

# Resettlement Action Plan for the proposed rehabilitation of the Kacheche-Chiweta section of the M1 road in Malawi

Report Prepared for

**The Malawi Roads Authority**



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## Executive Summary

In April 2015, the World Bank Group (WBG) approved funds to help improve Malawi's road infrastructure connecting the country to regional trade corridors in southern Africa. The programme focusses on the M1 road, which is the backbone of Malawi's road network and will include the rehabilitation and widening of the Kacheche turn-off to Chiweta section of the North-South Corridor (NSC).

The section of the M1 road between the Kacheche turn-off and Chiweta is an important route connecting many countries to regional trade corridors in eastern and southern Africa. It forms part of the NSC running for 3 900km from the port city of Dar-es-Salaam in Tanzania to Durban in South Africa. As a landlocked country, Malawi needs to be well-connected to ports and other key cities through good quality roads to help reduce transport costs, which are one of the major obstacles to increasing trade and economic growth. Although much of the regional road network is in fairly good condition, some sections in Malawi and her neighbouring countries are in poor condition. In addition, the railway services are unreliable, resulting in 80% of all freight in the NSC being moved by road transport. The rehabilitation of this section of the M1 road will therefore result in an advancement of trade and economic growth to the region.

The project will involve the widening and rehabilitation of the existing M1 road between the Kacheche turn-off to Chiweta. This section of the road will be rehabilitated to a high-class engineered bitumen standard with a 30 metre (m) road reserve. The road currently consists of two 3m wide surfaced lanes with gravel shoulders varying in width on either side of the road. The design engineer's intention is to increase this width to two 3.4m wide surface lanes. The surfaced shoulder from 0-35km will be 2.0m, and from 35-66.5km it will be 1.0m, including a 0.3m width for rounding. Elevated walkways of 1.5m in width will be constructed at busy villages.

The need for physical and economic displacement of people within the section of the road reserve that will be widened was established. The Malawi Roads Authority (RA) made the decision that the Road Reserve Boundary (RRB) had to be cleared in its entirety, resulting in physical and economic displacement of people within the RRB. Apart from Project Affected People (PAP) within the RRB, PAP may also be identified where borrow pits and spoil sites will be located, and where water and road diversions will be required.

In order to mitigate the potential negative impacts of physical and economic displacement, PAP will have to be resettled with adherence to local legislation and taking cognisance of the WBG requirements. According to the Public Roads Act of Malawi (1962), the RRB is the property of the Malawian Government. Therefore, people occupying and using land within the RRB have no entitlement to the land, and are not eligible for compensation. According to the WBG, lack of legal land title, though, does not disqualify people from potentially receiving resettlement assistance, compensation for assets, and development interventions. Both local legislation and the WBG's guidelines have to be considered in determining eligibility for compensation.

SRK Consulting (South Africa) (Pty) Ltd (SRK), in collaboration with Vineyard Consulting (VC), has been appointed by the Malawi Roads Authority (RA) to undertake an Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) for the proposed upgrade and widening of the Kacheche to Chiweta section of the M1 road (hereafter referred to as "the project"). The key tasks, overall, were as follows:

- Present a detailed biophysical and socio-economic baseline;
- Present an environmental and social impact assessment;
- Propose appropriate mitigation and management measures;
- Propose an appropriate environmental and social monitoring plan; and,

Present a RAP.

Specific to the RAP, the key tasks were as follows:

- Conduct and present the findings of a household census;
- Establish Grievances Redress Committees (GRCs) and Resettlement Working Groups (RWGs); and,
- Appoint the Department of Land, Housing and Rural Development (Department of Lands) to prepare a Valuation Report of all assets within the Road Reserve Boundary (RRB).

This document (490005RAP/FD1) addresses the RAP for the project. This Final Draft RAP (490005RAP/FD1) is an update from the first Draft RAP (490005RAP/D).

Generally, the requirement for a RAP is identified by the Social Impact Assessment (SIA), and the development of a RAP is recommended as a management measures to mitigate the impact of displacement of project affected people (PAP). A PAP is defined as any person who is affected by project related activities, of which physical and/or economic displacement form part.

Since it was evident from the onset of the project that a RAP would be necessary, the RA concluded that the RAP and the ESIA could be executed in parallel. The development of the Draft RAP (490005RAP/D) commenced in June 2019, with the draft report completed in October 2019, based on the preliminary engineering design available at that time. The draft was updated in March 2017 to reflect the final engineering design, but a valuation of assets and formation of GRCs and RWGs still had to be done. The RA decided to postpone the establishment of GRCs and RWGs, and the asset valuation until such time that the final engineering designs were available and additional investigations could be carried out to supplement the work conducted in June 2019. (This Final Draft RAP 490005RAP/FD1).

Table A1 outlines the approach and methodologies applied to complete each component of the RAP.

**Table A1: Approach and methodology applied to develop the RAP**

Activities	Approach and Methodology
Legal and document review	<p>Relevant Malawian legislation and guidelines were reviewed</p> <p>RAP-related documents and reports were reviewed</p> <p>Review of comments related to the RAP</p>
Scoping field trip and stakeholder engagement	<p>Scoping site visit to the study area on 8 July 2019</p> <p>Public consultation meetings between 15 and 19 June 2019 (as per the ESIA 490005/1 that lists all the meetings held as part of the ESIA and RAP preparation process)</p> <p>The RAP fieldwork was executed from 16 September to 23 September 2019</p>
Socio-economic survey	<p>Confirm coordinates of project feature footprints and source accurate mapping from client</p> <p>Formulate RAP preparation and engagement strategy and implement:</p> <ul style="list-style-type: none"> <li>○ Department of Lands' officer attended training for two (2) half days and observed the land survey team for half a day</li> <li>○ Department of Lands agreed to send an initial notification to chiefs around the starting point in Rumphi, but this was not executed</li> <li>○ The rest of the notifications (Mzimba and Rumphi Districts) were to be done by Area Development Committee representatives, which did not materialise</li> <li>○ Three local people were identified in a collaborative manner on site to assist with the sensitisation in Rumphi District. Agreements stipulating work hours, days required and remuneration were signed between VC and these fieldworkers</li> <li>○ The Area Development Committee of Chiweta was informed about the intended fieldwork</li> </ul>

Activities	Approach and Methodology
	<p>Prepare survey tools in digital format</p> <p>The survey was reviewed by a local person for relevancy and cultural sensitivity</p> <p>Information was captured using Survey 123, a tool developed by Environmental Systems Research Institute (ESRI). The device used for capturing digital data was the Infinite TAB 7</p> <p>Assess and report on the captured data</p> <p>Recruit seven fieldworkers with the following attributes:</p> <ul style="list-style-type: none"> <li>○ Relevant experience</li> <li>○ Ability to speak local language</li> <li>○ Availability</li> </ul> <p>Appoint two land surveyors for the high-level asset inventory. The land surveyors had between two and five assistants during the course of the fieldwork</p> <p>Two valuation surveyors were appointed to evaluate the structures that were identified by the land surveyors</p> <p>Train the first team of fieldworkers from 14 to 15 September 2019, and the second team on 16 September 2019. The training period for the second team was shorter due to the fact that the translation of the survey instrument into Chitumbuka was done extensively by the first team. The second team was therefore not required to give extensive input into the translation process. The focus of the training was on:</p> <ul style="list-style-type: none"> <li>○ The project, using the Background Information Document (BID)</li> <li>○ Resettlement, its implications and challenges</li> <li>○ Local and international standards for resettlement</li> <li>○ Introductions in field: the process and the content of introductions</li> <li>○ Understanding the context and concerns of the PAP and showing empathy</li> <li>○ Dealing with questions about the resettlement process</li> <li>○ Translating the English survey into Chitumbuka</li> <li>○ Capturing information using the Infinite TAB 7</li> <li>○ Practising conducting the survey</li> <li>○ Planning the fieldwork</li> <li>○ Contractual arrangements</li> <li>○ Health and safety responsibilities of the fieldworkers</li> <li>○ Requirements for the asset inventory and the valuation</li> </ul> <p>A total of 245 household surveys were conducted, from 16 September to 23 September 2019. Final quality control and administration were completed on 24 September 2019</p> <p>Opportunity sampling was used to for the household surveys. The heads of households or their representatives that were at home when the interviewers arrived, were interviewed. Where neither of these household members were present, the interview was not conducted</p> <p>A sample quantity surveying was conducted from 16-24 September 2019, where after the data processing and valuation were completed from 26 September to 2 October 2019. The team leader of the asset inventory and the valuations was Mr. Katuta. The Department of Lands' lead was Mr. Shora</p> <p>A total of 409 structures were recorded by the surveying team, of which 123 were households, and 216 were businesses. The balance included churches, toilets, kitchens, fences and garages</p>
Asset inventory	<p>Appoint the Department of Lands to conduct the asset inventory, which was conducted in June 2017. SRK, VC and the Department of Lands met to:</p> <p>Agree on tools, timeframes, approach and methodology</p> <p>Agree on delivery date for Valuation Report</p>
Eligibility criteria and entitlement determination	<p>Assess and expand on the criteria outlined in the RMF (2014)</p> <p>Determine appropriate compensation types</p> <p>Research and determine valuation procedures and a valuation methodology</p> <p>Prepare draft entitlement and asset inventory</p>



Activities	Approach and Methodology
Livelihoods restoration	Analyse the socio-economic survey and asset inventory for guidance in terms of livelihoods restoration options Develop a framework for livelihoods restoration, guided by findings of a desktop study of approaches undertaken on similar projects
Engagement planning	Design a framework for engagement going forward
Grievance procedure	Propose a grievances framework, based the RMF (2014) Establish GRCs and RWGs
Monitoring and evaluation	Design a framework, based on the RMF (2014)
Cost estimate	Compile a cost estimate for the compensation process
Compile a RAP	Prepare a RAP report Undertake internal review (including RA) Submit RAP for review and sign off

The stakeholder consultations for the ESIA during the scoping and inception phases also addressed the RAP requirements. Subsequent to the inception and scoping phases, the RAP fieldwork was undertaken. The RAP fieldwork took place during September 2019. The establishment of the RWGs and GRCs took place in June 2017.

