely to be affected include but are not limited to:

5.2.1 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. They also depend on subsistence farming often benefiting from assistance from family members as well as cultivating their farms for their daily needs. When displaced, these persons may find it difficult to open up new farms and to regain their means of livelihood. Resettlement and compensation considerations for the NWDP II should take care of the special needs of such persons.

5.2.2 The Elderly

Elderly persons usually depend on subsistence farming, often benefiting from assistance from family members as well as cultivating their farms for their daily needs. The economic and social welfare of these people may be compromised, as their bread winner moves to a distant area due to resettlement as a result of the NWDP II. This group of people therefore, should be adequately compensated to ensure that their means of livelihood is promoted and/or maintained.
5.2.3 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 PAPs for compensation and resettlement, under the NWDP II, the needs of this group of people should be given special consideration.

5.2.4 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. These are:
- those children that are too young to go to school
- those children that are able to go to school.
- children who, for some reason or another, cannot go to school but take care of their younger brothers and sisters.

The first two categories above often depend on family members or relatives. All the three categories need some assistance that will enable them earn a living.

Some of the orphans depend on government health programmes and others engage in small business activities including begging from business enterprises and PAPs. 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 the orphans in children's care homes or charities could also be one way of fairly compensating them.

5.2.5 Small-Scale Farmers
The movement of small-scale farmers from places where they have been farming for several years, may make it difficult for them to open up new and viable farms in an area that has thick vegetation, or low soil fertility. These farmers should be assisted with the cost of labour for opening up new farms through the RAP. Prior to opening of new farms, the requirements of the ESMF must be satisfied.

5.2.6 People with Disabilities
People with disabilities may be attached to a particular service centre. Other people with disabilities 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 by, for instance, placing them in nursing homes.

Local leaders and District Assembly officials will verify eligibility and special needs of PAPs and assume responsibility of vacated lands.

The categories given above may not cover all types of PAPs. In addition, the categories are not mutually exclusive. It is important therefore, that the NWDP II activities should have well prepared and comprehensive RAPs that would compensate all the categories of PAPs 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 timely assist the PAPs;
(b) both individual and collective consultation;
(e) the PAPs 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. The alternative subsistence farming plots should be developed and made available to those losing subsistence farming land;

(e) compensation for loss of crops and trees should be determined at the time of re-location or construction and should be 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 the livelihoods of PAPs;

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

(i) technical and financial assistance should be made available to PAPs should they wish to open up income generating activities or to use the grievance mechanism described in Chapter 12.
6.0 ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF PAPs

6.1 Cut-off Date for Eligibility

The screening process for land for the construction of projects under the NWDP II shall 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 cut off date will be determined and set at the beginning of the census through a consultative process. PAPs, Community Leaders and the community shall be widely consulted and shall be well informed of the cut off date after which any new settlements within the project impact area will not be compensated for. Compensation will be paid only to those established in the area affected by project and to those with assets determined and recorded during the census.

When setting the cut-off date, all measures shall be taken to avoid a “rush” into the area or other areas that may come into the list of subprojects at a later date. Opportunistic invasions of possible subproject sites constitutes a major risk to the project, especially where subprojects may be chosen from a very limited set of alternatives that become publicly known before setting the cut off date. Therefore, depending on the number, sequence, and magnitude of subprojects, one or several rolling cut-off dates may be advisable. This may be accomplished, with minimum risk to the project, by extensive public consultation to create mutual awareness of the existing PAPs and assets in the proposed subprojects areas. The Area Executive Committees and the Local Leaders shall assist in disseminating the information about the dangers, consequences and legal implications of opportunistic invasion.

6.2 Recommended Beneficiaries Eligibility Criteria

The NWDP II consists of project activities that are mostly lineal rather than areal in nature, closely following existing pipeline alignments and in some cases, new pipeline channels. Physical relocation is likely to arise in both urban and rural segments, within limited strips of land where entire communities are not likely to be affected; except for the case of the dam construction in Mzimba.

The types of losses the PAPs may suffer will include temporary loss of access to land, income, housing, water sources, proximity to work, utilities and social amenities. Some of the PAPs may incur losses to a combination of the above.

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

(a) persons losing land with or without legal title,
(b) persons losing temporary or permanent access or rights to services
(c) persons losing business or residential property.
(d) person with homes, farmland, structures or other assets within the proposed water supply sub-project activities or within the way leave of any infrastructure proposed for construction or rehabilitation;
(e) vulnerable individuals who may be too old or ill to fend for themselves. These PAPs shall receive additional assistance (e.g., a premium over the indemnisation to cover additional costs such as contracting labor to construct a new home or to pack, move and uncrate the belongings because they are unable to do so).
(f) persons dependent on displaced families, which may include any member of the
household whether men, women, children, dependent relatives, friends and tenants,

(g) members of the household who cannot reside together because of cultural rules, but depend on one another for their livelihood,

(h) members of the household who may not eat together but provide housekeeping or reproductive services, critical to the family’s maintenance.

(i) persons who may not live together with the rest of the displaced family, for reasons such as polygamy

(j) persons that incur losses whether partial or total and whether they have their own land or rent land, including those that rent or occupy buildings individually or as a group for business or as households.

Appendix 6.1 presents an example of the format of an entitlement matrix for losses incurred by PAPs.

Where there are clearly no identified owners or users of land or assets, the respective District Assembly will notify the Community Leaders or their representatives to help identify and locate the land users. Neighbourhood or village committees including outside experts knowledgeable of the people and assets in the affected area may assist to identify property owners by clearly identifying themselves to the Community Leaders or by taking an oath.

The Local Leaders and representatives will be charged with the responsibility to notify their members about the established cut-off date and its significance. The land user(s) will be informed through both formal notification in writing and by verbal notification delivered in the presence of the Local Leaders or their representatives.
7.0 LEGAL FRAMEWORK FOR 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.

7.1 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 defines 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.

7.2 Existing Policies, Legislation and Practices

7.2.1 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 and;
  - 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.

7.2.2 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.

7.2.3 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 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”;

7.2.4 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;

7.2.5 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 Law 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;

7.2.6 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;

7.2.7 Other Acts
The Electricity Act, No. 22 of 2004 and other Acts relating to utility providers permit 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.

7.3 Observations and Discrepancies on Malawí's Legal Framework
Section 7.2 above provides the legal basis for determining eligibility for compensation in accordance with the Laws of Malawi. It also provides other legislation and the current practices by some government institutions. In general, the legislation recommends cash compensations to be paid based upon market value of the assets. In the case of customary land, land is given for lost land and cash compensation is paid for assets and disturbances. The PAPs 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.

7.4 Relevant 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 PAPs, 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.

(b) 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.

PAPs 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 PAPs 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 PAPs, including squatters or other persons encroaching on the NWDP II 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 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 or improved.

The World Bank's Safeguard Policy OP 4.12 applies to all components of the programme and to all economically and/or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. The Safeguard Policy further requires particular attention to 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 RAP shall be 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 (to restore livelihoods when these are affected appreciably) shall be done prior to their displacement. In particular, the policy requires that 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 PAPs in accordance with the provisions of the RAP.
7.5 Gaps between Malawi Legislation and World Bank O.P.4.12

The provisions of the existing national legislation cited above support fair land acquisition, compensation and resettlement procedures to be developed and implemented. These legislations provide adequate legal foundation for the preparation of the RPF. The legislative provisions however, are spread out in the different Acts as outlined above and are fragmented. This does not provide a coherent framework which can easily and adequately support compensation and resettlement problems.

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 prefer this.

(d) the Bank insists on ensuring that the PAPs are not adversely affected during the transition period and that they are compensated for impacts during transition. The national legislation is silent on this.

(e) the Bank requires that PAPs that belong to the disadvantaged groups such as orphans, the elderly, the sick, female headed households and others shall be given special attention to meet their needs so that they do not lose the proximity and access to the socioeconomic services that satisfy their particular needs. The Malawi Legislation does not categorise PAPs according to their special needs.

(f) The World Bank OP 4.12 requires that grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms. In case of the Malawi Legislation it provides that an assessment of compensation by the Minister shall be final and shall not be subject to any appeal or review by any court.

Appendix 7.1 gives some of the gaps between the national legislation and the World Bank Policy OP 4.12.

7.6 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 NWDP II 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.

This RPF recommends that where there is remarkable difference between the Malawian Legislation and the World Bank Operating Policies, the better of the two will be used since the lesser standard is met ipso facto. It is to be noted, however that more comprehensive details should be provided in the RAPs. In view of the foregoing, all land acquisitions by the NWDP II should be done in line with this RPF and should be subject to the Laws of Malawi and the Bank’s OP4.12.
8.0 ASSET VALUATION METHODS AND ENTITLEMENT

8.1 Current Asset Valuation Methods

8.1.1 Introduction

Project developers have been carrying out asset valuation, compensation, resettlement and rehabilitation related activities in cooperation with other government agencies, such as, the Ministry of Lands and Physical Planning, the Ministry of Agriculture, the Forestry Department and the District Assemblies. The role of the District Assemblies is identification of affected parties, sensitisation of public projects, disbursement of compensations and addressing grievances; while the other institutions have been involved in the assessments and valuations. Resettlement Action Plans are not prepared; therefore there is very little monitoring of the welfare of the PAPs.

Preparation of RAPs is an emerging issue in Malawi and while the present organisational structures continue to facilitate and implement resettlement matters it is necessary to enhance their capacities.

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:

8.1.2 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 open market value of a similar building, in the same location is used to calculate the compensation amounts. For land compensations Local Leaders assist PAPs to locate land for resettlement (in cases of customary land) in consultation with District commissioners; and the Department of lands assists PAPs to locate land for resettlement in case of public land.
8.1.3 Valuation of Field Crops and Fruit Trees/Plantations

The procedure for valuing affected crops is based on pre-determined unit prices. The setting of a pre-determined unit price takes into account the type of crop, the yield level (high, medium or low yield variety), the expected yield and the produce unit price. The total compensation 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. Currently the action to review the 1994 schedules has been initiated. However, the Department of forestry schedules are dated 1999.

8.1.4 Valuation of Forest Trees (Indigenous and Exotic Species)

Compensation values for trees (fruit, indigenous and exotic) are based 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).

8.2 Problems Related to Current Valuation

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 PAPs being unable to build 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 PAPs;
(f) the system has no consideration for vulnerable groups such as the disadvantaged groups, widows, disabled persons, aged and school children etc.;
(g) the valuation does not take into account the costs of developing the new places where the PAPs may resettle;
(h) the system does not consider the social and cultural problems PAPs may face in the new places with respect to integrating with the host communities.
(i) the calculation of compensation value of affected assets is done without the involvement of the PAPs and;
(j) key stakeholders and experts from other Ministries such as Ministry of Agriculture, Forestry, Commerce and Industry 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.
(k) The District Commissioners do not always consult the Ministry or PAPs when determining compensation values.
(l) Cash lump sum payments have some disadvantages in that the recipient may use the funds for purposes other than for resettlement.
8.3 Recommended Compensation and Valuation Methods

The valuation methods being recommended for the NWDP II are an improvement of the current methods. Following below is a summary of the recommended methods.

8.3.1 General Considerations

Individual and household compensation will be made in kind and/or in cash. Although the type of compensation may be an individual's choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of assets.

Cash payments are more acceptable when losses constitute a very small fraction of incomes. This may not apply to cases where income sources (or property) are so affected that the entire holding or structure should be replaced.

Cash payments will be calculated in Malawi Kwacha and 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 District Assembly.

For payment of compensation in-kind, the time and new location will have to be decided and agreed upon with each PAP, in consultation with NWDP II, the respective Water Boards and District Assemblies. Items such as land, houses, and other structures, building materials, seedlings, agricultural inputs and financial credits for equipment should be included. Assistance should include allowances for transfer, transportation and labour.

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.

For all the sub-project activities (urban, peri-urban and rural) land and assets will be valued and compensated for according to the following guidelines and as appropriate for each subproject:

- NWDP II will compensate for assets and investments (including labour, crops, buildings, and other improvements) according to the provisions of the RAP and based on market prices for cash crops, determined by the Ministry of Agriculture as current market price.
- Eligibility for compensation will not be valid for new persons occupying/using the project sites after the cut-off date, in accordance with this RPF.
- Compensation cost values will be based on replacement costs, as of the date that the replacement is to be provided or at the date of project identification, whichever is higher.
- PAPs that lose farmland allotted by the village under customary tenure will be provided an equivalent plot. However, since the World Bank Policy OP4.12 on resettlement makes no distinction between statute and customary rights, a customary land owner or a user of state owned land will be compensated for land, assets and investments including loss of access, at replacement costs.

It is worth noting that it may not be possible to compensate for some impacts, or some impacts may be compensated with generic payments e.g. minor strips of land of a meter or two along pipeline trench. Such cases have to be formerly agreed upon with the PAPs and have to be properly recorded in case of complaints or disputes.
8.3.2 The Units of Compensation

In the assessment and determination of compensation for loss under the NWDP II, the units of analysis for PAPs will include number of households or individuals; families, community as a whole, and associations such as religious or farmers’ groups. Units of analysis for lost assets will include square metres of property, land or fields; number of trees; kilograms of fruit and any other units that may be appropriate to the particular situation.

It is recommended that uniform approaches and units for assessment and determination of compensation for the NWDP II should be used across all subprojects to avoid confusion and misunderstanding.

Comprehensive assessment records for the dates, places, PAPs and their properties assessed shall be kept by the District Assembly, the Local Water Supply Office, the Head Office of the respective Water Boards and the NWDP II.

8.3.3 Compensation for Land

Compensation for land is aimed at providing for loss of crop and the labour used to cultivate the crop. The term “Land” refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labour. As a result, compensation relating to land will cover the market price of rates for labour invested, as well as the replacement cost of the crop lost. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

In certain cases, assistance may have to be provided to land users, in addition to compensation payments. For example, if a farmer is notified that his/her land is needed after the agriculturally critical date (critical date, may be different in parts of Malawi and across climate zones) when s/he 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 s/he can pay for sowing, weeding and harvesting.

8.3.4 Land Measurement

The unit of measurement for land will be that, which is used and understood by the PAPs. Therefore if a traditional unit of measurement exists in the rural areas, that unit shall be used. If a traditional unit of measurement does not exist, it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. In such cases, the unit that is-being used must be explained to the affected farmers/users.

The unit of measurement must be easily related to recognizable land features that the communities are familiar with, such as relative location of trees, stumps and other fixed features on the sites. Understanding the unit of measurement ensures that the affected person is able to verify his/her own size of land that is being lost. This maintains transparency in the process and avoids subsequent accusations for wrong measurements or miscalculation of land areas.
8.3.5 Valuation of Land Used by the Public

For cases where the land is being used by the public (for instance for grazing, settling or otherwise), the NWDP II will, in consultation with the Ministry responsible for Lands, identify suitable replacement land for use by the public and be expected to pay compensation to the community.