Physical displacement will not be required for the area that will be taken for the widening of the road. The RA has avoided and minimised disturbance and displacement by keeping to the existing alignment as far as possible, except where straightening is required, e.g. at chainage 50km at the Kawelezi Bridge, and by not increasing the current RRB. Burial sites within the RRB will not be disturbed. Businesses are allowed outside of 18m from the centre line of the road, in contrast to the households that are not allowed within the 60m RRB.

A total of 511 physical structures were recorded within the project's RRB, 15 graveyards and one (1) cultural heritage site. Economic displacement will not be required for the area that will be used for the widening of the road. The total number of exotic trees that will be impacted and will be compensated for are 3 281.

The cost of impacted buildings are 638, 359, 300.00 Malawian Kwachas, excluding a disturbance allowance of 20% of the total amount, the cost of demolition, as well as the cost for assistance with establishing new gardens, transport assistance to move, the cost of land acquisition, the cost for town planners, the resettlement team, and project management. The cost of trees are 347, 034, 545.00 Malawian Kwachas, excluding the cost of establishing new trees.

No cash compensation will be paid by the project in relation to the loss of access to agricultural land as land is in the RRB. However, PAP will be assisted to identify replacement farm land and put it into cultivation. Indigenous trees belong to the state and will also not be compensated for. Cash-in kind options as well as financial enhancement requirements should be channelled into livelihoods restoration activities to ensure sustainable economic growth and livelihoods restoration of PAP. Vulnerable groups, especially women-headed households, will obtain benefits equal to men in the project. Further, in some mitigation measures, they will be better placed with a view to enhance their economic and social wellbeing.

The RA will be responsible for demolishing structures, and will be responsible for providing transport to move people. In this way, influx is managed, and the PAP and the RA are held to a schedule.

The following PAP are considered to be eligible:

- (a) Those who have formal legal rights to land or other affected assets (including customary or traditional rights to the use of land and/or assets);
- (b) Those who initially do not have formal legal rights to occupy or use the land or other assets but have a claim to legal rights based upon the laws of the country, upon the possession of documents such as a Deed of Gift and/or permission from TAs to occupy or use the land; and,
- (c) Those who have no recognisable legal right or claim to the land they are occupying (i.e. tenants and/or squatters).

The entitlement matrix is summarised as follows:

The entitlement matrix is developed in line with the following compensation and associated provision principles:

All compensation packages will be negotiated with affected households;

All compensation packages must restore livelihoods and the standard of living of displaced persons;

All cash compensation will be paid at full market value;

Households must receive compensation packages prior to permanent asset losses;

Affected assets will be replaced with like-for-like assets;

No cash compensation will be provided for permanent loss of physical structures (e.g. housing). Households will receive like-for-like replacement assets;

Pit latrines will be replaced with ventilated pit latrines;

All communal assets (i.e. land and physical structures) will be negotiated with the relevant government department, DC, TA, VDC and AVC; and,

In the unlikely event that public land for communities (village land) is illegible to receive money, money will be used for a village LRP.

Additional assistance should be provided to households, which as a result of their vulnerability are unable to fully participate in the resettlement process or the livelihood restoration programme. For the purposes of this project, vulnerability may be viewed in the context of two stages:

Pre-existing vulnerability; and,

Transitional hardship vulnerability, caused by project related physical and economic displacement.

Pre-existing vulnerability is vulnerability that occurs, with or without the project development, whilst transitional hardship vulnerability occurs as a result of those directly affected by the project being unable to adjust to new conditions due to shock or stress related to project activities.

Vulnerability assistance will be rendered as part of a livelihoods restoration plan (LRP). These households will be identified during the exit survey. The baseline factors of the PAP as a group indicates that the following strategies should be considered for livelihoods restoration, focusing on capacity building:

Money management awareness/financial literacy training;

Agricultural assistance programmes (crops and livestock);

Business development programme (existing businesses), which may include development of economic diversification options; and,

Business development programme, which may be small, medium and micro businesses (e.g. providing fresh produce to businesses).

Eligibility for livelihood restoration include those who will experience loss of:

Loss of structures (businesses and homes);

Business that cannot be re-established;

- Agricultural land or access to agricultural land;
- Loss of employment that cannot be re-established; and,
- Vulnerable people due to physical, mental, health, economic and social challenges.

The identification and selection of alternative sites to relocate households and businesses were not in SRKs scope of work and will have to be done in collaboration with the TAs, RWG and PAP. PAP will be presented with choices and will be given the opportunity to identify alternatives, regarding method of compensation, structure of relocation (e.g. as part of already existing communities, relocating as individual families, and sustaining existing patterns of group organisation).

The RA will be the responsible for the follow-up and monitoring of RAP implementation. To facilitate this task, the RA will use the internal tool Resettlement/Compensation Monitoring Report (RMR). The purpose of this RMR is as follows:

- Alert authorities to the RAP implementation;
- Assure the compliance of the RAP during its implementation;
- Report any grievances that require resolution; and,
- Document timely completion of project resettlement obligations (that is, payment of the agreed sums, construction of new structures, and so forth) for all permanent and temporary loses, as well as unanticipated, additional construction damage.

The RA team on the ground will be responsible for periodically reporting to RA managers on the RMR results, so that the RA is promptly aware of any difficulties arising at the local level.

To implement the RAP, the following activities have to be executed as part of the resettlement planning process:

- Prepare for and execute negotiations;
- Identify replacement land and communicate with host communities;
- Complete the valuation based on the entitlement matrix;
- Conduct exit interviews, updating the household census of PAP; and,
- Planning for implementation with consideration of the construction schedule.

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## Disclaimer

The opinions expressed in this Report have been based on the information supplied to SRK Consulting (South Africa) (Pty) Ltd (SRK) by the Roads Authority and the Department of Land, Housing and Rural Development . The opinions in this Report are provided in response to a specific request from the Roads Authority to do so. SRK has exercised all due care in reviewing the supplied information. Whilst SRK has compared key supplied data with expected values, the accuracy of the results and conclusions from the review are entirely reliant on the accuracy and completeness of the supplied data. SRK does not accept responsibility for any errors or omissions in the supplied information and does not accept any consequential liability arising from commercial decisions or actions resulting from them. Opinions presented in this report apply to the site conditions and features as they existed at the time of SRK's investigations, and those reasonably foreseeable. These opinions do not necessarily apply to conditions and features that may arise after the date of this Report, about which SRK had no prior knowledge nor had the opportunity to evaluate.

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## List of Abbreviations

ADC	Area Development Committee
Bid	Background Information Document (for construction contractors)
BID	Background Information Document (for the ESIA)
CAD	Computer Aided Design
DESC	District Executive Sub-committee
DCo	District Commissioner
DC	District Council
DEC	District Executive Committee
Department of Land	Department of Land, Housing and Rural Development
ESIA	Environmental and Social Impact Assessment
ESRI	Environmental Systems Research Institute
ESMF	Environmental and Social Management Framework
GDP	Gross Domestic Product
GIIP	Good International Industry Practice
GVH	Group Village Headmen
IFC	International Finance Corporation
HIS	Integrated Household Survey
IVSC	International Valuation Standards Council
LFP	labour force participation rate
LRP	Livelihood Restoration Plan
MKW	Malawi Kwacha
MV	Market Value
m	metre
NSC	North-South Corridor
NSO	National Statistics Office
PAP	Project Affected People
PS	Performance Standard
RA	Malawi Roads Authority
RAP	Resettlement Action Plan
RMF	Resettlement Management Framework for Southern African Trade and Transport Facilitation Programme – Malawi
RMR	Resettlement/Compensation Monitoring Report
RFR	Resettlement/Compensation Final Report
RPF	Resettlement Policy Framework
RRB	Road Reserve Boundary
RWG	Resettlement Working Group
SIA	Social Impact Assessment
SRK	SRK Consulting (South Africa) (Pty) Ltd

TA	Traditional Authority
ToR	Terms of Reference
VC	Vineyard Consulting
VDC	Village Development Committee
VIP	Ventilation Improved Pit
WBG	World Bank Group

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## Terminology

**Agriculture:** the practice of growing crops and raising of animals on land for human use.

**Agricultural land:** any land under cultivation of crops and raising/rearing of animals.

**Annual crops:** maize, groundnuts, soya beans, cotton, pigeon peas.

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

**Census:** a field survey carried out to identify and determined the number of project affected persons or displaced persons in accordance with procedures including eligibility criteria for compensation.

**Compensation:** replacement in cash or in kind of physical assets or economic resources affected or acquired by the project and other related activities. Compensation also includes costs such as fees for obtaining land title, moving costs, disturbance costs, etc. associated with the resettlement process.

**Cut-off dates:** date of completion of the census and assets inventory of persons affected by the project. Persons moving into the road reserve after the cut-off date are not considered eligible for compensation and/or resettlement assistance. Similarly, owners of affected fields identified after the cut-off date will not be eligible for compensation and/or assistance.

**Displaced person:** a person who has to involuntarily leave his/her dwelling and move to a new area.

**Entitled person:** a person who is negatively impacted by the project and is eligible for assistance in accordance with the entitlement framework.

**Economic displacement:** the loss of income and/or access to livelihood activities resulting from the acquisition of land associated with a project.

**Encroacher:** a person who has extended his/her building(s)/field(s)/land(s) into public/government land without authority.

**Entitlement:** eligibility for compensation and/or other resettlement assistance.

**Fruit tree:** a tree planted for its provision of food in the form of fruit.

**Graveyard:** an area allocated to bury deceased people.

**Hosts or host communities:** existing communities residing in or close to resettlement areas where displaced households will be resettled, and in turn may be affected by the resettlement.

**Income restoration:** support and/or compensation provided to Project Affected People to restore income generating potential and standard of living.

**Involuntary resettlement:** occurs without the informed consent of the displaced persons or if they give their consent, they do not have the power to refuse resettlement.

**Kraal:** an enclosure for livestock.

**Livelihood restoration:** support provided to Project Affected People to restore their livelihoods through sustainable development initiatives that leads to improved standards of living for the Project Affected People.

**Physical displacement:** the relocation of Project Affected People to a host site resulting from the acquisition of land associated with a project and the subsequent loss of housing and associated physical structures.

**Project Affected People (PAP):** any person who is affected by project related activities, physical and/or economic displacement.

**Replacement cost for land:** 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 preparing the land to levels similar to those of the affected land; and any registration and transfer taxes.

**Replacement cost for houses and other structures:** means the prevailing cost of replacing affected structures, in an area and quality similar to or better than that of the affected structures. Such costs shall also include transporting building materials to the construction site; labour and contractors' fees; and registration costs.

**Resettlement Action Plan (RAP):** a document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project. A Resettlement Action Plan must meet both in-country laws and requirements as well as international best practice guidelines and standards.

**Resettlement assistance:** support provided to a Project Affected People during their relocation. This assistance may be in the form of transportation, food, shelter and social services. It may also include cash allowances for inconvenience associated with resettlement such as moving costs and lost working days.

**Resettled households:** entire households, usually comprising of a number of Project Affected People that will be physically relocated to accommodate the proposed project activities in the project area.

**Resettlement Policy Framework (RPF):** a document that establishes the resettlement and compensation principles, organisational arrangements and design criteria to be applied to avoid, minimise and/or reduce the potential impact of displacement on Project Affected People. This usually applies to projects with subprojects or multiple components that cannot be identified before final project approval.

**Vulnerable groups:** people who may be adversely affected by resettlement and limited in their ability to take advantage of resettlement assistance and related livelihood restoration benefits. This includes women, children and the elderly.

DRAFT

# 1 Introduction

## 1.1 Project Overview

In April 2015, the World Bank Group (WBG) approved funds to help improve Malawi's road infrastructure connecting the country to regional trade corridors in southern Africa. The programme focusses on the M1 road, which is the backbone of Malawi's road network and will include the rehabilitation and widening of the Kacheche turn-off to Chiweta section of the North-South Corridor (NSC).

The section of the M1 road between the Kacheche turn-off and Chiweta is an important route connecting many countries to regional trade corridors in eastern and southern Africa. It forms part of the NSC running for 3 900km from the port city of Dar-es-Salaam in Tanzania to Durban in South Africa. As a landlocked country, Malawi needs to be well-connected to ports and other key cities through good quality roads to help reduce transport costs, which are one of the major obstacles to increasing trade and economic growth. Although much of the regional road network is in fairly good condition, some sections in Malawi and her neighbouring countries are in poor condition. In addition, the railway services are unreliable, resulting in 80% of all freight in the NSC being moved by road transport. The rehabilitation of this section of the M1 road will therefore result in an advancement of trade and economic growth to the region. Figure 1-1 depicts the location of the proposed project. In summary, geographically it includes the following traditional governance structures:

In Rumphi District: Njikula Traditional Authority (TA), Malweni TA, Mwalowe TA, and, Mwankhunikira TA; and,

In Mzimba District: Jalavikuba Munthali TA.

## 1.2 Project Description

The project will involve the widening and rehabilitation of the existing M1 road between the Kacheche turn-off to Chiweta. This section of the road will be rehabilitated to a high-class engineered bitumen standard with a 30 metre (m) road reserve. The road currently consists of two 3m wide surfaced lanes with gravel shoulders varying in width on either side of the road. The design engineer's intention is to increase this width to two 3.4m wide surface lanes. The surfaced shoulder from 0-35km will be 2.0m, and from 35-66.5km it will be 1.0m, including a 0.3m width for rounding. Elevated walkways of 1.5m in width will be constructed at busy villages. Figure 1-2 provides an illustration of the generalised road width details.

The widened road will comprise of a stabilised sub-base, a graded crushed stone base and a hot-mix asphalt-wearing course. Construction over the existing road will entail reworking of the existing base and surfacing as a sub-base, adding the new base and wearing-course structures. The design process for the road has been completed and the Background Information Document (Bid) for interested construction contractors have been prepared.

The design objectives include the following elements:

Appropriate maintenance and rehabilitation of the road to ensure the functional and structural performance thereof for a design period of 15 or 20 years;

Improvement of the geometric standards of the road in terms of its cross-section and vertical/horizontal alignment;

Mitigation of pertinent road safety hazards through the widening of the surfaced traffic lanes and shoulders, instituting traffic calming measures and improvement of the alignment to eliminate black spots; and,

Improving the road's ability to support increased levels of pedestrian, bicycle and other non-motorized traffic in village areas.

The following considerations informed the design of the road:

- Increasing road width and the additional shoulder to further reduce pedestrian accidents;
- Reducing road slopes from 1:1.5 to 1:2.0 to reduce run off velocities minimising erosion;
- Keeping the existing alignment as far as possible, except where straightening is required, e.g. at chainage 50km at the Kawelezi Bridge;
- Standard road design with a depth of 0.8m;
- Rehabilitation of the base and sub-base layers will be required in some sections;
- Standard guidelines for stormwater drainage have been applied; and,
- Safety measures have been provided along the route that comprise of rumble strips at tight corners and on entering village areas.

Activities expected during the construction phase are as follows:

- Clearing of vegetation along the extension of the existing road sides to widen the road;
- Cut and fill operations to change the vertical alignment, remove top layer and to facilitate the upgrading of road related infrastructure including bridges and culverts;
- Excavation of gravel sub-layers and other fill materials;
- Repairs to the existing road;
- Construction of a contractor camp involving construction of temporary shelters, installation of water and electricity, paving or levelling to accommodate equipment and stores, laboratory complete with equipment, amongst others;
- Borrow pits, spoil sites and if required blasting and quarrying;
- Application or drainage of excess water;
- Transportation of soil and construction materials;
- Construction and upgrade of road related infrastructure including bridges, culverts, parking spaces, road signs, edge beams, pedestrian walkways, concrete lined side drains, sub-soil drains, edge beams, down chutes, and channels;
- Maintenance and repair of existing drainage pipes and culverts, including the cleaning of all vegetation in the culverts;
- Excavation and construction of new pipe culverts under the existing road, including new inlet and outlet structures;
- Construction of a graded crushed stone base;
- Construction of asphalt surfacing;
- Road paving and sealing;
- Construction of road shoulders and road drainage and ducting systems;
- Construction of temporary diversion routes or construction of road in half widths (use of "stop and go" flag men);
- Accommodation of traffic on temporary diversions when the road is constructed in full widths;
- Rehabilitation of borrow pits;
- Construction of new bus bays;
- Construction of segmental block paving;
- Provision of access routes to quarries, water abstraction points and other relevant resources;
- Upgrade access routes to coal mines;
- Construction of slope/embankment protection retaining walls;
- Bridge works: minor concrete repairs at one bridge, repair and painting of existing handrail, construction of proprietary joints;
- Landscaping and rehabilitation of degraded sites including borrow pits and detours;
- Re-vegetation;
- Site rehabilitation measures, which include general trimming, shaping, re-vegetation, and grassing;
- Implementation of the environmental mitigation plan; and,

Implementation of social issues programmes.

Construction will take place over a period of 24 months. Table 1-1 sets out the infrastructure and services components of the project, and summarises the specifications applicable to these components. The contractor will be responsible for determining the locations of these components.