8.3.6 Valuation of 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, fences, or any other impacted assets. 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 not 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 NWDP II should survey and update construction material prices on an ongoing basis. Appendix 8.2 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 the building materials collected from different local markets;
(d) costs for transportation and delivery of the building materials to the acquired/replacement land or building site and;
(e) costs of construction of new buildings including current market labour costs as required.

An example to demonstrate the calculation of compensation for buildings is given in Appendix 8.2

8.3.7 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.

To avoid any possible conflicts between individuals and/or communities, homesteads and government, the use of sacred sites for any project activities is not permitted under the NWDP II.
8.3.8 Valuation of Field Crops

Project developers are encouraged to start implementation of their activities after people have harvested their crops. However, in some cases, project activities may start before people have harvested, therefore it is expected that valuation of the field crops be done. 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. For the same type of crop, there will be no differentiation in unit price whether the crop is grown for food or cash. The unit price (Kwacha per Kilogram) of the 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.

Both cash and consumption crops are valued at the market price mid-way between harvest peaks. Prevailing prices for cash crops will have to be determined with the assistance from the Ministry of Agriculture. Ministry of Agriculture rate schedules must be verified for currency. Each type of crop is to be compensated for, using the same rate. Calculating compensation using one rate guarantees uniformity of compensation values.

8.3.9 Valuation for Labour for Preparation of Agricultural Land

The value of labour invested in preparing agricultural land will be compensated for using Government wages 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 to the state of the replaced land. This value will be determined by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

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 project sites) when he/she will no longer have enough time to prepare another piece of land, assistance will be provided in form of labour intensive hire, or mechanized clearing so that replacement land will be ready by the sowing dates. An example of a schedule for calculation of labour costs is given in Appendix 8.1.

8.3.10 Valuation of Vegetables and Beehives

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 the average amount an average town dweller spends on buying these items for one year, from the local market.

Some individuals that specialize in honey gathering place beehives in various locations. If such beehives are disturbed by the project activities, or access to them is denied, beekeepers may have to move them. The bees will eventually adapt to the new locations. Beekeepers will be compensated for the value of one season's income from honey, for each beehive that is moved and for any reasonable costs associated with moving the hive.

8.3.11 Valuation of 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 fruit trees such as mango trees) and;
traditional medicinal value

The valuation of fruit/plantation trees shall be based on the current compensation schedule that takes into account factors such as; 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/plantation tree grown and should be calculated according to the schedule given in Appendix 8.3.

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 common for individuals to own trees in other villages in which they formally lived and 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 fruit (e.g. guava or mango) based on production yields.
(b) provide farmers with tree seedlings to replace lost trees
(c) Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits.
(d) Provide cash payments to farmers to replace pre-project income derived from the sale of fruit 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 branches will be determined on the basis of the diameter of the branch, type of the tree and the cost of the tree as determined by the Department of Forestry.

The compensation schedule in Appendix 8.4 is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.

8.3.12 Valuation of Forest Trees

The Forestry Department shall take the lead in the valuation of affected forest trees. The valuation shall take into account factors such 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/m³) as determined by the Forestry Department.
8.4 Validity of 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.
9.0 LAND ACQUISITION AND RESETTLEMENT IMPLEMENTATION PROCESS

9.1 Stages of Land Acquisition and Resettlement 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:

Planning Stage
The planning is where an effective administrative and reporting system has to be set up. This stage will include:

- desk studies of the NWDP II 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.

Land Acquisition Stage
This stage 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.

Socio-Economic Surveys
Socio-economic surveys are to be done with community involvement and participation. The surveys 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
This includes signing agreements and paying out compensation, provision of starter packs as well as up-dating the database.

After Resettlement Activities
These activities 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.

9.2 Linking Resettlement Implementation to Civil Works

PAPs will need to be compensated, in accordance with this RPF, before any project activity is implemented.

For activities involving land acquisition or loss, denial and restriction to access of resources, it is required that provisions be made for compensation and for other assistance required for relocation. The assistance, which should be available to PAPs prior to displacement, 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 PAPs. For project activities...
requiring relocation or resulting in loss of shelter, the RPF further requires that measures to assist the PAPs are implemented in accordance with the individual Resettlement Action Plans (RAPs).

In the Implementation Schedule of each RAP (Section 17, Appendix 4.2 of the OP 4.12) precise details on resettlement and compensation must be provided. Similarly, the Abbreviated Resettlement Action Plan (ARAP) section on Arrangements for Monitoring and Implementation (Section 5, Appendix 4.3 of OP 4.12) 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 NWDP II and PAPs must include:

- target dates for start and completion of civil works,
- timetables for transfers of completed civil works to PAPs,
- dates of possession of land that PAPs are using (this date must be after the date of transfer for completed civil works to PAPs and after 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, the District Assemblies must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this RPF. Proper timing and coordination of the civil works should ensure that no PAP 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 PAPs.

Once the resettlement plan is approved by NWDP II, it should be sent to the appropriate District Assemblies for final review and verification, and then to the World Bank for final clearance.

**9.3 Time Frames**

The following key timeframes shall apply unless otherwise agreed between the NWDP II 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 PAPs:

- The inventory shall be completed at most four months prior to the commencement of civil works;
- The RAP shall be submitted to NWDP II for approval immediately after completion of inventory;
- Compensation, resettlement and rehabilitation activities shall only commence after the NWDP II and the PAPs have accepted the RAP; and the RAP has been cleared by the World Bank.
- Civil works will not begin until all resettlement is complete

For each RAP, comprehensive time frames shall be drawn up and agreed upon by all parties including the PAPs.
Compensation payments for acquired land and affected assets, resettlement of PAPs and documentation/validation of voluntary land donations, must be completed as a condition for the taking away of land and before the commencement of civil works. Adequate time and attention should be allowed for consultation of both the PAPs and host communities before bringing in the PAPs. 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.

9.4 Disclosure of Information

The RAP in English and in (Chichewa) or any other local language that the people easily understand will be disclosed to the public by placing a hard copy of the document in the offices of the appropriate District Assemblies and the Local Leaders.
10.1 Introduction

All RAPs must be approved by the NWDP II and the World Bank. They must be disclosed to the public before overall subproject approval can be considered and before other subproject activities can begin.

Individual RAPs for sub-projects will be submitted to NWDP II who will check and approve the entitlements. NWDP II will ensure that all the entitlements have been fairly assessed and that the entitlement values have been agreed upon, accepted and signed for by the PAPs. NWDP II will also ensure that the RAPs and the entitlements have been endorsed by the District Assemblies and cleared by the World Bank before approval and payment.

10.2 Notification of Asset Holders

NWDP II, through the Regional Water Boards, shall (by public notice, to be published in the daily newspapers, print media, radio announcements, leaflets and flyers, public meetings and where possible, church announcements and through local leaders) notify the public of its intention to deliver compensation to the eligible PAPs.

A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable.

Where there are clearly no identified land or property owners or users, the respective Regional Lands Authorities and District Assemblies will notify the Traditional Leaders, the Community Leaders and representatives to help locate and identify the land users and owners. 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 approved representatives. In addition, representatives of traditional leaders, religious leaders, other elders and individuals who control pastoral routes, fishing areas, indigenous trees, and hunting areas will ascertain localities of these sensitive areas.

10.3 Maintenance of Database of Affected Holdings and Assets

The NWDP II will arrange meetings with the Regional Lands Authorities, the District/Town Assemblies Traditional Leaders, and affected individuals to discuss the compensation process. For each individual or household affected, officials of the District/Town Assembly 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, the District Assembly 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.
10.4 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 will have started at the planning stage; and will have continued through the technical design and development, land selection and screening stages. This trend will ensure that all PAPs and households are well informed and adequately involved in the entire process.

10.5 Agreement on Compensation and Preparation of Contracts

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field investigations. The matrix in Appendix 6.1 will be used in the settlement of claims for compensation for lost assets by PAPs, based on the aforementioned principles and legal framework where land is involuntarily taken.

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 Assemblies and the Traditional Leaders, prior to signing.

10.6 Delivery of Entitlements for Compensation

Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given to PAPs households and not individuals.

In dealing with compensation, preference shall be given to land based resettlement strategies for PAPs whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land based options built on opportunities for employment or self re-employment shall 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. widowed household heads, households without employment, single parent households etc) as identified by the census will be provided with appropriate assistance by the NWDP II. The District Assembly shall furnish the NWDP II with the necessary information. Assistance may be in form of food, temporary accommodation, medicine subsidy, employment referrals or priority employment in project activities. The assistance is meant to help them cope with the displacement caused by the project.

Payment of compensation will involve several steps in accordance with the RAPs and will be delivered as follows:

(a) By agreement between NWDP II and the landowner(s):

- NWDP II shall offer such sums deemed appropriate as compensation, and in accordance with the RAPs, for lost assets to that person; and the person may
accept that amount as compensation payable to him or her.

- Such sums will be disbursed to the District Assembly for payment to the PAPs. After payment of such sums, the District Assembly shall document the name(s) of the PAPs, the amount of compensation and the process of how the compensation was arrived at. A copy of such records shall be made available to the NWDP II and the local chiefs.

(b) By the court if there is no agreement:

- If the compensation payable is not agreed upon between the NWDP II and the land/asset owner, such compensation shall be determined by the Courts of Law.

A claim shall not be entertained after five years from the date of the proclamation; 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.

Payment of compensation shall strictly be based on the results of the census and shall be recorded in the register at the District Assembly's Office. The Village Chief shall keep a copy for record purposes and future reference.

10.7 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 local planning regulation. Examples of community compensation include, but are not limited to, compensation for:

a. School Building (public or religious);
b. Public Toilets;
c. Well or Pump;
d. Market Place;
e. Road and;
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 representatives of the District Assembly.

10.8 Roles and Responsibilities

The Ministry of Irrigation and Water Development (MoIWD) through the NWDP II will have the overall responsibility for coordinating and monitoring implementation of the RPF. The NWDP II will work through the National Steering Board (NSB), which is composed of representatives from key Government Ministries and the General Managers of the respective Regional Water Boards.

The MoIWD 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 RPF.
At the City/Town and District Assembly Level, the Town and Country Planning Committee (TCPC) or the District Executive Committees (DEC) and staff of the Water Boards will ensure that the RPF is publicly disseminated and that project staff has the requisite skills and knowledge to implement the RPF. Appropriate training should be provided as recommended in Section 13.

The TCPC or DEC and staff of the Water Boards 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 assist with the delivery of compensation and ensure that PAPs are adequately compensated for.

At the Area level, the Area Executive Committees (AEC) for the respective districts shall take full responsibility for the implementation of the RPF by working with the Local Leaders. The AEC shall report to the TCPC or DEC and the Water Boards on activities being undertaken and the progress or problems being encountered. The AEC will be assisted by the Village Development Committee (VDC).

The proposed institutional roles and responsibilities are provided Table 10.1 below.
<table>
<thead>
<tr>
<th>Level</th>
<th>Implementation Staff</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
</table>
| NWDP II (NSB)        | Project Coordinator  | • Oversee the preparation (by the consultants) of census, socio-economic survey, RAP, land acquisition plan and environmental management plan.  
• Oversee the progress of land acquisition through the District Assembly.  
• Participate in the district level meetings to facilitate land acquisition.  
• Coordinate with other Government line Departments for ensuring effective delivery of mitigation and rehabilitation support.  
• Make budgetary provisions for Rehabilitation and Resettlement (R & R) activities.  
• Coordinate the implementation of R & R activities with in-house and field staff. |
| LOCAL LEVEL          | WATER BOARDS         | • Initiate land acquisition and secure replacement land.  
• Prepare and maintain of records for the PAPs.  
• Prepare plans on physical and financial needs on a monthly basis.  
• Prepare monthly progress reports.  
• Monitor the progress of R & R, land acquisition and public consultations at the water supply scheme level.  
• Monitor compliance with applicable environmental and social management clauses in the construction contracts.  
• Prepare terms of reference and facilitate the appointment of external agencies for monitoring and evaluation (M&E).  
• Develop terms of reference for any studies identified to enhance the implementation of R & R and facilitate the appointment of consultants  
• Coordinating the studies.  
• Keep financial records for all the project activities and coordinate with the NSB.  
• Facilitate and monitor the progress of land acquisition.  
• Ensure that the land acquired for borrow pits by the contractor is returned to the community within the stipulated time as per the agreement and ensure that the land has not been made unproductive or has been restored/rehabilitated. |
<table>
<thead>
<tr>
<th>Level</th>
<th>Implementation Staff</th>
<th>Roles and Responsibilities</th>
</tr>
</thead>
</table>
| Project Activity Level| AEC/VDC              | • Coordinate with the District Assembly to implement the resettlement and rehabilitation (R & R) activities.  
|                       |                      | • Verify PAPs households and property listed in the RAP.  
|                       |                      | • Implement information dissemination campaigns and distribute the relevant information of the RPF to the PAPs.  
|                       |                      | • Ensure inclusion of those PAPs who may not have been covered during the census survey.  
|                       |                      | • Confirm the identity of the PAPs and their property.  
|                       |                      | • Carry out public consultations with the PAPs on a continuing basis during the implementation of the project.  
|                       |                      | • Establish linkages with inter-agency, e.g., financial institutions, Govt. departments, etc. for income restoration and R&R services.  
|                       |                      | • Enable the PAPs to identify the alternate sites for agriculture, residential and commercial plots.  
|                       |                      | • Participate in the consultations on allotment of shops and residential plots.  
|                       |                      | • Ensure that the PAPs have received their entitlements.  
|                       |                      | • Ensure the preparation of rehabilitation sites.  
|                       |                      | • Participate in the meetings organized by the Coordinator.  
|                       |                      | • Assist the Construction Supervision Consultant (CSC) in ensuring that the contractors are following the various provisions of the applicable environmental laws and regulations concerning the worker's safety, health and hygiene, HIV and AIDS, women's issues and the child labour issues.  
|                       |                      | • Submit monthly progress reports.  

*Level Implementation Roles and Responsibilities*
11: PUBLIC CONSULTATION AND PARTICIPATION

11.1 Notification Procedure
The Ministry of Irrigation and Water Development shall by public notice, published in the Press (Daily newspapers, Malawi Television, Radio Broadcasting Stations), 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 MoIWD 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 MoIWD 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 PAPs 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.
12.0 GRIEVANCE REDRESS MECHANISMS

Various legislation, including the constitution make 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 RPF 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.

12.1 Objections

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

Since 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-fulfilment 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 shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying their Local Leader. The Local Leader will inform and consult with the District Assembly to determine validity of claims. If valid, the Local Leader will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, the matter shall be brought before the District Assemblies for settlement. All such decisions must be reached within a full growing season after the complaint is lodged.

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

The grievance redress mechanism 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 Tribunal for resolution.

Contracts for compensation and resettlement plans will be binding under statute, and will recognize that customary law is the law that governs land administration and tenure in the rural areas. This is the law that most Malawians living in these areas, are used to and understand.