**Table 1-1: The RA's specifications for infrastructure and services for the road upgrade**

Infrastructure	Description
Construction camp	The location of the contractor's site office and construction camp site will be subject to the approval of the engineer, as well as any local or other competent authority. The erection of the contractor's main camp, stores, workshop, staff accommodation, or laboratory buildings within the road reserve will not be permitted. The campsite must be located in an already cleared area.
Services	The contractor shall make his own arrangements for services such as potable water, water for construction purposes, electrical power, telephone services, and safety and security measures.
Additional services at the construction camp	A site for the engineer's office, a site laboratory for the use of the engineer, separate serviced offices, carparks, cooking units, toilet facilities, etc. for the use of the engineer, and a site for the engineer's residential accommodation will be provided.
Borrow-pits	The RA has identified a number of potential borrow pits but does not prescribe any of these for the execution of the work. Although borrow pit information is available, the RA states that onus is on the contractor is for prospecting, sourcing, testing and acquiring borrow materials required for the construction. All borrow and other cleared areas must be covered by the topsoil originally excavated from these areas and the growth of natural grass cover must be promoted. Borrow areas must be accessed by a single access and must not be closer than 100 m from the centreline of the main road/s. Borrow areas must be screened by natural vegetation or topographical features wherever possible. The location of the borrow areas must be finalised in consultation with the engineer. Ponding in exhausted borrow areas may be permitted by the engineer under special circumstances. Natural drainage routes must be maintained through or around borrow areas.
Haul roads	Where the contractor constructs bypasses, haul and/or construction roads at his own initiative for accommodating construction traffic, he shall construct and maintain them at his own cost and in accordance with details previously agreed with the engineer, in writing. Such roads shall be obliterated and their surfaces properly reinstated when no longer required, all at the contractor's own cost.
Road deviations	The contractor shall be required to prepare explanatory deviation plans for publication in the local press. These plans shall be made available to the RA, for publication, at least ten working days before any traffic is deviated.
Solid waste landfill site	Suitable waste disposal areas must be provided to serve the construction campsite. The selection of these sites must be done taking due cognisance of environmental considerations as well as the surrounding communities.
Soil and topsoil stockpiles	Stockpiles of excess overburden, unsuitable material, and approved gravel shall be kept separately in such a manner that they do not obstruct the further exploitation of the borrow pit. The contractor will be required to stockpile material in each approved borrow pit some time prior to the start of the programmed processing and/or haul operations for material from that borrow pit, to allow for testing of materials by the engineer.
Waste treatment infrastructure	Suitable waste disposal areas must be provided to serve the construction campsite. The selection of these sites must be done taking due cognisance of environmental considerations as well as the surrounding communities.
Employment	<p>Skilled and unskilled labourers will be used during the construction phase. Numbers of labourers and local employment are not confirmed. The contract to the contractor specifies following (Bid document: Volume 2, Section VII-2: specifications pages 140-145):</p> <p>Requirements for female participation in the key personnel and the workforce, including the requirement that qualified and unqualified female workers should be identified and offered refresher courses or upgrading of vocational training to qualify for recruitment.</p> <p>Portions of the work have been identified for labour intensive construction methods only, with the aim of optimum utilisation of community resources.</p> <p>The contractor may sub-contract work reserved for labour-intensive methods in terms of the contract to local contractors.</p> <p>Labour only sub-contracts are not allowed.</p>

(source: Bid, 2017)





**Figure 1-1: Locality of the Kacheche turn-off to Chiweta section of the M1 Road**

### 1.3 SRK Terms of Reference

SRK Consulting (South Africa) (Pty) Ltd (SRK), in collaboration with Vineyard Consulting (VC), has been appointed by the Malawi Roads Authority (RA) to undertake an Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) for the proposed upgrade and widening of the Kacheche to Chiweta section of the M1 road (hereafter referred to as “the project”). The ESIA and RAP have to comply with Malawi in-country regulations and align with the Resettlement Management Framework for Southern African Trade and Transport Facilitation Programme – Malawi (RMF, 2014), requirements contained in the policies, standards and relevant sector guidelines of WBG and the International Finance Corporations’ (IFC) performance standards for environmental and social sustainability. The legislation and guidelines specific to the RAP are discussed in detail in section 2.

The key tasks, overall, were as follows:

- Present a detailed biophysical and socio-economic baseline;
- Present an environmental and social impact assessment;
- Propose appropriate mitigation and management measures;
- Propose an appropriate environmental and social monitoring plan; and,
- Present a RAP.

Specific to the RAP, the key tasks were as follows:

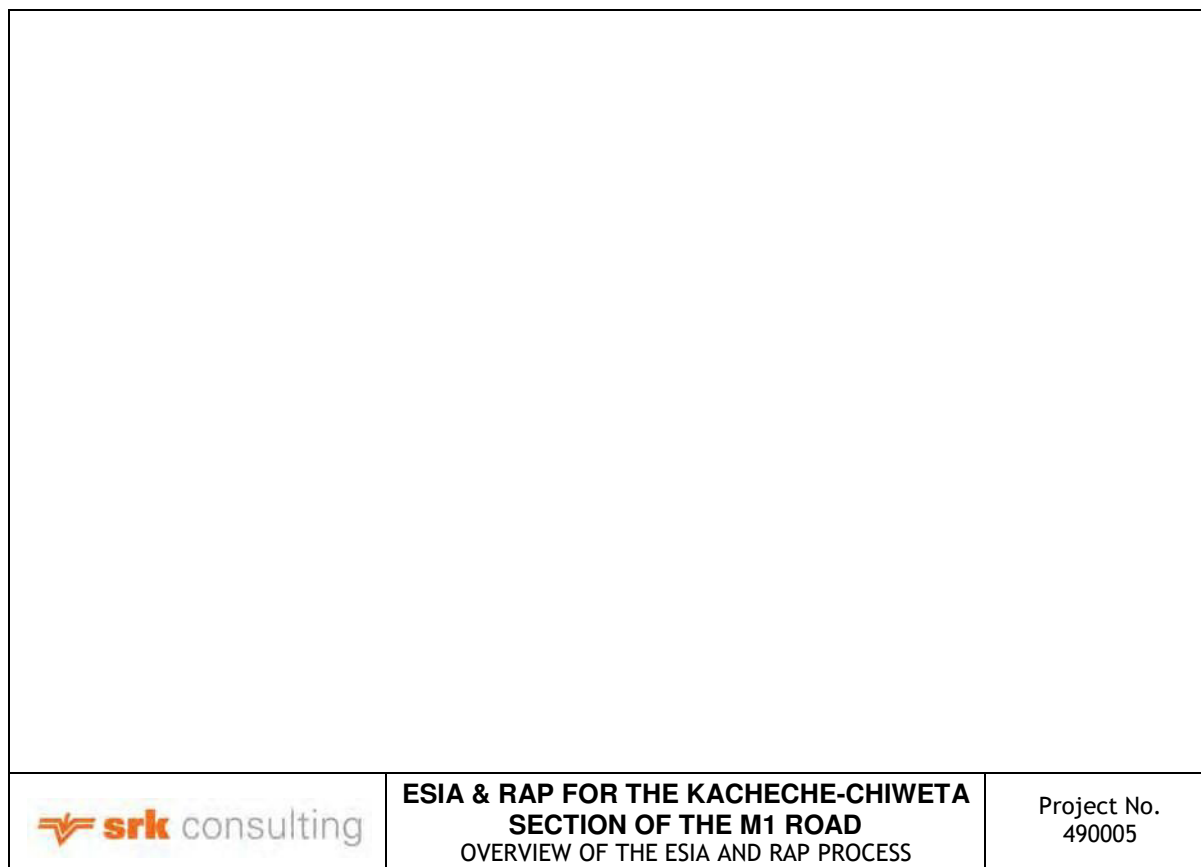
- Conduct and present the findings of a household census;
- Establish Grievances Redress Committees (GRCs) and Resettlement Working Groups (RWGs); and,
- Appoint the Department of Land, Housing and Rural Development (Department of Lands) to prepare a Valuation Report of all assets within the Road Reserve Boundary (RRB).

This document (490005RAP/FD1) addresses the RAP for the project. This Final Draft RAP (490005RAP/FD1) is an update from the first Draft RAP (490005RAP/D).

### 1.4 Rationale for Resettlement

Figure 1-2 gives a visual representation (not to scale) of the physical aspects of the road once widened. Currently, the road is approximately 3m wide on either side of the middle line. The existing 6m of road surface will be replaced, with an additional 0.4m of road added to both sides and new shoulders of 1 to 2m in width, flanked by 0.3m of gravel, on either side. The total road reserve is 60m, which is 30m on either side of the middle line of the road. The need for physical and economic displacement of people within the section of the road reserve that will be widened was established. The RA made the decision that the RRB had to be cleared in its entirety, resulting in physical and economic displacement of people within the RRB. Apart from PAP within the RRB, PAP may also be identified where borrow pits and spoil sites will be located, and where water and road diversions will be required.

In order to mitigate the potential negative impacts of physical and economic displacement, PAP will have to be resettled with adherence to local legislation and taking cognisance of the WBG requirements. According to the Public Roads Act of Malawi (1962), the RRB is the property of the Malawian Government. Therefore, people occupying and using land within the RRB have no entitlement to the land, and are not eligible for compensation. According to the WBG, lack of legal land title, though, does not disqualify people from potentially receiving resettlement assistance, compensation for assets, and development interventions. Both local legislation and the WBG’s guidelines have to be considered in determining eligibility for compensation.



**Figure 1-2: Illustration of the project requirements for the widening of the M1 road**

## 1.5 RAP Process

Generally, the requirement for a RAP is identified by the Social Impact Assessment (SIA), and the development of a RAP is recommended as a management measures to mitigate the impact of displacement of project affected people (PAP). A PAP is defined as any person who is affected by project related activities, of which physical and/or economic displacement form part.