All objections to land acquisition shall be made in writing, in the language that the PAPs understand and are familiar with, to the Local Leader. Copies of the objections shall be sent to NWDP II and the Ministry of Irrigation and Water Development within 20 days after lodging the complaint. Channelling complaints through the Local Leader is aimed at addressing the problem of distance and cost the PAPs may have to face.

The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.
The procedure for handling grievances should be as follows:

a) The affected person should file his grievance in writing (in English or the local language that s/he is conversant with), to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the PAP is unable to write, he should obtain assistance to write the note and emboss the letter with his thumb print.

b) The Local Leader should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader that his/her complaint is being considered. The Local Leader should try as much as possible, to use established mechanisms of grievance redress, which may include the presence of peers of the PAP and other local leaders.

c) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time he must lodge his grievance to the District Assembly and the District Assembly must inform the NWDP II of the complaint.

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

The following chart illustrates the sequential steps for the grievance redress mechanism:
12.2 Consensus, Negotiations and Conflict Resolution

Consensus and negotiations 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 PAPs.

However some projects have been known to stall due to delays in disbursement of compensation. Prior negotiations between Government representatives and project beneficiaries are therefore crucial to the success of the project. As a guiding principle emphasis shall be placed on simplicity and proximity of the conflict resolution mechanisms to the affected persons and the following shall be noted:

(a) Negotiation and agreement by consensus will provide the best avenue to resolving any grievances expressed by the individual landowners or households affected by community projects. These grievances shall be channelled through the Local Chiefs.

(b) NWDP II shall ensure that the main parties involved achieve any consensus freely. NWDP II or the relevant government representative shall clearly advise the general public, as to who is responsible for handling grievances or compensation claims.

(c) Grievances shall be addressed during the verification and appraisal process. If a suitable solution is not found, NWDP II 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 shall be referred back to the community for discussion where the Local Leader and District Assembly will address 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 to NWDP II who shall refer them to the respective District Assemblies, within 20 days of the verification meeting. Grievances that cannot be resolved at the Local and District level shall be officially communicated the NWDP II with copies to the District Assembly. Should grievances remain unresolved at this level, they can be referred to a court of law.

The steps provided below are presented to assist in following the grievance redress procedure.

Step 1. Approval of RAP by NWDP II after adequate consultation with PAPs
Step 2. PAPs informed of the Grievance Procedure by NWDP II
Step 3. Where there are grievances, PAPs present these to the Local Leader
Step 4. The Local Leader informs and consults with the District Assembly
Step 5. The District Assembly, in consultation with the Local Leader, resolves the grievances.
Step 6. Grievance that cannot be resolved at step 5 above shall be presented to the NWDP II to resolve
Step 7. Grievance that cannot be resolved at step 6 above shall be presented to the Court of Law.
13: CAPACITY BUILDING AND TRAINING

13.1 Participants for Capacity Building and Training in RPF Implementation

Capacity building and training will be required for the proper and successful implementation of this RPF. The training sessions are aimed at enhancing the knowledge and understanding of the key stakeholders to better implement the RPF for the NWDP II. Representatives of the District Assemblies/Town Assemblies, City Assemblies, Regional Water Boards, Urban Water Boards and NWDP II will be trained to train their respective Committees and staff, in the areas of training proposed in table 13.1

13.1.1 District Executive Committees (District Assemblies)

The District Assemblies will, through the Local Leaders, be involved in consulting the public and notifying them of the intention of the Ministry of Irrigation and Water Development, to implement NWDP II. They will also be required to address grievances brought by the PAPs; and will subsequently inform the NWDP II of the complaints. Where the District Assemblies are able to resolve the conflicts within their capability, they will do so. The process of compensating the PAPs will also need the participation of the District Assemblies especially where payment of cash is involved. Hence for the District Assemblies to carry out these activities effectively, their skills and knowledge will need to be enhanced.

13.1.2 Water Boards

The proposed NWDP II is aimed at increasing the capacities of Blantyre, Lilongwe and the Regional Water Boards to supply water to the respective cities and towns. It is also aimed at rehabilitating the existing plant and equipment in the cities as well as expanding water supply facilities in the respective towns. Through these activities a number of people may be displaced to different areas or their land may be taken. It is therefore recommended that staff of the Water Boards be trained to understand and implement this RPF and RAPs as may be necessary.

13.1.3 Ministry of Irrigation and Water Development

The MoIWD are the implementers of the NWDP II. All the activities proposed in the project will be coordinated, monitored and evaluated by the Ministry. Where land acquisition is necessary, the Ministry will have an obligation to make every effort to ensure that PAPs exercises their rights over land and that no land is taken away from them against their will. Proper implementation of this RPF and any RAPs will require special skills and capacity building for some of the staff of the Ministry. The Ministry staff will also have to be trained in monitoring and evaluation of the RPF and RAPs to be able to appreciate the resettlement and rehabilitation problems.

13.1.4 Local Leaders

Resettlement and rehabilitation activities will directly involve the local communities. Since the NWDP II may require land to be taken away from current users, the local leaders will have to assist in the identification of appropriate replacement land. Consultation with the local communities about the NWDP II has to be facilitated by the Local Leaders who have to disseminate the appropriate information to their subjects. Compensation activities will also require that the Local Leaders be involved, especially in the identification of the PAPs. Where there are any grievances from the PAPs, these will be reported to the local leaders.
who will try to resolve them. Therefore these local leaders have to be conversant with the RPF and RAPs.

13.2 Proposed Areas of Training

The training programme for the trainers, presented in Table 13.1 is designed to suit the needs for implementing both the ESMF and the RPF. The assumption is that the project implementers and key stakeholders will need to understand the recommendations of both the ESMF and the RPF. The combined training programme is also designed to reduce training expenses.

A similar training programme for the members of the DDC, AEC and VDC, at the local level, is provided in Table 13.2

13.2.1 Resettlement and Compensation

Resettlement and compensation requires sound techniques in asset valuation. To ensure that the members of the District Executive Committee (DEC), Water Boards and the staff from NWDP II understand the implications of resettlement and compensation; they will have to be exposed to the current valuation methods and the recommended valuation of different assets. Since land is the main type of asset that will be affected, this group of people has to understand the different types of Land in Malawi and how each type of land may be acquired. The participants also have to be made aware of the people’s rights to their land and how they can exercise such rights. In case of resettlement, different PAPs have to be compensated. Therefore it is necessary that the participants be trained in the preparation and signing of compensation agreements.

13.2.2 Conflict Resolution

The proposed NWDP II may require that certain groups of people are displaced from their current land and assets. Land acquisition is likely to cause grievances and objections from the PAPs who may not clearly understand the implications. Some of these grievances will be presented to the Local Leaders and the District Assembly for resolution. It is therefore recommended that the Local leaders, the DEC, Water Boards and also the staff of NWDP II be trained on how they can assist the PAPs and how they can handle such grievances without any conflicts.

13.2.3 Public Consultation

Local leaders will have to inform their subjects of the NWDP II and how the PAPs will be affected and treated during the implementation of the project. The process of compensation will also require that the Local Leaders should inform the concerned PAPs on how they will be compensated. Since all these activities require effective communication, the Local Leaders will have to be trained in information dissemination and how to conduct awareness campaigns on the RPF.

13.2.4 Record Keeping

Baseline information on the names, socioeconomic status, ages and other details of the PAPs will be required as reference during compensation. This information will be kept by the District Assemblies and the Local Leaders. During the period of addressing grievances brought in by the PAPs, the Local Leaders may be expected to write minutes of whatever took place and what was said. It is therefore important that the Local Leaders and the DEC be trained in record keeping skills.
### Table 13.1: Training Programme for Training of Trainers

<table>
<thead>
<tr>
<th>Days of Training</th>
<th>Recommended Type of Training (Training Activity)</th>
<th>Target Group / Trainer</th>
<th>Means of Verification</th>
</tr>
</thead>
</table>
| **DAY 1**        | • Environmental and Social Impact Assessment  
- Relevant Environmental Policies and laws in Malawi  
- World Bank safeguard policies  
- The Screening Process.  
- Strategic action planning for Environmental Management  
- Use of checklists  
- Preparation of terms of reference.  
- Identification of Impacts and mitigation measures  
- EIA report preparation and processing | - NWDP II Management Unit staff  
- MoIWD staff  
- Regional Water Board staff  
- Urban Water Board staff  
- District Assembly staff | - 16 members of DEC and TCPC trained.  
- 4 members from the Ministry/ NWDP II trained  
- 10 members from the Regional and Urban Water Boards Trained |
| **DAY 2**        | • Hygiene and sanitation  
- Water supply  
- Sanitation  
- Water and sanitation related diseases  
- Infrastructure needed on the scheme for sanitation enhancement  
- Operation and maintenance of water point structures for good sanitation | - NWDP II Management Unit staff  
- MoIWD staff  
- Regional Water Board staff  
- Urban Water Board staff  
- District Assembly staff | - 16 members of DEC and TCPC trained.  
- 4 members from the Ministry/ NWDP II trained  
- 10 members from the Regional and Urban Water Boards Trained |
<table>
<thead>
<tr>
<th>Days of Training</th>
<th>Recommended Type of Training (Training Activity)</th>
<th>Target Group / Trainer</th>
<th>Means of Verification</th>
</tr>
</thead>
</table>
| DAY 3            | • Resettlement and Compensation  
                  • Categories of Land in Malawi and other Physical Assets  
                  • Current valuation of Land and Rights to land  
                  • Asset valuation  
                  • Methods of land acquisition  
                  • Compensation Agreements  
                  - NWDP II Management Unit staff  
                  - MoIWD staff  
                  - Urban Water Board staff  
                  - District Assembly staff  
                  Trainer: Lands Department or Private Consultant  
                  - 16 members of DEC and TCPC trained.  
                  - 4 members from the Ministry/ NWDP II trained  
                  - 10 members from the Regional and Urban Water Boards Trained |                      |                          |
| DAY 4            | • Public Consultation  
                  • Flow of communication on land related issues  
                  • Awareness campaign programme  
                  • Record Keeping  
                  - NWDP II Management Unit staff  
                  - MoIWD staff  
                  - Urban Water Board staff  
                  - District Assembly staff  
                  Trainer: Private Consultant  
                  - 16 members of DEC and TCPC trained.  
                  - 4 members from the Ministry/ NWDP II trained  
                  - 10 members from the Regional and Urban Water Boards Trained |                      |                          |
| DAY 5            | • HIV/AIDS and Project Implementation.  
                  • Impacts of HIV/AIDS on social wellbeing, livelihood and projects  
                  • Mitigation measures  
                  • Training Evaluation And Rap Up  
                  - NWDP II Management Unit staff  
                  - MoIWD staff  
                  - Urban Water Board staff  
                  - District Assembly staff  
                  Trainer: NAC or Private Consultant  
                  - 16 members of DEC and TCPC trained.  
                  - 4 members from the Ministry/ NWDP II trained  
                  - 10 members from the Regional and Urban Water Boards Trained |                      |                          |
## Table 13.2: Training Programme for members of DDC, AEC and VDC

<table>
<thead>
<tr>
<th>Days of Training</th>
<th>Recommended Type of Training (Training Activity)</th>
<th>Target Group / Trainer</th>
<th>Means of Verification</th>
</tr>
</thead>
</table>
| **DAY 1**       | • Environmental and Social Impact Assessment  
  - Relevant Environmental Policies and Laws in Malawi  
  - World Bank safeguard policies  
  - The Screening Process.  
  - Planning for Environmental Management  
  - Use of checklists  
  - Identification of Impacts and mitigation measures | - Members of DDC, AEC, VDC and Local Leaders or their representatives | - 12 members of DDC trained.  
  - 12 members of AEC trained  
  - 16 of VDC Trained  
  **Trainer: EAD or Private Consultant** |
| **DAY 2**       | • Hygiene and sanitation  
  - Water supply  
  - Sanitation  
  - Water and sanitation related diseases  
  - Structures and processes needed on water outlets for sanitation enhancement  
  - Operation and maintenance of water point structures for good sanitation | - Members of DDC, AEC, VDC and Local Leaders or their representatives | - 12 members of DDC trained.  
  - 12 members of AEC trained  
  - 16 of VDC Trained  
  **Trainer: EAD or Private Consultant** |
<table>
<thead>
<tr>
<th>Days of Training</th>
<th>Recommended Type of Training (Training Activity)</th>
<th>Target Group / Trainer</th>
<th>Means of Verification</th>
</tr>
</thead>
</table>
| DAY 3            | • Resettlement and Compensation  
- Categories of Land in Malawi and  
- Current valuation of Land and other Physical Assets  
- Rights to land  
- Asset valuation  
- Methods of land acquisition  
- Compensation Agreements  
* HIV/AIDS and Project Implementation.  
- Impacts of HIV/AIDS on social wellbeing, livelihood and projects  
- Mitigation measures  
* Training Evaluation And Rap Up  
* Training Evaluation And Rap Up  | - Members of DDC, AEC, VDC and Local Leaders or their representatives  
** Trainer: Lands Department or Private Consultant ** | - 12 members of DDC trained.  
- 12 members of AEC trained  
- 16 of VDC Trained |
| DAY 4            | • Public Consultation  
- Flow of communication on land related issues  
- Awareness campaign programmes  
- Record Keeping  
* HIV/AIDS and Project Implementation.  
- Impacts of HIV/AIDS on social wellbeing, livelihood and projects  
- Mitigation measures  | - Members of DDC, AEC, VDC and Local Leaders or their representatives  
** Trainer: Private Consultant ** | - 12 members of DDC trained.  
- 12 members of AEC trained  
- 16 of VDC Trained |

* Water, Waste & Environment Consultants  
29/11/2007
13.3 Training Budget

13.3.1 Budget for Training of Trainers

The proposed training includes sessions in RPF and ESMF implementation and monitoring, for the District and other Government staff. The participants will be drawn from the project districts of Mzuzu, Mzimba, Kasungu, Lilongwe, Liwonde, Mangochi, Zomba and Blantyre. Other participants will be drawn from the Water Boards and the Ministry of Irrigation and Water Development. A total of 30 participants will be trained as follows:

a. Two people will participate from the DECs of each of these districts, making a total of 16 people;

b. Two people will participate from each of the Water Boards, making a total of 10 people and;

c. Four participants will be drawn from: MoIWD (2), NWDP II (2)

The budget is based on the assumption that the training will take place in Lilongwe. Therefore the estimated costs cover travel expenses from the different project impact districts to Lilongwe and back. Other expenses are for accommodation, hire of training room and facilities, meals and per diems for the participants. The budget is also based on the following:

- Prevailing costs of goods and services offered in typical urban area such as Lilongwe;
- Training period of 5 days;
- Hiring of 5 trainers, each handling one area of training as proposed in Table 13.1;
- Subsistence allowances estimated at US$15.00 per participant per day and;
- A lump sum of US$10,000.00 included to cover the costs of the trainers and training materials.

Table 13.2 below provides a summary of the budgetary requirements for the training which will cost $37,006.20. The same training programme has been shown in the ESMF for clarity of presentation. It is to be understood as a combined training programme to cater for the needs of both the ESMF and the RPF.

13.3.2 Budget for Training of Members of the DDC, AEC and VDC

Once the 30 people are trained, it is recommended that they train the other groups that will be directly involved in the RPF and ESMF implementation. These groups will be drawn from the various district committees such as the District Development Committee (DDC), the Area Executive Committees (AEC) and the Village Development Committees (VDC).

For the purposes of training, the project impact areas will be grouped into four units. The first unit will be for Blantyre (Blantyre Water Board and Blantyre City Assembly); the second unit (Southern Region Water Board) will include Zomba, Liwonde and Mangochi districts; the third unit (Lilongwe Water Board and Central Region Water Board) will include Kasungu and; the fourth unit (Northern region water Board) will include Mzuzu and Mzimba.

It is proposed that 10 participants per unit, from the following committees be trained:

i. Three people from the DDCs

ii. Three people from the AECs and;
iii. Four people (including the Local Leader or his representative) from the VDCs

Hence a total number of 40 local and area level participants from the four groups described above will be trained. The DECs with assistance from the Water Boards will be responsible for selecting the participants from the appropriate project impact DDCs, AECs and VDCs.

The training budget for the members of the DDC, AEC and VDC is $29,860.00, provided in Table 13.3.
Table 13.2 Summary of Costs for Training of Trainers in Lilongwe

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Unit</th>
<th>No. of Persons</th>
<th>Rate</th>
<th>Cost for 5 days</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>SUBSISTENCE ALLOWANCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>30 Participants for 5 days</td>
<td>30</td>
<td>15.00</td>
<td>2,250.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Support Staff</td>
<td>3</td>
<td>15.00</td>
<td>225.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Drivers</td>
<td>17</td>
<td>15.00</td>
<td>1,275.00</td>
<td>3,750.00</td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,750.00</td>
<td></td>
</tr>
<tr>
<td>2.0</td>
<td>MEALS AND REFRESHMENTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Lunches</td>
<td>No</td>
<td>50</td>
<td>6.00</td>
<td>1,500.00</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Teas (10 tea breaks)</td>
<td>No</td>
<td>50</td>
<td>4.00</td>
<td>2,000.00</td>
<td>3,500.00</td>
</tr>
<tr>
<td>3.0</td>
<td>ACCOMMODATION</td>
<td>Nights</td>
<td>33</td>
<td>100.00</td>
<td>16,500.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Facilitator (consultant)</td>
<td>1</td>
<td>120.00</td>
<td>600.00</td>
<td>600.00</td>
<td></td>
</tr>
<tr>
<td>4.0</td>
<td>TRANSPORT COSTS^2</td>
<td></td>
<td></td>
<td></td>
<td>1,101.70</td>
<td></td>
</tr>
<tr>
<td>5.0</td>
<td>WORKSHOP STATIONERY</td>
<td></td>
<td></td>
<td></td>
<td>604.50</td>
<td></td>
</tr>
<tr>
<td>4.0</td>
<td>PA SYSTEM</td>
<td>Sum</td>
<td>90.00</td>
<td>450.00</td>
<td>450.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONFERENCE HALL</td>
<td>Sum</td>
<td>100.00</td>
<td>500.00</td>
<td>500.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TRAINEES</td>
<td></td>
<td></td>
<td></td>
<td>10,000.00</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GRAND TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>37,006.20</td>
<td></td>
</tr>
</tbody>
</table>

^1 Details of Transport Costs (To and from Lilongwe) and other costs are given in Appendix 13.1
^2 See Appendix 13.1
<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Unit</th>
<th>No. of Persons</th>
<th>Rate</th>
<th>Cost for 4 days</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SUBSISTENCE ALLOWANCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>10 Participants for 4 days</td>
<td></td>
<td>10</td>
<td>15</td>
<td>600</td>
<td></td>
</tr>
<tr>
<td>1.2</td>
<td>Support Staff</td>
<td></td>
<td>2</td>
<td>15</td>
<td>120</td>
<td></td>
</tr>
<tr>
<td>1.3</td>
<td>Drivers</td>
<td></td>
<td>3</td>
<td>15</td>
<td>180</td>
<td>900</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>MEALS AND REFRESHMENTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Lunches</td>
<td></td>
<td></td>
<td>6</td>
<td>360</td>
<td></td>
</tr>
<tr>
<td>2.2</td>
<td>Teas</td>
<td></td>
<td></td>
<td>4</td>
<td>480</td>
<td>840</td>
</tr>
<tr>
<td>3</td>
<td>ACCOMMODATION (participants)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Facilitator (consultant)</td>
<td></td>
<td>1</td>
<td>100</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>4</td>
<td>TRANSPORT COSTS (fuel)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cars</td>
<td></td>
<td>4</td>
<td>200</td>
<td>800</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>WORKSHOP STATIONERY</td>
<td></td>
<td>Sum</td>
<td>25</td>
<td>25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>CONFERENCE HALL</td>
<td></td>
<td></td>
<td>50</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>TRAINERS FEES</td>
<td></td>
<td>6</td>
<td>50</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td></td>
<td>FACILITATOR (consultant fees)</td>
<td></td>
<td>1</td>
<td>400</td>
<td>1,600.00</td>
<td>1,600.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL FOR TRAINING ONE UNIT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7,465.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL FOR TRAINING FOUR UNITS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29,860.00</td>
</tr>
</tbody>
</table>
14: MONITORING AND EVALUATION

14.1 Contents of the Monitoring and Evaluation Plan

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. In order to save time and use resources effectively, monitoring for the RPF activities should be done concurrently with the monitoring for the ESMF activities, where possible.

The arrangements for monitoring the resettlement and compensation activities as well as the ESMF activities would fit in the overall monitoring and evaluation (M&E) programme of the entire NWDP II, which would fall under the overall responsibility of NWDP II. NWDP II 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;
(d) Documents timely completion of 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.

Specifically, the monitoring system for RAPs should ensure that:

- land acquired from PAPs, for the purposes of the project, has been replaced;
- compensation payments have been completed to the satisfaction of the PAPs and;
- that where replacement seedlings have been given to PAPs, they have survived.
- lost or impacted assets have been replaced to the same or better condition and standards of living have remained the same or improved.

As a general guide, Appendix 14.1 provides a sample of land acquisition and resettlement process monitoring. Objectively Verifiable Indicators (OVIs) as proposed in Appendix 14.1 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. Monitoring indicators to be used for specific RAPs or ARAPs will have to be developed to respond to specific site conditions.

14.2 The Proposed Monitoring and Evaluation Plan

The monitoring and evaluation activities for this RPF would be performed as follows:

(a) The Construction Supervision Consultant (CSC) will be mandated to monitor the implementation of the compensation activities against the corresponding time frame as shown in the implementation schedule (Appendix 9.1). The CSC will acquire the services of a Social Scientist for monitoring the implementation of the
compensation activities. In the event of delays in payment of compensation or any related activity, the CSC would notify NWDP II and suggest corrective measures.

**Approximately one month after completion of compensation,** the CSC will make site inspections and evaluations of the project areas in order to determine whether all the PAPs have been compensated in full and before implementation of the sub project activities. It is assumed in the budget that the CSC's head office in Lilongwe will travel to all the sites to carry out this activity.

**For the first six months after completion of compensation,** the CSC shall submit monthly monitoring reports of the project to the District Assembly and NWDP II. **Subsequently, the CSC will submit quarterly monitoring reports** for the remaining period of the project to the District Assembly and NWDP II. In the budget, it is assumed that the local offices of the CSC in the respective districts will submit their monthly and quarterly reports to the Head Office in Lilongwe.

(b) **Every three months, CSC will complete Appendix 14.1** (specifically modified to suit the particular district) to monitor the impacts of the compensation activities. The “remarks” column in the table will be completed to contain qualitative assessment of PAP's social conditions and any observations pertinent to the successful implementation of the RPF and specific RAPs where appropriate.

(c) **Annual evaluations will be made by NWDP II (NSB)** 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 standards of living than before.

(d) **An external evaluation agency will be commissioned through the standard bidding process for carrying out an end of term evaluation of the compensation activities.** This agency will be independent of the project. The external evaluation agency will carry out the evaluation exercise based on the filled out reporting format as well as the output/impact of the project as outlined in Appendix 14.1. The external evaluation shall be based on a recognised sampling method to select the relevant performance indicators to be used in the monitoring. The parameters and indicators suggested in Appendix 14.1 are illustrative only. As an independent and external agency, they may modify, add, eliminate or combine these parameters and indicators as necessary. The agency is expected to present a comparative analysis with reference to pre-project and post-project status in the socioeconomic conditions of the PAPs. NWDP II will initiate corrective action, if necessary, based on the recommendations of the agency.

Where it is determined cost effective, the office of the District Assembly should host the M&E component of the project activities. This would mean giving the District Assemblies (in place of the CSC) the mandate to carry out 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. The District Assembly would submit reports to the CSC who would check and forward them to the NWDP II offices. Any deviation from the planned land acquisition and resettlement programme should be brought to the attention of NWDP II. The reports would become part of the official documents of the NWDP II.

Independent monitoring of the compensation and resettlement activities can be done by NGO'S, Private Consultants or the Environmental Affairs Department (EAD). Carrying out such
independent monitoring will enhance the openness and transparency of the compensation and resettlement programme. The NWDP II would have to approve participation of NGO's in independent monitoring activities, depending on their requirements. The NGO's participation would be funded by the NGO's themselves, using their own resources; unless under special funding and participation arrangements to be approved by the NWDP II.

### 14.3 Budget for the Proposed Monitoring and Evaluation Plan

The estimated budget for monitoring the activities of the RPF, provided below is based on the activities described in Section 14.2 above, and on the activities proposed in Table 14.1 below:

#### Table 14.1 Monitoring and Evaluation Budget For RPF

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Unit</th>
<th>Qty</th>
<th>Rate ($)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSC (Site inspection one month after compensation and resettlement)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel costs (3000km @ $1.2)</td>
<td>Km</td>
<td>3000</td>
<td>1.2</td>
<td>3600</td>
</tr>
<tr>
<td>CSC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monthly monitoring reports for the first six months and quarterly thereafter</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 copies of reports per month for 6months @ $25 per report</td>
<td>No</td>
<td>120</td>
<td>25</td>
<td>3000</td>
</tr>
<tr>
<td>20 copies of reports for each quarter for 20 quarters @ $25 per report</td>
<td>No</td>
<td>400</td>
<td>25</td>
<td>10000</td>
</tr>
<tr>
<td>NWDP (NSB)(^1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 No annual evaluations by NSB</td>
<td>No</td>
<td>5</td>
<td>10549.08</td>
<td>52,745.4</td>
</tr>
<tr>
<td>IDEPENDENT MONITOR(^2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 Days Consultancy</td>
<td>Sum</td>
<td></td>
<td>30000</td>
<td></td>
</tr>
<tr>
<td>End of term workshop for 30 participants</td>
<td>Sum</td>
<td></td>
<td>12777</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>112,122</td>
<td></td>
</tr>
</tbody>
</table>

---

\(^1\) See Appendix 14.2

\(^2\) See appendix 14.3
15: BUDGETARY IMPLICATIONS AND FUNDING

15.1 Expenses for Resettlement and Rehabilitation

Since this is only a framework rather than a specific RAP, the cost cannot be meaningfully estimated at this time. A more accurate estimate of the overall cost of resettlement and compensation would be determined during the socio-economic studies.

RAPs for specific sub-projects would include an itemized, comprehensive budget. NWDP II or their appointed representative will prepare this budget and NWDP II will finance it through the administrative and financial management rules and manuals, like any other activity eligible for payment under the NWDP II. This budget will be subject to the approval by the MoIWD.

NWDP II would have to finance the Resettlement Compensation because they are the parties who would be impacting on the affected people's livelihoods. Disbursements based on budgetary requirements, established by the RAPs will be made through the relevant District Assemblies.

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, numbers of affected people and other demographic data would be available. Such information will facilitate the preparation of the detailed and accurate budget for resettlement and compensation.

All that can be reasonably and meaningfully prepared now is an indicative budget, highlighting the key elements that the budget must contain. Such an indicative compensation budget is provided in Appendix 15.1.

15.2 Expenses for Capacity Building and Training

US$37,006.20 will be required for training of trainers in Lilongwe. It is proposed that 30 people be trained and that these should in turn; train the other groups of people that will be implementing the RAP and the ESMF.

US$29860.00 will be required for training members of the DDC, AEC and VDC in the respective project impact districts.

15.3 Expenses for Monitoring and Evaluation

The budget for monitoring and evaluation of the activities of this RPF has been discussed in Section 14 above. The total estimate for the monitoring and evaluation activities is US$112,122.

15.4 Total Budget for Implementation of the RPF

The total estimate for the implementation of the various activities of this RPF is presented in Table 15.1 below. The cost does not include resettlement and rehabilitation expenses. These costs will be determined separately after the socio-economic census of the affected areas and property and will be presented in the specific RAPs.
Table 15.1  Estimated total costs for implementation of the RPF

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>AMOUNT ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cost of combined training for RPF and ESMF</td>
<td>66,866.20</td>
</tr>
<tr>
<td>2</td>
<td>Costs of monitoring for RPF</td>
<td>112,122.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>178,988.20</td>
</tr>
</tbody>
</table>
REFERENCES

APPENDICES
### APPENDIX 4.1 Socioeconomic Characteristics of Families and Businesses

#### Table 1: Property (Goods and Assets Affected)

<table>
<thead>
<tr>
<th>Household number(^1)</th>
<th>Business number(^2)</th>
<th>Name of household head or business owner</th>
<th>Plot area</th>
<th>Description of houses and constructions</th>
<th>Uses of the property (housing, economic activity, other)</th>
<th>Level of effect (total, partial, minimum)(^3)</th>
<th>Tenure status (titled owner, owner without documents, tenant, sharecropper, etc.)</th>
<th>Employment status of all adults</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Households should be defined as commensal units i.e. people who eat out of the same pot.
2. Business should be defined as any economic activity.
3. "Partial" in cases where family/business can develop activities involving listed goods and assets; "Total" where activities cannot be developed as a result of displacement.
4. If they are not owners, include the name and address of the owner.
### Table 2: Socioeconomic Characteristics of Families

<table>
<thead>
<tr>
<th>Household number</th>
<th>Name of household head</th>
<th>No. of persons in household</th>
<th>No. of children &lt;13 years of age</th>
<th>No. of adults +60 years of age</th>
<th>No. of students</th>
<th>Sources of income</th>
<th>Place of work or study and distances</th>
<th>Means of transport to place of study/workplace</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 3: Socioeconomic Characteristics of Business

<table>
<thead>
<tr>
<th>Business number</th>
<th>Name of business owner</th>
<th>Age of business owner</th>
<th>Type of activity</th>
<th>No. of employees</th>
<th>Monthly income average</th>
<th>Destination of production</th>
<th>Place of selling</th>
<th>Duration of existence of business in affected location</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Water, Waste & Environment Consultants 29/11/2007*
APPENDIX 4.2 Template for the Design of RAPs

(Adapted from the World Bank Operational Policies: Involuntary Resettlement Instruments)

1. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the PAPs and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

2. Description of the project. General description of the project and identification of the project area.

3. Potential impacts. Identification of

   (a) the project component or activities that give rise to resettlement;

   (b) the zone of impact of such component or activities;

   (c) the alternatives considered to avoid or minimize resettlement; and

   (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

4. Socioeconomic studies. The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

   (a) the results of a census survey covering

      (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

      (ii) standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

      (iii) the magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic;

      (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and

      (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

   (b) Other studies describing the following
(i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

(ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

(iii) public infrastructure and social services that will be affected; and

(iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. Institutional Requirements.