Since it was evident from the onset of the project that a RAP would be necessary, the RA concluded that the RAP and the ESIA could be executed in parallel. The development of the Draft RAP (490005RAP/D) commenced in June 2019, with the draft report completed in October 2019, based on the preliminary engineering design available at that time. The draft was updated in March 2017 to reflect the final engineering design, but a valuation of assets and formation of GRCs and RWGs still had to be done. The RA decided to postpone the establishment of GRCs and RWGs, and the asset valuation until such time that the final engineering designs were available and additional investigations could be carried out to supplement the work conducted in June 2019.

This Final Draft RAP (490005RAP/FD1) includes the valuation of assets within the RRB and establishment of GRCs and RWGs. The field activities to achieve these outcomes were completed in June 2017. The valuation of assets within the RRB was completed by the Department of Lands, whilst SRK and VC established the GRCs and the RWGs. The Department of Lands identified a total of 511 structures within the RRB.

## 1.6 Overview of the Resettlement Action Plan

This section details the principles of the RAP, followed by the objectives and corresponding deliverables of the RAP.

### 1.6.1 Principles of the RAP

The RMF (2014: 20) states that the RA projects should avoid or minimise the disturbance and displacement of human populations. Where such disturbance is unavoidable, this negative impact on people should be minimized through judicious routing or siting of project facilities. In this regard, the purpose of this RMF is to ensure that people who are physically or economically displaced as a result of a project construction end up no worse off - and preferably, better off - than they were before the subproject.

According to the RMF (2014), the main principles that should be taken into account when resettlement/compensation is triggered are the following:

Involuntary resettlement and land appropriation should be avoided where feasible, or minimized, and all viable alternatives explored;

Where involuntary resettlement and land appropriation are unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programmes, providing sufficient investment resources to give the persons economically or physically displaced by the project the opportunity to share in project benefits;

Displaced and compensated people should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement/compensation plans; and,

Displaced (economically or physically) and compensated persons should be assisted in their efforts to improve, or at least restore, their livelihoods and standards of living, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

The RA has avoided and minimised disturbance and displacement by keeping to the existing alignment as far as possible, except where straightening is required, e.g. at chainage 50km at the Kawelezi Bridge, and by not increasing the current RRB. Burial sites within the RRB will not be disturbed, Businesses are allowed outside of 18m from the centre line of the road, in contrast to the households that are not allowed within the 60m RRB. This Final Draft RAP (490005RAP/FD1) serves as a tool to illustrate commitment to the above mentioned principles.

### 1.6.2 Objectives and Deliverables of the RAP

This RAP document (490005RAP/FD1) describes the procedures and actions that will be implemented to manage the impact of displacement. The RAP is comprised of a number of components, each with its own objectives and deliverables to ensure that the objectives of the RAP and the ultimate business objectives are achieved, as demonstrated in Table 1-2. The ultimate business objectives of the RAP are to:

Protect the RA against unanticipated and/or exaggerated claims from people who have illegitimate eligibility for resettlement benefits;

Protect PAP against an unlawful and unfair resettlement process; and,

Ensure that the eligibility criteria for entitlement are consistent with other Malawian projects, in order not to set a precedent.



**Table 1-2: Objectives and deliverables of the RAP**

RAP component	Objectives	Deliverables
Legal and document review Institutional arrangements including stakeholder engagement process (Sections 2 and 3)	Provide the legal framework within which the RAP functions Understand the social, environmental and economic conditions apparent alongside the RRB and the two districts within which the project falls Identify issues/concerns raised in regards to resettlement Outline principles for stakeholder consultation to disclose and further develop and refine the RAP once the design has been finalised	Legal assessment Summary of issues and concerns related to the RAP Engagement strategy
Socio-demographic census survey of the PAP Impact assessment (Sections 4 and 5, Appendices A and D)	Understand the baseline socio-economic situation of PAP Define and identify vulnerable PAP Identify potential resettlement impacts based on the PAP information Identify issues/concerns raised in regards to resettlement	Summary of the social baseline as reported in the ESIA Household census database with socio-economic information Socio-economic baseline of PAP Discussion on vulnerable PAP Impact identification and assessment
Asset inventory (Section 5, Appendices B and C)	Identify and register PAP within the RRB that form part of the project Establish an asset inventory to identify affected households immoveable assets including graves, fields, housing structures, ancillary structures, fruit trees, etc. Identify potential resettlement impacts based on the asset inventory	Asset inventory data Satellite imagery and visual database Estimated costs of assets within the RRB
Eligibility criteria and entitlement framework (Sections 6 and 7, Appendix C)	Identify categories of PAP, taking cognisance of land ownership and the legal framework Outline eligibility criteria for different categories of PAP Identify the approach to compensation for assets, where applicable Describe the levels of assistance required for relocation, taking into account the eligibility criteria Identify evaluation procedures and a valuation methodology Determine asset values, based on agreed upon methods Create an entitlement matrix and populate with information on asset categories, categories of displaced people and eligibility criteria	Eligibility framework, including category of PAP, eligibility conditions, and entitlements Approach to compensation and assistance Entitlement matrix as part of the eligibility framework (not per individual PAP) Valuation of assets



RAP component	Objectives	Deliverables
Site selection and livelihoods restoration (Sections 9 and 11)	Outline principles for site selection Outline principles for livelihoods restoration planning	Framework for site selection approach Framework for livelihoods restoration approach
Grievance procedure (Section 10)	Identify aspects to consider when developing and implementing a grievances procedure	Grievance management guidelines
Exit interviews, monitoring and evaluation (Sections 12 and 13)	Development of a monitoring and evaluation plan for the RAP	Monitoring and evaluation framework
Cost estimate (Section 14, Appendix C)	Assess the costs involved in terms of the asset inventory	Budget summary

### 1.6.3 Approach and Methodology

Table 1-3 outlines the approach and methodologies applied to complete each component of the RAP.

**Table 1-3: Approach and methodology applied to develop the RAP**

Activities	Approach and Methodology
Legal and document review	<p>Relevant Malawian legislation and guidelines were reviewed</p> <p>RAP-related documents and reports were reviewed</p> <p>Review of comments related to the RAP</p>
Scoping field trip and stakeholder engagement	<p>Scoping site visit to the study area on 8 July 2019</p> <p>Public consultation meetings between 15 and 19 June 2019 (as per the ESIA 490005/1 that lists all the meetings held as part of the ESIA and RAP preparation process)</p> <p>The RAP fieldwork was executed from 16 September to 23 September 2019</p>
Socio-economic survey	<p>Confirm coordinates of project feature footprints and source accurate mapping from client</p> <p>Formulate RAP preparation and engagement strategy and implement:</p> <ul style="list-style-type: none"> <li>Department of Lands' officer attended training for two (2) half days and observed the land survey team for half a day</li> <li>Department of Lands agreed to send an initial notification to chiefs around the starting point in Rumphi, but this was not executed</li> <li>The rest of the notifications (Mzimba and Rumphi Districts) were to be done by Area Development Committee representatives, which did not materialise</li> <li>Three local people were identified in a collaborative manner on site to assist with the sensitisation in Rumphi District. Agreements stipulating work hours, days required and remuneration were signed between VC and these fieldworkers</li> <li>The Area Development Committee of Chiweta was informed about the intended fieldwork</li> </ul> <p>Prepare survey tools in digital format</p> <p>The survey was reviewed by a local person for relevancy and cultural sensitivity</p> <p>Information was captured using Survey 123, a tool developed by Environmental Systems Research Institute (ESRI). The device used for capturing digital data was the Infinite TAB 7</p> <p>Assess and report on the captured data</p> <p>Recruit seven fieldworkers with the following attributes:</p> <ul style="list-style-type: none"> <li>Relevant experience</li> <li>Ability to speak local language</li> <li>Availability</li> </ul> <p>Appoint two land surveyors for the high-level asset inventory. The land surveyors had between two and five assistants during the course of the fieldwork</p> <p>Two valuation surveyors were appointed to evaluate the structures that were identified by the land surveyors</p> <p>Train the first team of fieldworkers from 14 to 15 September 2019, and the second team on 16 September 2019. The training period for the second team was shorter due to the fact that the translation of the survey instrument into Chitumbuka was done extensively by the first team. The second team was therefore not required to give extensive input into the translation process. The focus of the training was on:</p> <ul style="list-style-type: none"> <li>The project, using the Background Information Document (BID)</li> <li>Resettlement, its implications and challenges</li> <li>Local and international standards for resettlement</li> <li>Introductions in field: the process and the content of introductions</li> <li>Understanding the context and concerns of the PAP and showing empathy</li> <li>Dealing with questions about the resettlement process</li> <li>Translating the English survey into Chitumbuka</li> </ul>

Activities	Approach and Methodology
	<ul style="list-style-type: none"> <li>○ Capturing information using the Infinite TAB 7</li> <li>○ Practising conducting the survey</li> <li>○ Planning the fieldwork</li> <li>○ Contractual arrangements</li> <li>○ Health and safety responsibilities of the fieldworkers</li> <li>○ Requirements for the asset inventory and the valuation</li> </ul> <p>A total of 245 household surveys were conducted, from 16 September to 23 September 2019. Final quality control and administration were completed on 24 September 2019</p> <p>Opportunity sampling was used to for the household surveys. The heads of households or their representatives that were at home when the interviewers arrived, were interviewed. Where neither of these household members were present, the interview was not conducted</p> <p>A sample quantity surveying was conducted from 16-24 September 2019, where after the data processing and valuation were completed from 26 September to 2 October 2019. The team leader of the asset inventory and the valuations was Mr. Katuta. The Department of Lands' lead was Mr. Shora</p> <p>A total of 409 structures were recorded by the surveying team, of which 123 were households, and 216 were businesses. The balance included churches, toilets, kitchens, fences and garages</p>
Asset inventory	<p>Appoint the Department of Lands to conduct the asset inventory, which was conducted in June 2017. SRK, VC and the Department of Lands met to:</p> <p>Agree on tools, timeframes, approach and methodology</p> <p>Agree on delivery date for Valuation Report</p>
Eligibility criteria and entitlement determination	<p>Assess and expand on the criteria outlined in the RMF (2014)</p> <p>Determine appropriate compensation types</p> <p>Research and determine valuation procedures and a valuation methodology</p> <p>Prepare draft entitlement and asset inventory</p>
Livelihoods restoration	<p>Analyse the socio-economic survey and asset inventory for guidance in terms of livelihoods restoration options</p> <p>Develop a framework for livelihoods restoration, guided by findings of a desktop study of approaches undertaken on similar projects</p>
Engagement planning	<p>Design a framework for engagement going forward</p>
Grievance procedure	<p>Propose a grievances framework, based the RMF (2014)</p> <p>Establish GRCs and RWGs</p>
Monitoring and evaluation	<p>Design a framework, based on the RMF (2014)</p>
Cost estimate	<p>Compile a cost estimate for the compensation process</p>
Compile a RAP	<p>Prepare a RAP report</p> <p>Undertake internal review (including RA)</p> <p>Submit RAP for review and sign off</p>

## 1.7 Assumptions and Limitations

The following assumptions and limitations apply:

The entire RRB will have to be cleared in accordance with the following guidelines:

- All structures within the RRB, apart from business structures and related infrastructure, have to be resettled
- All businesses within 0-18 metres from the centre line of the RRB have to be resettled. Those businesses outside of 18+ meters do not have to be resettled
- The owners of exotic trees will be compensated for the loss of these trees;

The location of borrow pit sites, spoil sites, and road and water diversions have yet to be determined, and have therefore not been assessed for resettlement implications. These sites will be determined by the contractor during construction. This RAP outlines the approach to be taken in the event that agricultural land and/or structures are impacted by these sites and diversions;

The final engineering designs were provided to SRK as part of the information contained in the "Bid for the rehabilitation of Road M1 between Kacheche and Chiweta in Northern Region of Malawi. Volumes 1-3" were used and accepted as final;

As per in-country procedure and agreed with the RA, the Department of Lands was appointed to undertake and report on the valuation process.

The number of structures that will be impacted, and the related costs, was determined by the Department of Lands, and SRK and VC had no input into the approach to valuation;

The values presented by the Department of Lands (Appendix C) are as at the date of valuation. The values are considered to be valid for a period of six (6) months from the date of valuation subject to currency fluctuation;

The Department of Lands did not record GPS co-ordinates for the trees and structures listed in Appendix C. Photos are the only way in which owners and their structures can be matched; no method was implemented to show which trees have been recorded, with no linkage to their owners;

Phone numbers of PAPs were not recorded during the asset inventory;

The Department of Lands does not provide a full description of the valuation method used in their report (Appendix C);

The Department of Lands did not record any issues raised during the valuation process; and,

A member of the RA was not present at the meeting where the GRCs and RWGs were established, and was also not present during the asset inventory process.

## 2 Legal and Governance Framework

The review and audit must be assessed in the context of the local law and good international industry practice (GIIP) related to RRB, land tenure, as well as economic and physical displacement and resettlement. This section outlines the applicable laws and guidelines and is structured as follows:

- Outline of applicable national legislation, with the focus on the Public Roads Act (1962), Public Roads (Amendment) Act 2019, and the Land Bill (2019);
- Discussion of applicable policies and/or guidelines prepared by the RA; and,
- Brief description of applicable international standards.

A complete regulatory framework for the protection and/or management of environmental and social issues is summarised in Table 3-1 of the ESIA for this project (report number 490005/1).

### 2.1 Relevant Malawian Legislation

This section focuses on Malawian legislation and policies pertaining to land tenure in general and in the context of RRB specifically. The discussion focuses on the Constitution of Malawi, the Land Acquisition Act (1971), the Land Bill (2019), the Public Roads Act and the Public Roads (Amendment) Act (2019). The Land Bill (2019) replaces the Land Act (1969). Other land related Bills that have been passed during the Budget meeting of the National Assembly in 2019, will replace a number of bills to include:

- Physical Planning Bill (will replace the Town and Country Planning Act);
- Land Survey Bill (will replace the Land Survey Act); and,
- Customary Land Bill (will repeal the Customary Land (Development) Act and Local Land Board Act).

The RA advised that these Bills passed in 2019 do not apply to this RAP. Additional land related Bills yet to be passed by the National Assembly are:

- The Registered Land (Amendment) Bill;
- The Lands Acquisition Bill;
- The Local Government (Amendment) Bill;
- The Public Roads (Amendment) Bill;
- The Malawi Housing Corporation (Amendment) Bill; and,
- The Forestry (Amendment) Bill.

#### 2.1.1 Land Tenure and Ownership

Malawi's land is designated under three categories: private freehold, public or customary land ownership. The RRB is regarded as public land. Customary land is owned by an individual or a group of individuals (Customary Land Act of 1967). Private land is leased and held by an individual or group (Registered Land Act of 1967). Public land is under administration of the government.

#### The Constitution of Malawi

Section 28 states that every person shall be able to acquire property and that having acquired property, no person shall be arbitrarily deprived of the property. Section 44(4) states that expropriation of property shall be permissible only when done for a public utility and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal in a court of law.

Concerning these facts, it will be necessary for the community to provide adequate land to for displaced persons. The Constitution of Republic of Malawi further guarantees security of tenure of land and free enjoyment of legally acquired property rights in any part of the country. The implication

is that Government will have to pay out fair and adequate compensation to affected people (RMP, 2014: 12).

### **Land Acquisition Act (1971)**

This law covers procedures relating to the acquisition of land by either the government or individuals or developers from any form of the land tenure systems in Malawi. The act makes provision for preliminary investigation, preliminary survey of the area and the procedure to be followed where land should be acquired. The procedure for land acquisition starts with issue of a formal notice to persons who have existing interests in the land. Such notices are issued under section 6 of this act. Sections 9 and 10 of the act covers the steps for assessment of land, crops, fruits and other landed properties and subsequent procedures for payments of the compensations to the displaced people. Section 11 to 14 outlines the necessary steps for land surveying and land transfer following notices in government gazette. The responsibility of identifying alternative land for those affected people rests with their village headman, their traditional authority and District Commissioner of the district. The District Commissioner assists in transportation and provisions of necessary services on new sites of resettlement (RMP, 2014: 13).

### **Town and Country Planning Act (1988)**

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

Sections 63 - 65 recognize the need of appropriate compensations to land owners in case of compulsory acquisition of land for public interest. Although the provisions indicate that compensation is at discretion of government, recent amendment to the sections have provided room for appeal to the high court by land owners in case they are aggrieved on amount of compensation on their assets. It is expected that there will be no cases of compulsory acquisition of land (RMP, 2014: 13).

### **National Land Policy, 2002**

The Malawi National Land Policy of 2002 (4:12, 16) states that "land values shall be determined by open market procedures for customary land acquired through compulsory acquisition by the government". It further notes that "the inadequacy of compensation is always the direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation". It therefore advocates for fair compensation on open market value to local people on all classes of land (whether held under customary land tenure or leasehold) in case such land is acquired for public interest or for development of public infrastructure (RMP, 2014: 12).

The policy recognises human settlement and agriculture as the major benefactor land use sector. As such, the policy advocates for orderly resettlements of villages or households especially in rich agricultural zones. Furthermore the policy guarantees full legal protection to customary land tenure to the people of Malawi in order to enable the ordinary Malawians adequately participates in subsistence farming and socio-economic development activities. In reference to relocation of displaced people, the policy advocates adequate consultations with the affected people so that their interests are taken care of (RMP, 2014: 12).

## The Land Bill, 2019

The Bill maintains two categories of land, these being public land and private land.

Public land	→	Government land Unallocated customary land used for the benefit of the community as a whole
Private land	→	Leasehold land Customary estates

The land within the RRB is public land and is managed by the RA. The focus of the RAP is on customary land, since this is the nature of land ownership for those outside the RRB, and the perceived ownership for many of those within the RRB (refer to section 1.1.1). Customary land is managed by TAs, and they distribute the land. This land is communally owned, and people on the land have a recognised piece of land. However, the land can be redistributed by the TAs.

According to the Bill, customary land required for the widening or diversion of a road, shall be acquired in accordance with the Public Roads Act. The Public Roads Act and The Public Roads Act (Amended) is discussed in section 2.1.2.

## Forest Act (1997)

The Forestry Act, (Act 11 of 1997) affirms the role of Department of Forestry on control, protection and management of forest reserves and protected forest areas. In addition, the act recognizes the need to promote participatory social forestry and empowerment of communities for conservation and management of trees within the country. In this regard, the act encourages community involvement in woodlots and management of forest reserves through co-management approaches.