(a) the identification of agencies responsible for resettlement activities; and NGOs that may have a role in project implementation;

(b) any steps proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

6. Eligibility. Criteria for determining the eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

7. Valuation of and compensation and resettlement and for losses. The methodology to be used in valuing assets and in the determination of their replacement cost. A description of the proposed types and levels of compensation. A description of the packages of compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of the policy (see OP 4.12, para. 6).

8. Relocation. Alternative relocation sites considered, covering

(a) relocation sites, whether rural or urban, which are at least comparable to the advantages of the old sites;

(b) procedures for physical relocation under the project, including timetables for site preparation and transfer; and

(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

9. Housing, infrastructure, and social services. Plans to provide (or to finance resettlers’ provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.
10. **Environmental protection and management.** An assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

11. **Community participation.** Involvement of resettlers and host communities, including

(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

(b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;

(c) a review of the resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance.

(d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

12. **Grievance procedures.** Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

13. **Organizational responsibilities.** The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies’ capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

14. **Implementation schedule.** An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

15. **Costs and budget.** Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

16. **Monitoring and evaluation.** Arrangements for monitoring of resettlement activities by the implementing agency, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the PAPs in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
APPENDIX 4.3 World Bank OP 4.12 and Annex A

THE WORLD BANK OPERATIONAL MANUAL
OPERATIONAL POLICIES OP 4.12, December 2001

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

Involuntary Resettlement

Note: OP and BP 4.12 together replace OD 4.30, Involuntary Resettlement. This OP and BP apply to all projects for which a Project Concept Review takes place on or after January 1, 2002. Questions may be addressed to the Director, Social Development Department (SDV).

1. Bank experience indicates that involuntary resettlement under development projects, if unmitigated, often gives rise to severe economic, social, and environmental risks: production systems are dismantled; people face impoverishment when their productive assets or income sources are lost; people are relocated to environments where their productive skills may be less applicable and the competition for resources greater; 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. This policy includes safeguards to address and mitigate these impoverishment risks.

Policy Objectives

2. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank’s policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
(c) PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Impacts Covered

3. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

(a) the involuntary taking of land resulting in
   (i) relocation or loss of shelter;
   (ii) loss of assets or access to assets; or
   (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
(b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the PAPs.
4. This policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement that in the judgment of the Bank, are
(a) directly and significantly related to the Bank-assisted project,
(b) necessary to achieve its objectives as set forth in the project documents; and
(c) carried out, or planned to be carried out, contemporaneously or continuously with the project.

5. Requests for guidance on the application and scope of this policy should be addressed to the Resettlement Committee (see BP 4.12, para. 7).

Required Measures
6. To address the impacts covered under para. 3(a) of this policy, the borrower prepares a resettlement plan or a resettlement policy framework (see paras. 25-30) that covers the following:
(a) The resettlement plan or resettlement policy framework includes measures to ensure that the PAPs are
(i) informed about their options and rights pertaining to resettlement;
(ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
(iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the PAPs are
(i) provided assistance (such as moving allowances) during relocation; and
(ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.
(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that PAPs are
(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and
(ii) provided with development assistance in addition to compensation measures described in paragraph 6(a)
(iii), such as land preparation, credit facilities, training, or job opportunities.

7. In projects involving involuntary restriction of access to legally designated parks and protected areas (see para. 3(b)), the nature of restrictions, as well as the type of measures necessary to mitigate adverse impacts, is determined with the participation of the PAPs during the design and implementation of the project. In such cases, the borrower prepares a process framework acceptable to the Bank, describing the participatory process by which
(a) specific components of the project will be prepared and implemented;
(b) the criteria for eligibility of PAPs will be determined;
(c) measures to assist the PAPs in their efforts to improve their livelihoods, or at least to restore them, in real terms, while maintaining the sustainability of the park or protected area, will be
identified; and
(d) potential conflicts involving PAPs will be resolved.

The process framework also includes a description of the arrangements for implementing and monitoring the process.

8. To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples,15 ethnic minorities, or other PAPs who may not be protected through national land compensation legislation.

9. Bank experience has shown that resettlement of indigenous peoples with traditional land-based modes of production is particularly complex and may have significant adverse impacts on their identity and cultural survival. For this reason, the Bank satisfies itself that the borrower has explored all viable alternative project designs to avoid physical displacement of these groups. When it is not feasible to avoid such displacement, preference is given to land-based resettlement strategies for these groups (see para. 11) that are compatible with their cultural preferences and are prepared in consultation with them (see Annex A, para. 11).

10. The implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary measures for resettlement are in place. For impacts covered in para. 3(a) of this policy, these measures include provision of compensation and of other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to the PAPs. For impacts covered in para. 3(b) of this policy, the measures to assist the PAPs are implemented in accordance with the plan of action as part of the project (see para. 30).

11. Preference should be given to land-based resettlement strategies for PAPs whose livelihoods are land-based. These strategies may include resettlement on public land (see footnote 1 above), or on private land acquired or purchased for resettlement. Whenever replacement land is offered, resettlers are provided with land for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the land taken. If land is not the preferred option of the PAPs, the provision of land would adversely affect the sustainability of a park or protected area, 16 or sufficient land is not available at a reasonable price, non-land-based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of adequate land must be demonstrated and documented to the satisfaction of the Bank.

12. Payment of cash compensation for lost assets may be appropriate where (a) livelihoods are land based but the land taken for the project is a small fraction17 of the affected asset and the residual is economically viable; (b) active markets for land, housing, and labor exist, PAPs use such markets, and there is sufficient supply of land and housing; or (c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.
13. For impacts covered under para. 3(a) of this policy, the Bank also requires the following:

(a) PAPs and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.
(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the PAPs and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).
(c) Patterns of community organization appropriate to the new circumstances are based on choices made by the PAPs. To the extent possible, the existing social and cultural institutions of resettlers and any host communities are preserved and resettlers' preferences with respect to relocating in preexisting communities and groups are honored.

Eligibility for Benefits

14. Upon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project (see the Annex A, para. 6(a)), to determine who will be eligible for assistance, and to discourage inflow of people ineligible for assistance. The borrower also develops a procedure, satisfactory to the Bank, for establishing the criteria by which PAPs will be deemed eligible for compensation and other resettlement assistance. The procedure includes provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs), and it specifies grievance mechanisms.

15. Criteria for Eligibility. PAPs may be classified in one of the following three groups:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan (see Annex A, para. 7(f)); and
(c) those who have no recognizable legal right or claim to the land they are occupying.

16. Persons covered under para. 15(a) and (b) are provided compensation for the land they lose, and other assistance in accordance with para. 6. Persons covered under para. 15(c) are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in para. 15(a), (b), or (c) are provided compensation for loss of assets other than land.

Resettlement Planning, Implementation, and Monitoring

17. To achieve the objectives of this policy, different planning instruments are used, depending on the type of project:
(a) a resettlement plan or abbreviated resettlement plan is required for all operations that entail involuntary resettlement unless otherwise specified (see para. 25 and Annex A); 
(b) a resettlement policy framework is required for operations referred to in paras. 26-30 that may entail involuntary resettlement, unless otherwise specified (see Annex A); and 
(c) a process framework is prepared for projects involving restriction of access in accordance with para. 3(b) (see para. 31).

18. The borrower is responsible for preparing, implementing, and monitoring a resettlement plan, a resettlement policy framework, or a process framework (the "resettlement instruments"), as appropriate, that conform to this policy. The resettlement instrument presents a strategy for achieving the objectives of the policy and covers all aspects of the proposed resettlement. Borrower commitment to, and capacity for, undertaking successful resettlement is a key determinant of Bank involvement in a project.

19. Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement. In preparing the resettlement component, the borrower draws on appropriate social, technical, and legal expertise and on relevant community-based organizations and NGOs.22 The borrower informs potentially PAPs at an early stage about the resettlement aspects of the project and takes their views into account in project design.

20. The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project. The costs of resettlement, like the costs of other project activities, are treated as a charge against the economic benefits of the project; and any net benefits to resettlers (as compared to the "without-project" circumstances) are added to the benefits stream of the project. Resettlement components or free-standing resettlement projects need not be economically viable on their own, but they should be cost-effective.

21. The borrower ensures that the Project Implementation Plan is fully consistent with the resettlement instrument.

22. As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to PAPs and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate basis for project appraisal, the Bank makes it available to the public through its Info Shop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.23

23. The borrower's obligations to carry out the resettlement instrument and to keep the Bank informed of implementation progress are provided for in the legal agreements for the project.

24. The borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument. The Bank regularly supervises resettlement
implementation to determine compliance with the resettlement instrument. Upon completion of the project, the borrower undertakes an assessment to determine whether the objectives of the resettlement instrument have been achieved. The assessment takes into account the baseline conditions and the results of resettlement monitoring. If the assessment reveals that these objectives may not be realized, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision, as the Bank deems appropriate (see also BP 4.12, para. 16).

**Resettlement Instruments**

**Resettlement Plan**

25. A draft resettlement plan that conforms to this policy is a condition of appraisal (see Annex A, paras. 2-21) for projects referred to in para. 17(a) above. However, where impacts on the entire displaced population are minor, 25 or fewer than 200 people are displaced; an abbreviated resettlement plan may be agreed with the borrower (see Annex A, para. 22). The information disclosure procedures set forth in para. 22 apply.

**Resettlement Policy Framework**

26. For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paras. 23-25). The framework also estimates, to the extent feasible, the total population to be displaced and the overall resettlement costs.

27. For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paras. 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

28. For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise siting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paras. 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

29. For each subproject included in a project described in para. 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy
framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

30. For projects described in paras. 26-28 above, the Bank may agree, in writing that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to be in compliance with Bank policy, are provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

Process Framework
31. For projects involving restriction of access in accordance with para. 3(b) above, the borrower provides the Bank with a draft process framework that conforms to the relevant provisions of this policy as a condition of appraisal. In addition, during project implementation and before enforcing of the restriction, the borrower prepares a plan of action, acceptable to the Bank, describing the specific measures to be undertaken to assist the PAPs and the arrangements for their implementation. The plan of action could take the form of a natural resources management plan prepared for the project.

Assistance to the Borrower
32. In furtherance of the objectives of this policy, the Bank may at a borrower's request support the borrower and other concerned entities by providing
(a) assistance to assess and strengthen resettlement policies, strategies, legal frameworks, and specific plans at a country, regional, or sectoral level;
(b) financing of technical assistance to strengthen the capacities of agencies responsible for resettlement, or of affected people to participate more effectively in resettlement operations;
(c) financing of technical assistance for developing resettlement policies, strategies, and specific plans, and for implementation, monitoring, and evaluation of resettlement activities; and
(d) financing of the investment costs of resettlement.

33. The Bank may finance either a component of the main investment causing displacement and requiring resettlement, or a free-standing resettlement project with appropriate cross-conditionality, processed and implemented in parallel with the investment that causes the displacement. The Bank may finance resettlement even though it is not financing the main investment that makes resettlement necessary.

34. The Bank does not disburse against cash compensation and other resettlement assistance paid in cash, or against the cost of land (including compensation for land acquisition). However, it may finance the cost of land improvement associated with resettlement activities.

1. "Bank" includes IDA; "loans" includes credits, guarantees, Project Preparation Facility (PPF) advances and grants; and "projects" includes projects under (a) adaptable program lending; (b) learning and innovation loans; (c) PPFs and Institutional Development Funds (IDFs), if they include investment activities; (d) grants under the Global Environment Facility and Montreal Protocol, for which the Bank is the

implementing/executing agency; and (e) grants or loans provided by other donors that are administered by the Bank. The term "project" does not include programs under adjustment operations. "Borrower" also includes, wherever the context requires, the guarantor or the project implementing agency.

2. In devising approaches to resettlement in Bank-assisted projects, other Bank policies should be taken into account, as relevant. These policies include OP 4.01 Environmental Assessment, OP 4.04 Natural Habitats, OP 4.11 Safeguarding Cultural Property in Bank-Assisted Projects, and OD 4.20 Indigenous Peoples.

3. The term "Project Affected Persons" refers to persons who are affected in any of the ways described in para. 3 of this OP.

4. PAPs under para. 3(b) should be assisted in their efforts to improve or restore their livelihoods in a manner that maintains the sustainability of the parks and protected areas.

5. Where there are adverse indirect social or economic impacts, it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse economic and social impacts, particularly upon poor and vulnerable groups. Other environmental, social, and economic impacts that do not result from land taking may be identified and addressed through environmental assessments and other project reports and instruments.

6. This policy does not apply to restrictions of access to natural resources under community-based projects, i.e. where the community using the resources decides to restrict access to these resources, provided that an assessment satisfactory to the Bank establishes that the community decision-making process is adequate, and that it provides for identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. This policy also does not cover refugees from natural disasters, war, or civil strife (see OP/BP 8.50, Emergency Recovery Assistance).

7. For purposes of this policy, "involuntary" means actions that may be taken without the displaced person's informed consent or power of choice. 8. "Land" includes anything growing on or permanently affixed to land, such as buildings and crops. This policy does not apply to regulations of natural resources on a national or regional level to promote their sustainability, such as watershed management, groundwater management, fisheries management, etc. The policy also does not apply to disputes between private parties in land titling projects, although it is good practice for the borrower to undertake a social assessment and implement measures to minimize and mitigate adverse social impacts, especially those affecting poor and vulnerable groups.

9. For the purposes of this policy, involuntary restriction of access covers restrictions on the use of resources imposed on people living outside the park or protected area, or on those who continue living inside the park or protected area during and after project implementation. In cases where new parks and protected areas are created as part of the project, persons who lose shelter, land, or other assets are covered under para. 3(a). Persons who lose shelter in existing parks and protected areas are also covered under para. 3(a).

10. The Resettlement Sourcebook (forthcoming) provides good practice guidance to staff on the policy.
11. "Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account (for a detailed definition of replacement cost, see Annex A, footnote 1). For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para. 6.

12. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.

13. The alternative assets are provided with adequate tenure arrangements. The cost of alternative residential housing, housing sites, business premises, and agricultural sites to be provided can be set off against all or part of the compensation payable for the corresponding asset lost.

14. Such support could take the form of short-term jobs, subsistence support, salary maintenance or similar arrangements.


16. See OP 4.04, Natural Habitats.

17. As a general principle, this applies if the land taken constitutes less than 20% of the total productive area.

18. Paras. 13-15 do not apply to impacts covered under para. 3(b) of this policy. The eligibility criteria for PAPs under 3 (b) are covered under the process framework (see paras. 7 and 30).

19. Such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.

20. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate. 21. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

22. For projects that are highly risky or contentious, or that involve significant and complex resettlement activities, the borrower should normally engage an advisory panel of independent, internationally recognized resettlement specialists to advise on all aspects of the project relevant to the resettlement activities. The size, role, and frequency of meeting depend on the complexity of the resettlement. If independent technical advisory panels are established under OP 4.01, Environmental Assessment, the resettlement panel...
may form part of the environmental panel of experts. See BP 17.50, *Disclosure of Operational Information* (forthcoming) for detailed disclosure procedures.

24. An exception to this requirement may be made in highly unusual circumstances (such as emergency recovery operations) with the approval of Bank Management (see BP 4.12, para. 8). In such cases, the Management's approval stipulates a timetable and budget for developing the resettlement plan.

25. Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost. 26. For purpose of this paragraph, the term "subprojects" includes components and subcomponents.
Involuntary Resettlement Instruments

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

1. This annex describes the elements of a resettlement plan, an abbreviated resettlement plan, a resettlement policy framework, and a resettlement process framework, as discussed in OP 4.12, paras. 17-31.

Resettlement Plan
2. The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the PAPs and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

3. Description of the project. General description of the project and identification of the project area.

4. Potential impacts. Identification of
   (a) the project component or activities that give rise to resettlement;
   (b) the zone of impact of such component or activities;
   (c) the alternatives considered to avoid or minimize resettlement; and
   (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

5. Objectives. The main objectives of the resettlement program.

6. Socioeconomic studies. The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including
   (a) the results of a census survey covering
      (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
      (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
      (iii) the magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic;
      (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and
      (v) provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
   (b) Other studies describing the following
      (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
      (ii) the patterns of social interaction in the affected communities, including social
networks and social support systems, and how they will be affected by the project;  
(iii) public infrastructure and social services that will be affected; and  
(iv) social and cultural characteristics of displaced communities, including a  
description of formal and informal institutions (e.g., community organizations, ritual groups,  
nongovernmental organizations (NGOs)) that may be relevant to the  
consultation strategy and to designing and implementing the resettlement activities.

7. Legal framework. The findings of an analysis of the legal framework, covering  
(a) the scope of the power of eminent domain and the nature of compensation associated  
with it, in terms of both the valuation methodology and the timing of payment;  
(b) the applicable legal and administrative procedures, including a description of the  
remedies available to PAPs in the judicial process and the normal timeframe for such  
procedures, and any available alternative dispute resolution mechanisms that may be  
relevant to resettlement under the project;  
(c) relevant law (including customary and traditional law) governing land tenure, valuation of  
assets and losses, compensation, and natural resource usage rights; customary personal law  
related to displacement; and environmental laws and social welfare legislation;  
(d) laws and regulations relating to the agencies responsible for implementing resettlement  
activities;  
(e) gaps, if any, between local laws covering eminent domain and resettlement and the  
Bank's resettlement policy, and the mechanisms to bridge such gaps; and  
(f) any legal steps necessary to ensure the effective implementation of resettlement activities  
under the project, including, as appropriate, a process for recognizing claims to legal rights  
to land—including claims that derive from customary law and traditional usage (see OP  
4.12, para.15 b).

8. Institutional Framework. The findings of an analysis of the institutional framework covering  
(a) the identification of agencies responsible for resettlement activities and NGOs that may  
have a role in project implementation;  
(b) an assessment of the institutional capacity of such agencies and NGOs; and  
(c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs  
responsible for resettlement implementation.

9. Eligibility. Definition of PAPs and criteria for determining their eligibility for compensation and  
other resettlement assistance, including relevant cut-off dates.

10. Valuation of and compensation for losses. The methodology to be used in valuing losses to determine  
their replacement cost; and a description of the proposed types and levels of compensation under  
local law and such supplementary measures as are necessary to achieve replacement cost for lost  
assets.1

11. Resettlement measures. A description of the packages of compensation and other resettlement  
measures that will assist each category of eligible PAPs to achieve the objectives of the policy (see  
OP 4.12, para. 6). In addition to being technically and economically feasible, the resettlement  
packages should be compatible with the cultural preferences of the PAPs, and prepared in  
consultation with them.

12. Site selection, site preparation, and relocation. Alternative relocation sites considered and explanation  
of those selected, covering  
(a) institutional and technical arrangements for identifying and preparing relocation sites,  
whether rural or urban, for which a combination of productive potential, locational
advantages, and other factors is at least comparable to the advantages of the old sites, with
an estimate of the time needed to acquire and transfer land and ancillary resources;
(b) any measures necessary to prevent land speculation or influx of ineligible persons at the
selected sites;
(c) procedures for physical relocation under the project, including timetables for site
preparation and transfer; and
(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

13. Housing, infrastructure, and social services. Plans to provide (or to finance resettlers' provision of)
housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health
services); plans to ensure comparable services to host populations; any necessary site development,
engineering, and architectural designs for these facilities.

14. Environmental protection and management. A description of the boundaries of the relocation area; and
an assessment of the environmental impacts of the proposed resettlement and measures to
mitigate and manage these impacts (coordinated as appropriate with the environmental assessment
of the main investment requiring the resettlement).

15. Community participation. Involvement of resettlers and host communities, including
(a) a description of the strategy for consultation with and participation of resettlers and
hosts in the design and implementation of the resettlement activities;
(b) a summary of the views expressed and how these views were taken into account in
preparing the resettlement plan;
(c) a review of the resettlement alternatives presented and the choices made by PAPs
regarding options available to them, including choices related to forms of compensation and
resettlement assistance, to relocating as individuals families or as parts of preexisting
communities or kinship groups, to sustaining existing patterns of group organization, and to
retaining access to
cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
(d) institutionalized arrangements by which displaced people can communicate their
concerns to project authorities throughout planning and implementation, and measures to
ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and
women are adequately
represented.

16. Integration with host populations. Measures to mitigate the impact of resettlement on any host
communities, including
(a) consultations with host communities and local governments;
(b) arrangements for prompt tendering of any payment due the hosts for land or other assets
provided to resettlers;
(c) arrangements for addressing any conflict that may arise between resettlers and host
communities; and
(d) any measures necessary to augment services (e.g., education, water, health, and production
services) in host communities to make them at least comparable to services available to resettlers.

17. Grievance procedures. Affordable and accessible procedures for third-party settlement of disputes
arising from resettlement; such grievance mechanisms should take into account the availability of
judicial recourse and community and traditional dispute settlement mechanisms.

18. Organizational responsibilities. The organizational framework for implementing resettlement,
including identification of agencies responsible for delivery of resettlement measures and provision
of services; arrangements to ensure appropriate coordination between agencies and jurisdictions
involved in implementation; and any measures (including technical assistance) needed to strengthen
the implementing agencies' capacity to design and carry out resettlement activities; provisions for
the transfer to local authorities or resettlers themselves of responsibility for managing facilities and
services provided under the project and for transferring other such responsibilities from the
resettlement implementing agencies, when appropriate.

19. **Implementation schedule.** An implementation schedule covering all resettlement activities from
preparation through implementation, including target dates for the achievement of expected
benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should
indicate how the resettlement activities are linked to the implementation of the overall project.

20. **Costs and budget.** Tables showing itemized cost estimates for all resettlement activities, including
allowances for inflation, population growth, and other contingencies; timetables for expenditures;
sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in
areas outside the jurisdiction of the implementing agencies.

21. **Monitoring and evaluation.** Arrangements for monitoring of resettlement activities by the
implementing agency, supplemented by independent monitors as considered appropriate by the
Bank, to ensure complete and objective information; performance monitoring indicators to measure
inputs, outputs, and outcomes for resettlement activities; involvement of the PAPs in the
monitoring process; evaluation of the impact of resettlement for a reasonable period after all
resettlement and related development activities have been completed; using the results of
resettlement monitoring to guide subsequent implementation.

### Abbreviated Resettlement Plan

22. An abbreviated plan covers the following minimum elements:\[6\]

(a) a census survey of PAPs and valuation of assets;
(b) description of compensation and other resettlement assistance to be provided;
(c) consultations with displaced people about acceptable alternatives;
(d) institutional responsibility for implementation and procedures for grievance redress;
(e) arrangements for monitoring and implementation; and
(f) a timetable and budget.

### Resettlement Policy Framework

23. The purpose of the policy framework is to clarify resettlement principles, organizational
arrangements, and design criteria to be applied to subprojects to be prepared during project
implementation (see OP 4.12, paras. 26-28). Subproject resettlement plans consistent with the policy
framework subsequently are submitted to the Bank for approval after specific planning information
becomes available (see OP 4.12, para. 29). 24. The resettlement policy framework covers the
following elements, consistent with the provisions described in OP 4.12, paras. 2 and 4:

(a) a brief description of the project and components for which land acquisition and
resettlement
are required, and an explanation of why a resettlement plan as described in paras. 2-21 or an
abbreviated plan as described in para. 22 cannot be prepared by project appraisal;
(b) principles and objectives governing resettlement preparation and implementation;
(c) a description of the process for preparing and approving resettlement plans;
(d) estimated population displacement and likely categories of PAPs, to the extent
feasible;
(e) eligibility criteria for defining various categories of PAPs;
(f) a legal framework reviewing the fit between borrower laws and regulations and Bank
policy
requirements and measures proposed to bridge any gaps between them;
(g) methods of valuing affected assets;
(h) organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
(i) a description of the implementation process, linking resettlement implementation to civil works;
(j) a description of grievance redress mechanisms;
(k) a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
(l) a description of mechanisms for consultations with, and participation of, PAPs in planning, implementation, and monitoring; and
(m) arrangements for monitoring by the implementing agency and, if required, by independent monitors.

25. When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

Process Framework

26. A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see OP 4.12, paras. 7 and 31). 27. Specifically, the process framework describes participatory processes by which the following activities will be accomplished

(a) Project components will be prepared and implemented. The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially PAPs participate in project design.

(b) Criteria for eligibility of affected persons will be determined. The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

(c) Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.

(d) Potential conflicts or grievances within or between affected communities will be resolved. The document should describe the process for resolving disputes relating to resource use restrictions that
may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation. Additionally, the process framework should describe arrangements relating to the following:

e) Administrative and legal procedures. The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).

f) Monitoring arrangements. The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

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1. With regard to land and structures, "replacement cost" is defined as follows: For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in OP 4.12, para. 6.

2. Provision of health care services, particularly for pregnant women, infants, and the elderly, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and the increased risk of disease.

3. Negative impacts that should be anticipated and mitigated include, for rural resettlement, deforestation, overgrazing, soil erosion, sanitation, and pollution; for urban resettlement, projects should address such density-related issues as transportation capacity and access to potable water, sanitation systems, and health facilities.

4. Experience has shown that local NGOs often provide valuable assistance and ensure viable community participation.


6. In case some of the PAPs lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.
## APPENDIX 6.1  Format for 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>
<tbody>
<tr>
<td>Property Owners (including those covered by customary law)</td>
<td>Loss of Land</td>
<td>Costs at full replacement value</td>
<td>Land replacement at new site, plus land clearing by the project</td>
<td>-Cash compensation for crops/trees at replacement cost in scarce season</td>
</tr>
<tr>
<td></td>
<td>Loss of Structures</td>
<td>Compensation at full replacement value (not depreciated).</td>
<td>(Fences block work, wire, and wood)</td>
<td>-Allow sufficient time to harvest crops</td>
</tr>
<tr>
<td></td>
<td>Residential or Business</td>
<td>Wells</td>
<td>Wells</td>
<td>For lost income from rented property, pay lump sum cash payment of agreed number of months of rental per tenant.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stores</td>
<td>Stores</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste water facilities</td>
<td>Waste water facilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Access roads</td>
<td>Access roads</td>
<td></td>
</tr>
<tr>
<td>Residential Tenant: Business Tenant</td>
<td>Loss of rental accommodation</td>
<td>Replacement costs for non-movables.</td>
<td>Replacement costs for non-movables if installation was agreed with owner.</td>
<td>-Disturbance assistance.</td>
</tr>
<tr>
<td></td>
<td>-Loss of Premises</td>
<td>None</td>
<td>None</td>
<td>-Transportation assistance, if relocating</td>
</tr>
<tr>
<td></td>
<td>-Loss of business</td>
<td>None</td>
<td>None</td>
<td>-Rental for a few months up to 2 months</td>
</tr>
<tr>
<td></td>
<td>-Loss of business income</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>For loss of business, payment of lost income at an agreed rate (say payment of six up to 1.5 months' income months of past year average turnover)</td>
<td>payment of lost income at an agreed rate (say payment of three months of past year average income up to 1.5 months' income)</td>
</tr>
<tr>
<td>Encroachers (using Land)</td>
<td>Loss of salary</td>
<td>None</td>
<td>None</td>
<td>payment of lost salary at an agreed rate (say payment of three for up to 1.5 months of past year average salary)</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------</td>
<td>------</td>
<td>------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Encroachers (living on Site)</td>
<td>Loss of Shelter</td>
<td>Cash compensation for assets/improvements as identified by the census on the affected land.</td>
<td>Where possible assistance in securing other access to land for growing crops, subject to approval of Local Authorities/communities</td>
<td>Cash compensation for trees/crops at replacement cost in scarce season. Allow for sufficient time to harvest crops -allow for sufficient time to relocate For street vendors on right of ways allow possible access to other sites/locations</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>Land replacement at new site, plus land clearing by the project -Waste facilities, connection to utilities and provision of access roads</td>
<td>For loss of business, payment of lost income Provision of alternative temporary facilities during construction, where appropriate.</td>
</tr>
<tr>
<td></td>
<td>Sacred sites and graves</td>
<td>None</td>
<td>Land replacement at new site, plus land clearing by the project</td>
<td>None</td>
</tr>
</tbody>
</table>

*Note: All payments to be made in Malawi Kwacha.*
### APPENDIX 7.1 Malawian Law and World Bank OP 4.12 Regarding Compensation

<table>
<thead>
<tr>
<th>Category of PAPS / Type of Lost Assets</th>
<th>Malawian Law</th>
<th>World Bank OP4.12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value under statute. Land for Land under Customary Law</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants not entitled to compensation</td>
<td>Are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.</td>
</tr>
<tr>
<td>Land Users</td>
<td>-In some cases land users have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land. -Entitled to compensation for crops and any other economic assets. -Land for Land under customary</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income must be restored to at least pre-project levels.</td>
</tr>
<tr>
<td>Owners of Temporary Buildings</td>
<td>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Owners of Permanent buildings</td>
<td>Cash Compensation based on market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
</tr>
<tr>
<td>Businesses</td>
<td>Not covered</td>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop.</td>
</tr>
<tr>
<td>Marketers</td>
<td>Not covered</td>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop.</td>
</tr>
<tr>
<td>Crops</td>
<td>Cash compensation based upon rates calculated as an average net agricultural income.</td>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop.</td>
</tr>
<tr>
<td>Grievance procedure</td>
<td>Not covered</td>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop.</td>
</tr>
<tr>
<td>Consultation and Participation</td>
<td>Covered in the Land Law. It requires the PAPs to be consulted</td>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop.</td>
</tr>
<tr>
<td>Monitoring &amp; evaluation</td>
<td>Not covered</td>
<td>As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop.</td>
</tr>
</tbody>
</table>
APPENDIX 8.1  Schedule for Determining Monetary Compensation for Land Use