Section 86 of Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees. These rates are gazetted, and are reviewed from time to time by senior government officials. The values are applied so that those who are involved in forestry are paid reasonable compensations on their timber trees and fruit trees. In case the department has not reviewed the rates at the material time, the Department of Forestry normally assigns an officer to value the trees for purpose of immediate sale or compensations. Normally, the valuation of people's trees is done based on species of trees, measured diameter of breast height and market price in kwacha per cubic metre.

## 2.1.2 Roads Related Legislation

### Public Roads Act, 1962; Public Roads (Amendment) Act, 2019

The public roads act covers the management of road reserves and streets. Land acquisition and resettlement issues are outlined in part II of the act. Section 44 provides assessment of compensations, which can be paid under this act. The compensations cover surface and land rights of the owner or occupier of land. Section 45 provides for compensation for conversion of land into public use and the section states specifically that in case of customary land compensation is in respect to disturbance to people, section 49 and section 50 provide opportunities for land owners or occupiers to appeal to the High Court on grievances related to resettlement and compensations provided for in this act (RMF, 2014: 13).

### Compensation related sections

Declaration/formality is required when a road reserve is proclaimed; it is not clear whether this process was complied with when the RRB for the M1 between the Kacheche turn-off and Chiweta was established:

As soon as the course of any proposed road has been demarcated, the Minister may, by notice published in the Gazette and in a newspaper circulating in the District concerned, reserve a strip of land not exceeding 60 metres wide and shall notify in writing by registered post or by delivery



the individual owners or occupiers of the land so reserved. The notice shall include a list of the properties affected by the reservation and shall specify the office at which plans showing the reserved strip of land may be inspected;

Compensation shall be payable to the owner and occupier of the land affected, which shall be assessed. The valuation date shall be the date of the notice published;

The owner and occupier of the land shall lodge the intention to make a claim with the highway authority, which shall be paid as soon as the amount has been determined;

Compensation is limited in respect of surface rights, if the land on which such surface rights exist is customary land or private land; and,

In assessing compensation, the following shall be taken into consideration:

- the market value of the land or interest therein of the claimant at the valuation date
- the damage, sustained by the person interested, to moveable or immoveable property
- the claimant is compelled to change his residence or place of business
- any increase in the value of the land due to the construction of the road
- if the market value has been increased by means of any improvement made by the claimant or his predecessor in interest within two years before the valuation date such increase shall be disregarded unless it be proved that the improvement was made in good faith and not in contemplation of the construction of the road.

### **Claims for compensation**

The following criteria are applied when claiming compensation:

Claims for compensation must be made in writing to the highway authority within the time prescribed for making claims and shall give particulars of the amount claimed and the basis of the claim;

In the case of customary land, the claim may be made orally to the Chief for the area, who shall forward the claim to the officer responsible for land matters within the District and such officer shall in turn forward the claim to the relevant highway authority;

The land tribunal may extend the time for making a claim even though no claim is made before the prescribed time for making it has expired;

The highway authority must pay the claim or make a written offer to the claimant in settlement thereof; and,

If compensation is not agreed within two months after the date of the claim the assessment of compensation may be referred by the highway authority or the claimant to a land tribunal.

### **Land use related sections**

The following is noted regarding land use:

A highway authority, or any person duly authorized by it, have the power to take material from land for the construction, maintenance or repair of roads or proposed roads. This has to be done in consultation with the occupier or owner of the land, who may suggest an alternative suitable location. Compensation must be paid to the owner or occupier for damages or loss;

Compensation shall be paid by the highway authority to the owner and occupier of the land in respect of surface rights; the valuation date shall be the date when the owner or occupier of the land suffered the loss or damage which gave rise to the claim. The time for making a claim for such compensation shall be within six months after any loss or damage is suffered;

If land is a) unimproved land, and (b) is not customary land, and (c) exceeds in area one per centum of the area of the total estate of the owner on the date of entry, compensation shall be paid to the owner for the value of any area so affected that it has been rendered less valuable for agricultural purposes;

No person shall encroach on any public road or road reserve by making, erecting or altering any structure, ditch or other obstacle or by planting trees or otherwise; and,

A highway authority may, by notice in writing, direct any person who encroaches on any road or road reserve by making, erecting or planting any structure, ditch, tree or other obstacle to remove it or fill in the same within the time to be stated in such notice.



### 2.1.3 Local Governance

The Local Government Act of 1998 states that the District Councils (DC) govern districts. The DC governs the district through decentralised structures such as Area Development Committees (ADC) and Village Development Committees (VDC). The District Councils are the highest policy making body. The DCs are the highest policy making body and is responsible for:

- Promoting infrastructure and economic development;
- Ascertaining with TAs and relevant local committees the approach to land allocation for PAP;
- Together with the RA and TAs, meeting with affected traders and households, i.e. PAP, to discuss the resettlement process, including compensation;
- Meeting with the Commissioner of Physical Land Planning and the RA to discuss the land required for resettlement; and,
- Drawing up any plans required. Customary land used for resettlement is entered into a customary land register.

## 2.2 Good International Industry Practice Guidelines

Whilst seeking to comply with Malawi legislation, international policies, directives and guidelines will provide an overarching framework for the project.

### 2.2.1 World Bank Involuntary Resettlement Policy

The main objective of the World Bank's Operating Policy (4:12) is to avoid or minimise resettlement, and if this is not possible, *"resettlement shall at least restore and, preferably, improve standards of living and the livelihoods of those households, families, extended families, and individuals who lose land, assets, or access to resources due to the implementation of a project (Draft Resettlement Policy Framework, 2010)"*.

The World Bank's Operational Principle 4.12 also states that PAPs who do not have a recognisable legal right or claim to the land they are occupying, are illegible for some form of compensation that are aligned with the nature and extent of the impact of displacement. Eligibility to entitlements require:

Only PAP located in the impact zone of the way leave before the cut-off date was established are eligible;

The loss must be quantifiable in monetary terms; and,

Ownership of the asset is formally registered or not, and the owner is present at the location and well known within the local community.

Furthermore, the conditions apply to different categories of displaced people, which apply as follows to the Malawian context:

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

Displaced persons classified under paragraph 2.2.1 (a) and 2.2.1 (b) shall be provided compensation, resettlement assistance and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the project in accordance with the provisions of this framework if they occupy

the project area prior to the cut-off date (date of commencement of the census). Displaced persons classified under paragraph 3.3 (c) shall be eligible for compensation for the assets but not land. In addition, the World Bank policy on resettlement stipulates that those displaced persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

Emphasis is placed on consultation and disclosure, monitoring and evaluation of the RAP and the establishment of a grievance mechanism to receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of the host communities, including a recourse mechanism designed to resolve disputes in an impartial manner.

## 2.2.2 International Finance Corporation Performance Standard 5

The International Finance Corporation's (IFC) Performance Standards (PS) provide internationally recognised standards for a range of environmental and social risks and impact management including resettlement related to privately funded projects. The most relevant of these is IFC PS5 on Land Acquisition and Involuntary Resettlement. PS5 seeks to provide a framework for responsible and transparent management of physical and economic displacement. This standard defines different types of involuntary resettlement, explains the need for negotiated settlements (as opposed to expropriation), highlights the requirement to improve living conditions at resettlement sites, and outlines different approaches replacing collective assets and compensation entitlements.

The main objectives of PS5 are:

- To avoid or at least minimize involuntary resettlement wherever possible by exploring alternative options;
- To mitigate adverse social and economic impacts from land acquisition;
- Ensuring that resettlement activities are implemented with appropriate disclosure, consultation and informed participation;
- To improve or at least restore the livelihoods and standards of living of displaced persons; and,
- To improve living conditions through provision of adequate housing with security of tenure at resettlement sites.

Among many themes, PS5 is clear on a number of parameters regarding a RAP exercise. The following are relevant here:

**Project design** - Paragraph 7 of PS5 states that, *"the client will consider feasible alternative project designs to avoid or at least minimise physical or economic displacement, while balancing environmental, social, and financial costs and benefits"*.

**Resettlement Planning and Implementation** - Paragraph 11 of PS5 states that *"where involuntary resettlement is unavoidable, the client will carry out a census with appropriate socio-economic baseline data to identify the person who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits"*. Paragraph 12 further states that, *"the client will also establish procedures to monitor and evaluate the implementation of resettlement plans and take corrective action where necessary"*. Thus, the implementation of a RAP will be considered complete when the adverse impacts of the resettlement have been addressed in a manner that is consistent with the objectives stated in the resettlement plan framework as well as the objectives of PS5.

**Displacement** - Paragraph 14 of PS5 identifies three different classes of displaced persons as follows: (i) persons who have formal legal rights to the land they occupy; (ii) persons who do not have formal legal rights to the land, but have a claim to land that is recognised or recognisable under the national laws; or (iii) persons who do not have recognisable legal right or claim to the land they occupy. The census establishes the status of the displaced persons.

**Compensation** - PS5 Paragraph 16 states that, *"if people living in the project area must move to another location, the client will (i) offer the displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate, and (ii) provide relocation assistance suited to the needs of the poor and the vulnerable. Alternative*

housing and/or cash compensation will be made available prior to relocation". Paragraph 18 highlights that, "the client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date".