<table>
<thead>
<tr>
<th>Item Compensated</th>
<th>Basis of Calculating Value</th>
<th>Malawian Malawi 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).</td>
<td></td>
</tr>
<tr>
<td>Labour Invested</td>
<td>Labour costs of preparing the replacement land</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Replacement value of crops plus labour for preparing replacement land</td>
<td></td>
</tr>
</tbody>
</table>

* Note: Malawian currency payments will be revised to reflect crop values and labour 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 8.2  
Schedule for Calculation of Compensation for Buildings

<table>
<thead>
<tr>
<th>No.</th>
<th>TYPE OF CONSTRUCTION</th>
<th>Cost/ m²</th>
<th>N/O</th>
<th>TYPE OF CONSTRUCTION</th>
<th>Cost/ m²</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Type of fence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Hedge</td>
<td>250,00</td>
<td>3.1</td>
<td>Mobile kiosk with zinc sheet</td>
<td>2000,00</td>
</tr>
<tr>
<td>1.2</td>
<td>Fence with zinc sheet</td>
<td>600,00</td>
<td>3.2</td>
<td>Container</td>
<td>2500,00</td>
</tr>
<tr>
<td>1.3</td>
<td>Fence with reed</td>
<td>400,00</td>
<td>3.3</td>
<td>Market shops with stakes</td>
<td>300,00</td>
</tr>
<tr>
<td>1.4</td>
<td>Barbed wire</td>
<td>250,00</td>
<td>3.4</td>
<td>Market shops with insecure material</td>
<td>400,00</td>
</tr>
<tr>
<td>1.5</td>
<td>Wood fence</td>
<td>400,00</td>
<td>3.5</td>
<td>Market shops with non-plastered masonry</td>
<td>2500,00</td>
</tr>
<tr>
<td>1.6</td>
<td>Shark wire</td>
<td>400,00</td>
<td>3.6</td>
<td>Market shops with plastered masonry</td>
<td>3000,00</td>
</tr>
<tr>
<td>1.7</td>
<td>Brick walls not plastered (thickness 20cm)</td>
<td>1000,00</td>
<td>3.7</td>
<td>Market shops with plastered masonry and painted with installations</td>
<td>3500,00</td>
</tr>
<tr>
<td>1.8</td>
<td>Brick walls plastered (thickness 20cm)</td>
<td>1000,00</td>
<td>3.8</td>
<td>Market shop with ceiling and mosaic</td>
<td>4000,00</td>
</tr>
<tr>
<td>1.9</td>
<td>Brick walls not plastered (thickness 10 cm)</td>
<td>800,00</td>
<td>3.9</td>
<td>Covered shed and paved</td>
<td>1000,00</td>
</tr>
<tr>
<td>1.10</td>
<td>Brick walls plastered (thickness 10 cm)</td>
<td>800,00</td>
<td>4.</td>
<td>Housing</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Floor</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Gravel Floor</td>
<td>200,00</td>
<td>4.1</td>
<td>Reed House</td>
<td>2500,00</td>
</tr>
<tr>
<td>2.2</td>
<td>Gravel floor with kerb surrounding</td>
<td>200,00</td>
<td>4.2</td>
<td>Masonry house (plastered or not) average height 2.5m</td>
<td>3000,00</td>
</tr>
<tr>
<td>2.3</td>
<td>Floor with mortar</td>
<td>400,00</td>
<td>4.3</td>
<td>Masonry house plastered or not (height higher than 2.5m)</td>
<td>3500,00</td>
</tr>
<tr>
<td>2.4</td>
<td>Floor with concrete and mortar</td>
<td>600,00</td>
<td>4.4</td>
<td>Plastered house, painted with ceiling and mosaic</td>
<td>4000,00</td>
</tr>
<tr>
<td>2.5</td>
<td>Block paving</td>
<td>800,00</td>
<td>5.</td>
<td>Latrine</td>
<td></td>
</tr>
<tr>
<td>2.6</td>
<td>Pavement with concrete and mosaic</td>
<td>1200,00</td>
<td>5.1</td>
<td>Latrine</td>
<td>1000,00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5.2</td>
<td>Shower</td>
<td>400,00</td>
</tr>
</tbody>
</table>

Note: The above cost amounts are estimates and rates will be modified to reflect the current price at time of compensation. Buildings and structures will be replaced by an equivalent structure or, on 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 centres, schools.

**Land owners:** Those who hold legal title to the land through official tenure or customary law. **Land tenants:** Those who are renting land. **Land users:** This refers to those that are freely using a piece of land but do not have legal title and are not renting the land from anyone. **Permanent building:** refers to structures constructed in durable materials such cement, bricks and steel. **Temporary buildings** are usually constructed with local materials.
### Local Fruit Trees, e.g. Guava and Mangoes

| Estimated Avg. Fruit Yield (kg) of mature tree | 800 to 1,300 kg/year |
| Estimated Yield used | Ten sacks (1,000kg)/tree/year |

**Market Price:**
- Peak of harvest season (March/April) Malawi Kwacha/kg
- End of season (late May) Malawi Kwacha/kg

**Price used as basis of this estimate**
- 80% height of season; 20% end of season

**Years to Production**
- Six to seven

**Years to Maximum Production**
- Twenty

**Costs of Sapling**
- Malawi Kwacha, locally available

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

| Estimated Avg. Fruit Yield (kg) of Mature Tree | 800 to 1,300 kg/year |
| Estimated Yield used | Almost entire yield due to market value |

**Market Price, (varies according to variety)**
- Height of harvest season (June/September) Malawi Kwacha/kg
- Price used as basis of this estimate Price per fruit or sac (100kg) as quoted by the Ministry of Agriculture and confirmed with grower

**Years to Production**
- Four to five

**Years to Maximum Production**
- Eight

**Costs of Sapling**
- Malawi Kwacha, not locally available.
## 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>
</table>
| **Sapling** Trees planted after project cut-off date in area will not be eligible for compensation | 0-1 | Deliver to farmer:  
- Choice of two guava or mango trees  
- (local and/or improved grafted)  
- Supplies: fencing to protect tree, a bucket for watering and a spade | Malawi Kwacha |
| **Sapling/young tree:** First minor production 12-50 fruits occurs about age 4-5 | 1-6 | Deliver to farmer:  
- 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 number of trees. Malawi Kwacha in credits or other financial support for labour invested in planting, fencing, and watering, made in one payment. |
| **Mature, fruit producing trees** | 6-30 | Deliver to farmer:  
- 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 number of trees. Malawi Kwacha in credits or other financial support for labour invested in planting, fencing, and watering, made in one payment.  
Equivalent of X number of trees. Malawi Kwacha in credits or other financial support, representing eight years, (8 years x 10 sacks x X Malawi Kwacha/sack) for lost |
### APPENDIX 9.1 Land Acquisition and Resettlement Implementation Schedule

<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>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Project Planning</td>
<td>Setting up an effective administrative reporting system</td>
<td>NWDP II</td>
<td>NSB</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>NWDP II concept/objectives studied and understood by key stakeholders</td>
<td>NWDP II</td>
<td>NSB, NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Resettlement Policy Framework discussed with stakeholders</td>
<td>WB, DA/CA</td>
<td>NWDP II, DEC AND TCPC</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Project authorities and stakeholders alerted on the necessity for land acquisition and resettlement.</td>
<td>DA/CA</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formation of National, District and Village Implementation Committees</td>
<td>NSB, DA/CA</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community involvement, sensitisation and participation initiated</td>
<td>DA/CA</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td>2.0</td>
<td>Land acquisition</td>
<td>Community involvement, sensitisation and participation</td>
<td>DA/CA/AEC.</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Screening of project sites indicating areas of possible resettlement</td>
<td>WB, Consultant</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prepare maps for the affected areas</td>
<td>NWDP II/WB</td>
<td>MoIWD, Lands</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Obtain land authorization</td>
<td>WB/Min for Lands/DA</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Demarcate authorized area to be affected</td>
<td>DA and AEC or TCPC</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Set cut-off date</td>
<td>DA/CA/AEC or TCPC</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td>3.0</td>
<td>Socio-economic Survey</td>
<td>Community involvement, sensitisation and participation</td>
<td>WB/ DA/AEC or TCPC</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Identify affected persons, party or homestead and register their names in detail</td>
<td>WB, DA/AEC. Or TCPC</td>
<td>NWDP II, Lands</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Estimate the magnitude of the impacts relative to the need for resettlement and/or compensation</td>
<td>WB, DA, TCPC.</td>
<td>NWDP II, Lands</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Compile land register</td>
<td>Consultant, DA, TCPC.</td>
<td>NWDP II, Lands</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Carry out valuation of assets to be compensated</td>
<td>NWDP II</td>
<td>MoIWD</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create a database for comparative analysis at all levels of Government</td>
<td>AEC /DA or TCPC</td>
<td>NWDP II</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Resettlement</td>
<td>Community involvement, sensitisation and participation</td>
<td>NWDP II</td>
<td>NWDP II</td>
<td></td>
</tr>
</tbody>
</table>

*Water, Waste & Environment Consultants 29/11/2007*
<table>
<thead>
<tr>
<th>/compensation</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Create fora for identifying social investment opportunities</td>
<td>WB, DA</td>
<td>NWDP II, Lands</td>
</tr>
<tr>
<td>Identify social investment opportunities as part of the projects activities</td>
<td>WB, DA/AEC or TCPC.</td>
<td>NWDP II, Lands</td>
</tr>
<tr>
<td>Provide information about the valuation and negotiation process</td>
<td>DA or TCPC</td>
<td>NWDP II, Lands</td>
</tr>
<tr>
<td>Prepare RAPs</td>
<td>Consultant / WB</td>
<td>NWDP II/Lands</td>
</tr>
<tr>
<td>Authorization of project and RAPs by GoM</td>
<td>NWDP II</td>
<td>MoIWD, Lands</td>
</tr>
<tr>
<td>Up-date database for comparative analysis at all levels of Government</td>
<td>NWDP II/DA</td>
<td>MoIWD, Lands</td>
</tr>
<tr>
<td>Formulate compensation offers and obtain signed agreements with those affected</td>
<td>WB, DA, TCPC</td>
<td>NWDP II, Lands</td>
</tr>
<tr>
<td>Provide alternative land (if applicable) inclusive of ancillary support services such as transport, housing, crop starter packs and food support</td>
<td>NWDP II/DA or TCPC</td>
<td>MoIWD/Lands</td>
</tr>
<tr>
<td>5 After Resettlement Activities</td>
<td>Draw up a programme for after resettlement activities</td>
<td></td>
</tr>
<tr>
<td>Provide Resettlement After-care Assistance</td>
<td>WB</td>
<td>NWDP II</td>
</tr>
<tr>
<td>Up-date database for comparative analysis at all levels of Government</td>
<td>NWDP II</td>
<td>MoIWD</td>
</tr>
<tr>
<td>Carry out monitoring activities</td>
<td>CSC, DA, NWDP II, TCPC</td>
<td>MoIWD</td>
</tr>
</tbody>
</table>
# APPENDIX 13.1 Details of Transport Costs (to and from Lilongwe) and other costs

<table>
<thead>
<tr>
<th>District</th>
<th>Participants</th>
<th>Distance (KM)</th>
<th>Fuel Litre</th>
<th>Fuel US$/ Lilre</th>
<th>Total US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mzuzu (NRWB)</td>
<td>3</td>
<td>1000</td>
<td>100</td>
<td>1.15</td>
<td>115</td>
</tr>
<tr>
<td>Mzuzu (City Assembly)</td>
<td>4</td>
<td>1000</td>
<td>100</td>
<td>1.15</td>
<td>115</td>
</tr>
<tr>
<td>Mzimba (DEC)</td>
<td>4</td>
<td>900</td>
<td>90</td>
<td>1.15</td>
<td>103.5</td>
</tr>
<tr>
<td>Kasungu (Town Assembly)</td>
<td>4</td>
<td>350</td>
<td>35</td>
<td>1.15</td>
<td>40.25</td>
</tr>
<tr>
<td>Lilongwe (City Assembly)</td>
<td>4</td>
<td>150</td>
<td>15</td>
<td>1.15</td>
<td>17.25</td>
</tr>
</tbody>
</table>

**SUPPORT STAFF**

<table>
<thead>
<tr>
<th>District</th>
<th>Participants</th>
<th>Distance (KM)</th>
<th>Fuel Litre</th>
<th>Fuel US$/ Litre</th>
<th>Total US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lilongwe (NWDP-2)</td>
<td>250</td>
<td>25</td>
<td>1.15</td>
<td>28.75</td>
<td></td>
</tr>
<tr>
<td>Lilongwe (NWDP-2)</td>
<td>5</td>
<td>150</td>
<td>1.15</td>
<td>17.25</td>
<td></td>
</tr>
<tr>
<td>Lilongwe (CRWB)</td>
<td>3</td>
<td>150</td>
<td>1.15</td>
<td>17.25</td>
<td></td>
</tr>
<tr>
<td>Lilongwe (LLWB)</td>
<td>3</td>
<td>150</td>
<td>1.15</td>
<td>17.25</td>
<td></td>
</tr>
<tr>
<td>Lilongwe (DEC)</td>
<td>4</td>
<td>150</td>
<td>1.15</td>
<td>17.25</td>
<td></td>
</tr>
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</table>

**TRAINERS**

<table>
<thead>
<tr>
<th>District</th>
<th>Participants</th>
<th>Distance (KM)</th>
<th>Fuel Litre</th>
<th>Fuel US$/ Litre</th>
<th>Total US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lilongwe (Five Vehicles)</td>
<td>750</td>
<td>75</td>
<td>1.15</td>
<td>86.25</td>
<td></td>
</tr>
<tr>
<td>Liwonde (Town Assembly)</td>
<td>4</td>
<td>530</td>
<td>53</td>
<td>60.95</td>
<td></td>
</tr>
<tr>
<td>Mangochi (Town Assembly)</td>
<td>4</td>
<td>750</td>
<td>75</td>
<td>86.25</td>
<td></td>
</tr>
<tr>
<td>Zomba (Town Assembly)</td>
<td>4</td>
<td>600</td>
<td>60</td>
<td>69</td>
<td></td>
</tr>
<tr>
<td>Zomba (SRWB)</td>
<td>3</td>
<td>600</td>
<td>60</td>
<td>69</td>
<td></td>
</tr>
<tr>
<td>Blantyre (BWB)</td>
<td>3</td>
<td>700</td>
<td>70</td>
<td>80.5</td>
<td></td>
</tr>
<tr>
<td>Blantyre (DEC)</td>
<td>4</td>
<td>700</td>
<td>70</td>
<td>80.5</td>
<td></td>
</tr>
<tr>
<td>Blantyre (City Assembly)</td>
<td>4</td>
<td>700</td>
<td>70</td>
<td>80.5</td>
<td></td>
</tr>
</tbody>
</table>

**SUB-TOTAL FOR TRANSPORT COSTS**

<table>
<thead>
<tr>
<th>District</th>
<th>Participants</th>
<th>Distance (KM)</th>
<th>Fuel Litre</th>
<th>Fuel US$/ Litre</th>
<th>Total US$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>60 9580</td>
</tr>
</tbody>
</table>

**OTHER COSTS**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit</th>
<th>Qty</th>
<th>Rate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORKSHOP STATIONERY</td>
<td>Reams of Paper</td>
<td>No</td>
<td>5</td>
<td>4.3</td>
<td>21.5</td>
</tr>
<tr>
<td></td>
<td>Toner</td>
<td>No</td>
<td>5</td>
<td>100</td>
<td>500</td>
</tr>
<tr>
<td></td>
<td>Pens</td>
<td>No</td>
<td>150</td>
<td>0.2</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>Files</td>
<td>No</td>
<td>5</td>
<td>3.6</td>
<td>18</td>
</tr>
<tr>
<td></td>
<td>Folders</td>
<td>No</td>
<td>70</td>
<td>0.5</td>
<td>35</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td></td>
<td>604.5</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td>1706.2</td>
</tr>
</tbody>
</table>
## APPENDIX 14.1: Land Acquisition and Resettlement Process Monitoring Plan

<table>
<thead>
<tr>
<th>Item No</th>
<th>ISSUES / ACTIVITIES TO BE MONITORED</th>
<th>INDICATORS¹</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td></td>
<td></td>
<td>Ratio of PAPs remaining supportive of the project against those not supportive</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td></td>
<td></td>
<td>Actual time of completing resettlement compared to planned time</td>
</tr>
<tr>
<td>2</td>
<td>Project acceptance (or not) by the community</td>
<td>Number of complaints as a percentage of total PAPs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Number of grievances successfully resolved as a percentage of total number of grievances</td>
</tr>
<tr>
<td>3</td>
<td>Acceptance (or not), of PAPs by host community</td>
<td>Number of conflicts between PAPs and host community</td>
</tr>
<tr>
<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>
</tr>
<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>
</tr>
<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>
</tr>
<tr>
<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>
</tr>
</tbody>
</table>

¹ These are only some of the indicators that could be used. Specific indicators will need to be developed taking into account site specific conditions.
<table>
<thead>
<tr>
<th></th>
<th><strong>Number of impacted locals employed by the Management Board's civil works' contractors</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-project income of vulnerable affected individuals/groups versus their present income</td>
<td></td>
</tr>
<tr>
<td>Number of people participating in project activities compared to total PAPs</td>
<td></td>
</tr>
<tr>
<td>Number of students in school as a percentage of total persons eligible for school</td>
<td></td>
</tr>
<tr>
<td>Trends in environmental diseases such as malaria, diarrhoea, coughs etc</td>
<td></td>
</tr>
<tr>
<td>Trends in respiratory diseases</td>
<td></td>
</tr>
<tr>
<td>Trend in HIV/AIDS statistics in comparison with pre-settlement statistics</td>
<td></td>
</tr>
<tr>
<td>Mortality rates after resettlement compared with pre-settlement rates</td>
<td></td>
</tr>
<tr>
<td>Number of PAPs with access to potable water compared with total PAPs</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th><strong>Productivity</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-project production versus present production (crop for crop, land for land).</td>
<td></td>
</tr>
<tr>
<td>Post project production per affected household/homestead compared with pre-project income.</td>
<td></td>
</tr>
<tr>
<td>Wildlife conservation and eco-tourism activity on acquired land as per plan,</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 14.2: Estimates for 6 NSB Meetings to be held by 15 Participants for Monitoring progress of the project

<table>
<thead>
<tr>
<th>Item No</th>
<th>Description</th>
<th>Unit</th>
<th>QTY</th>
<th>Days</th>
<th>Unit Cost ($)</th>
<th>Total 15 Days ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>SUBSISTENCE ALLOWANCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1</td>
<td>Participants</td>
<td>Persons</td>
<td>15</td>
<td>15</td>
<td>15.00</td>
<td>3,375.00</td>
</tr>
<tr>
<td>1.2</td>
<td>Facilitators</td>
<td>Persons</td>
<td>1</td>
<td>15</td>
<td>150.00</td>
<td>2,250.00</td>
</tr>
<tr>
<td>1.3</td>
<td>Support Staff</td>
<td>Persons</td>
<td>2</td>
<td>15</td>
<td>15.00</td>
<td>450.00</td>
</tr>
<tr>
<td>1.4</td>
<td>Drivers</td>
<td>Persons</td>
<td>6</td>
<td>15</td>
<td>15.00</td>
<td>1,350.00</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal</strong></td>
<td></td>
<td>24</td>
<td></td>
<td></td>
<td>1,350.00</td>
</tr>
<tr>
<td>2.0</td>
<td>MEALS AND REFRESHMENTS</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>2.1</td>
<td>Lunches</td>
<td>No</td>
<td>24</td>
<td>15</td>
<td>7.00</td>
<td>2,520.00</td>
</tr>
<tr>
<td>2.2</td>
<td>Teas</td>
<td>No</td>
<td>48</td>
<td>15</td>
<td>4.00</td>
<td>2,880.00</td>
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<tr>
<td>3.0</td>
<td>STATIONERY for 6 meetings</td>
<td>Sum</td>
<td></td>
<td></td>
<td></td>
<td>1,925.40</td>
</tr>
<tr>
<td>4.0</td>
<td>REPORTS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>420.00</td>
</tr>
<tr>
<td>5.0</td>
<td>FUEL</td>
<td>Trips</td>
<td>20</td>
<td>1</td>
<td>150.00</td>
<td>3,000.00</td>
</tr>
<tr>
<td>6.0</td>
<td>ACCOMMODATION</td>
<td>persons</td>
<td>18</td>
<td>15</td>
<td>120.00</td>
<td>32,400.00</td>
</tr>
<tr>
<td>7.0</td>
<td>CONFERENCE</td>
<td>Room</td>
<td>1</td>
<td>15</td>
<td>145.00</td>
<td>2,175.00</td>
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## Appendix 14.3 Estimate for End of Term Evaluation Workshop

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<th>Item No</th>
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<th>No. of Persons</th>
<th>Unit</th>
<th>Qty</th>
<th>Unit Cost</th>
<th>Total</th>
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<td>Participants</td>
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<td>1.4</td>
<td>Journalists</td>
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<td>Sum</td>
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<td><strong>SUB-TOTAL (One workshop)</strong></td>
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## APPENDIX 15.1 Contents of a Comprehensive Compensation Budget

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<tr>
<th>#</th>
<th>Item</th>
<th>Costs (in Malawi Kwacha)*</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>1</td>
<td>Compensation for loss of Land /hectare</td>
<td></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 /hectare of farm lost</td>
<td></td>
<td>Includes costs of labour 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>
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<tr>
<td>3</td>
<td>Compensation for loss of access to pastoralists N/a</td>
<td></td>
<td>Those affected will be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)</td>
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<tr>
<td>4</td>
<td>Compensation for loss of access to fishing resources /fishmonger</td>
<td></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 /year/tree</td>
<td></td>
<td>This compensation will preferably be in-kind. The new buildings will 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</td>
</tr>
<tr>
<td>6</td>
<td>Compensation for Trees /year/tree</td>
<td></td>
<td>Based on methods described in Appendix 7.4 above.</td>
</tr>
<tr>
<td>7</td>
<td>Cost of Relocation Assistance /household</td>
<td></td>
<td>This cost is to facilitate transportation, etc.</td>
</tr>
<tr>
<td>8</td>
<td>Cost of Restoration of Individual /person</td>
<td></td>
<td>Assumed to be higher than the GDP/capita.</td>
</tr>
<tr>
<td>9</td>
<td>Cost of Restoration of Household Income /household</td>
<td></td>
<td>Through employment in Program Activities.</td>
</tr>
<tr>
<td>10</td>
<td>Cost of Training Farmers, pastoralists and other PAPs /person</td>
<td></td>
<td>This is a mitigation measure, which seeks to involve those affected by the project activities.</td>
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* These costs are to be confirmed during the socio-economic study and revised at the time the payments are made.
Appendix 16: People Consulted in the Preparation of the RPF.

<table>
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<tr>
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<tbody>
<tr>
<td>1</td>
<td>Mr. Kamuloni</td>
<td>Environmental Officer</td>
<td>Environmental Affairs Department</td>
<td>06 / 02 / 07</td>
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<tr>
<td>2</td>
<td>Mr. Phiri</td>
<td>Assistant Water Resources Officer</td>
<td>Water Resources Board</td>
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</tr>
<tr>
<td>3</td>
<td>Mr. Mikuwa</td>
<td>Chief Water Resources Officer</td>
<td>Water Resources Board</td>
<td>06 / 02 / 07</td>
</tr>
<tr>
<td>4</td>
<td>Mr. A.H. Chipongwe</td>
<td>Planner</td>
<td>Ministry of Mines, Natural Resources and Environment</td>
<td>07 / 02 / 07</td>
</tr>
<tr>
<td>5</td>
<td>Mr. E. Khonje</td>
<td>Senior Local Government Officer</td>
<td>Ministry of Local Government</td>
<td>07 / 02 / 07</td>
</tr>
<tr>
<td>6</td>
<td>Mr. Makwenda</td>
<td>Planning Engineer</td>
<td>Central Region Water Board</td>
<td>07 / 02 / 07</td>
</tr>
<tr>
<td>7</td>
<td>Mr. Mwenelupembe</td>
<td>Senior assistant Community Water Supply Officer</td>
<td>Regional Water Offices – Ministry of Irrigation and Water Development</td>
<td>08 / 02 / 07</td>
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<td>8</td>
<td>Mr. Chiumia</td>
<td>Environmental District Officer</td>
<td>Lilongwe District Assembly</td>
<td>08 / 02 / 07</td>
</tr>
<tr>
<td>9</td>
<td>Mr. Chikuni</td>
<td>Projects Engineer</td>
<td>Lilongwe Water Board</td>
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<tr>
<td>10</td>
<td>Mr. Kachingwe</td>
<td>Environmental Officer</td>
<td>Lilongwe Water Board</td>
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<tr>
<td>11</td>
<td>Mr. Mitochi</td>
<td>District Health and Environmental Officer</td>
<td>Lilongwe District Health Office</td>
<td>09 / 02 / 07</td>
</tr>
<tr>
<td>12</td>
<td>Mr. W. Mitembe</td>
<td>Planner</td>
<td>Forestry Department</td>
<td>09 / 02 / 07</td>
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<tr>
<td>13</td>
<td>Mr. T. Kamoto</td>
<td>Principal Forestry Officer</td>
<td>Forestry Department</td>
<td>09 / 02 / 07</td>
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<tr>
<td>14</td>
<td>Mr. Banda</td>
<td>Estates Officer</td>
<td>Regional commissioner for Lands – Central</td>
<td>09 / 02 / 07</td>
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<tr>
<td>15</td>
<td>Mrs. Chakwana</td>
<td>Principal Gender Officer</td>
<td>Ministry of Gender</td>
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<tr>
<td>16</td>
<td>Mr. W. Ali</td>
<td>Projects Manager – Development Corridors</td>
<td>Ministry of Transport and Public Works</td>
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<td>17</td>
<td>Mr. O. Matupa</td>
<td>Principal Energy Economist</td>
<td>Department of Energy</td>
<td>15 / 02 / 07</td>
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<tr>
<td>18</td>
<td>Mr Isidore Kapito</td>
<td>Deputy commissioner for lands</td>
<td>Ministry of lands Physical Planning and Surveys</td>
<td>19/03/07</td>
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**MZUZU CITY**

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<tr>
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<td>Mr. M.E.M Kaunda</td>
<td>Director of Planning</td>
<td>Mzuzu City Assembly</td>
<td>19 / 02 / 07</td>
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<tr>
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<td>19 / 02 / 07</td>
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<td>Mzuzu City Assembly</td>
<td>19 / 02 / 07</td>
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<tr>
<td>22</td>
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<td>Forestry</td>
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<tr>
<td>23</td>
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<td>Lands Department</td>
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<tr>
<td>24</td>
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<td>Mdilira Village</td>
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<td>Labour and Social Development - Mzimba</td>
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<td>Mzimba Education</td>
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<td>48</td>
<td>Fr. C. Gondwe</td>
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<td>51</td>
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**MBELWA DISTRICT ASSEMBLY, MZIMBA**

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<td>54</td>
<td>Mr. A.H. Nkhoma</td>
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<td>Kasungu Town Assembly</td>
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**KASUNGU TOWNSHIP**

**ZOMBA MUNICIPALITY**
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<td>Zomba DEC</td>
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<tr>
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<td>Mr T.M Harawa</td>
<td>Director Of Panning and Development</td>
<td>Zomba DEC</td>
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<td>58</td>
<td>Mr A.M Ganizani</td>
<td>DEHO</td>
<td>Zomba DEC</td>
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<tr>
<td>59</td>
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<tr>
<td>60</td>
<td>Mr D.S. Chiwaya</td>
<td>Barrage Attendant</td>
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<tr>
<td>61</td>
<td>Mrs Kananji</td>
<td>Treasurer</td>
<td>Water Users Association</td>
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<td></td>
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<tr>
<td>62</td>
<td>Mrs Kabichi</td>
<td>Secretary</td>
<td>Water Users Association</td>
<td>21/02/07</td>
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<tr>
<td>63</td>
<td>S Phanga</td>
<td>Chairman</td>
<td>Chikanda Water Points</td>
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<tr>
<td>64</td>
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<td>Water Users Association</td>
<td>21/02/07</td>
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<tr>
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<td>(Zomba Mpondabwino water Point)</td>
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<tr>
<td>65</td>
<td>Mr Kamwana</td>
<td>Vice Chairman</td>
<td>Water Users Association</td>
<td>21/02/07</td>
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<td>66</td>
<td>Mr Kambona</td>
<td>Water Supervisor</td>
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**LIWONDE TOWNSHIP**

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<td>Mr. C.N Eliyasi</td>
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<tr>
<td>68</td>
<td>Mrs N. Kasabola</td>
<td>Agriculture DPD</td>
<td>Liwonde ADD</td>
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<tr>
<td>69</td>
<td>Mr T.R Muluwaza</td>
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<td>Liwonde DEC</td>
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<td>70</td>
<td>Mr EFS Chirwa</td>
<td>Scheme Manager</td>
<td>SRWB</td>
<td>20/02/07</td>
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<tr>
<td>71</td>
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**BLANTYRE CITY**

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