**Replacement cost replacement cost:** The Handbook for Preparing a Resettlement Action Plan (2012) states: "The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land and structures, the IFC defines 'replacement costs' as follows:

- **Agricultural land:** the market value of land of equal productive use or potential located in the vicinity of affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes;
- **Household and public structures:** the cost of purchasing or building a new structure, with area and quality similar to or better than those of the affected structure, including labour and contractor's fees and any registration and transfer taxes.
- **Land in urban areas:** the market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located in the vicinity of the affected land, 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 the affected asset.

## 2.3 Comparison between Malawi Law and World Bank Group Policies and Standards

The RMF (2014) discusses common aspects and gaps between the policies of the World Bank on resettlement and of Government of Republic of Malawi, which are reflected in this section. Common aspects in management of resettlement include emphasis on minimisation of the extent of resettlement. Secondly, the policy recommends considerations of fair and adequate compensations to project affected persons. However, there some gaps which exists between the policies of World Bank and those of Government of Republic of Malawi. A detailed comparative analysis is provided in Table 2-1. Some selected examples are as follows:

On aspects on compensations on land, the policies of Government of Malawi consider the different intrinsic values associated with various classes of land (customary land, leasehold land, freehold land, public land). In such cases, rates for compensation on land vary from one site to another and from one class of land tenure to the other. World Bank policies do not distinguish such differential aspects of land classes and corresponding different market rates and instead insist on replacement cost of the land regardless of its type;

In cases on compensation of loss of land by PAP, the World Bank policies prefer land for land compensation. In Malawi an option of land for land compensation is normally preferred in customary land transaction while option of land for money compensation is the preferred options in urban areas;

The Bank's policy clearly stipulate resettlement as an upfront project – in that all issues of land acquisition and relocation of project affected people has to be done prior to commencement of the project site on the acquired site. Malawian policies do not clearly spell out this approach and in practice, resettlement is treated as a separate exercise outside project planning and implementation; and,

The Bank's policy clearly recommends for adequate resettlement assistance and rehabilitation assistance to relocated people as a way of restoring and enhancing socio – economic living standards. This is supposed to be undertaken within the first years of relocation on the new sites. Malawi legislation does not clearly define the extent of resettlement assistance to relocated people. Much of available support is normally left in the hands of the DC and local chiefs within the district and area of relocation of the project affected people.

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

Extent of entitlement: World Bank OP/BP 4.12 includes affected parties with non-formal property rights, while this does not apply in all instances in Malawi;

Timing of payments: World Bank OP/BP 4.12 requires payment before loss of assets, while the

Malawi legislation does not have this requirement;

Relocation and resettlement: World Bank OP/BP 4.12 requires additional assistance with resettlement (such as establishment of new sites) while this is not provided in Malawi's laws;

Livelihood restoration: The World Bank OP/BP 4.12 requires that livelihoods are improved or at least restored, while the Malawi's laws contains no requirements for livelihood restoration; and,

Grievance mechanisms: World Bank OP/BP 4.12 requires that a grievance mechanism is established as early as possible in the project development phase, while the Malawi Government does not specify the same.

The RA's approach in addressing the discrepancies between policies of the two institutions is to focus implementation of policy aspects, which positively favour the PAP, and dismiss those that negatively impact the PAP. This recommendation is on the observation of that the common position between World Bank Policy on Resettlement and the Constitution of Republic of Malawi on resettlement is the guarantee of fair and adequate compensation and adequate resettlement assistance for the PAP. In this regard, the following suitable options are to be adopted:

Compensations in the form of land for land;

Compensations related to customary land acquisition to be made on real replacement value as opposed to previous practice of considering customary land as a free commodity. Whenever there is a conflict between the Bank and Government of Malawi policies on land tenure that of the World Bank will prevail;

Compensation should be paid to categories of PAP so long they are covered within the cut-off date, including the squatters, pirates, vendors' stalls/hawkers;

Compensations should be paid in relation to labour and other inputs into gardens and maintenance of trees and crops; and,

Provisions of basic and social services (such as potable water, graded access roads, sanitation facilities, subsidized fertiliser, and income generating activities) to PAP at the new sites to enhance the restoration of standards of living of the PAP.

**Table 2-1: Comparative analysis of applicable Malawi legislation and IFC PS5/WB OP 4.12**

Aspect	Malawi Legislation	IFC Performance Standard 5/WB OP 4.12	Measures to address the gap
<b>Land Bill 2019</b>			
Eligibility for compensation for loss of access to, or use of land.	<p>"Right holders" to land are entitled to compensation. Encroachers into the RRB are considered as illegal occupants of land, since they have no legal right/title to be there and will therefore not be compensated for structures or trees planted therein.</p> <p>No compensation shall be paid in respect of improvements effected since the land became road reserve. Compensation shall be in respect of damage or destruction of surface rights.</p>	All occupants, regardless of land tenure status (for example, possessors or titled landowners) and including both physically and economically displaced are eligible for some form of compensation and assistance. The compensation for those with no recognised legal right to the land will differ from right holders in that illegal occupants will not necessarily be provided with a land title.	All occupants, regardless of land tenure status (for example, possessors or titled landowners) and including both physically and economically displaced are eligible for some form of compensation and assistance.
Establishment of a cut-off date to determine eligibility.	No specific provision is mentioned in regards to resettlement. However, the Department of Land has indicated that they are responsible for communicating cut-off dates.	If a procedure is not provided by host government legislation, a cut-off date should be established by Project and widely disseminated.	Establish a cut-off date.
Compensation after cut-off.	Any enhancement of the market value due to the proposal to construct or extend the road will not be considered for compensation. People moving in in anticipation of compensation are not eligible for compensation.	Compensation is not provided for improvements made to structures and land after the cut-off date has been set. Encroachers moving in after the cut-off date are not eligible for compensation.	Compensation is not provided for improvements made to structures and land after the cut-off date has been set. Encroachers moving in after the cut-off date are not eligible for compensation.
Cash and in-kind compensation.	Requires a project to pay compensation in cash. Customary law prefer land for land compensation provision.	Strongly favours in-kind compensation particularly when land-based livelihoods are affected, including provision of replacement housing and replacement land.	Give preference to in-kind compensation particularly when land-based livelihoods are affected, including provision of replacement housing and replacement land.
Calculation of compensation.	Close to market value – land values used to differ (customary vs private) but compensation is currently close to market value.	Compensation is at replacement cost, which includes market value, transaction and labour cost. No distinction between land ownership types is made.	Replacement cost of the land at market value regardless of its type.
Consultation with PAPs and host communities.	No specific provision is made for engagement. The implication is that the chief will be expected to be the point of contact.	Engagement at all stages of project, and outcomes of consultation to be integrated into design and implementation of the compensation process. The engagement is directly with the PAP through the Resettlement Working Group (RWG).	Engage with the PAP through the RWG, of which the chief is a member.
Resettlement Assistance.	No specific provision is made and the extent of assistance is not qualified. The implication is that the Chief and the DC are responsible for welfare of the displaced.	Assistance is mandatory, and extend to at least within the first three (3) years after displacement.	Provide assistance to at least within the first three (3) years after displacement.

Aspect	Malawi Legislation	IFC Performance Standard 5/WB OP 4.12	Measures to address the gap
<b>Public Roads Act</b>			
Land owner/occupier	<p>Payment of cash compensation based on loss or damage or destruction to structures and any form of properties.</p> <p>Land owners are entitled to reasonable compensation offered by government on customary land.</p> <p>Land owners can be compensated for land to land if alternative land is available.</p> <p>Land owners can be compensated for land to money if there is not alternative land or if the offered alternative land is not economically productive.</p>	<p>Land owners are entitled to compensation of land, compensation of building on replacement costs, expenses on labour.</p> <p>Land owners are entitled to compensation for crops.</p> <p>Temporary structures or buildings are entitled for in land compensation or cash compensation at full replacement costs including labour and relocation expenses prior to displacement.</p>	<p>Compensation of land for land to project affected persons.</p> <p>Compensation of all structures at full replacement costs prior to displacement.</p> <p>Compensation of money for land to project affected persons in cases of lack of alternative suitable land.</p> <p>Compensations on crops and trees on market values.</p> <p>Resettlement assistance to project affected persons.</p>
Land owner/occupier	<p>No compensation to improvements on land within road reserves (section 44).</p> <p>No compensation to squatters unless they occupy the land for continuously for a period of more than 7 years.</p>	<p>Persons are entitled to compensation regardless of the legal status of their structures or occupation of the land.</p> <p>Owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.</p>	<p>Compensation of all structures at full replacement costs prior to displacement.</p> <p>Compensations on crops and trees on real replacement values.</p> <p>Compensation on labour costs based on real replacement values.</p>
<b>Land Acquisition Act</b>			
Land owner/occupier	<p>Compensation to be based on an assessment done by government and agreed by parties.</p> <p>Compensation is to be given when land is acquired.</p> <p>Compensation is not to exceed market value.</p>	<p>Owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.</p>	<p>Compensation of all structures at full replacement costs prior to displacement.</p>
<b>Customary Land Act</b>			
Land owner/occupier	<p>The law favours land for land compensations</p>	<p>The policy favours land for land compensations in cases of loss of land by PAP.</p> <p>Owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.</p>	<p>Compensation of land for land to project affected persons.</p> <p>Compensation of structures at full replacement costs prior to displacement.</p>



### 3 Institutional Framework

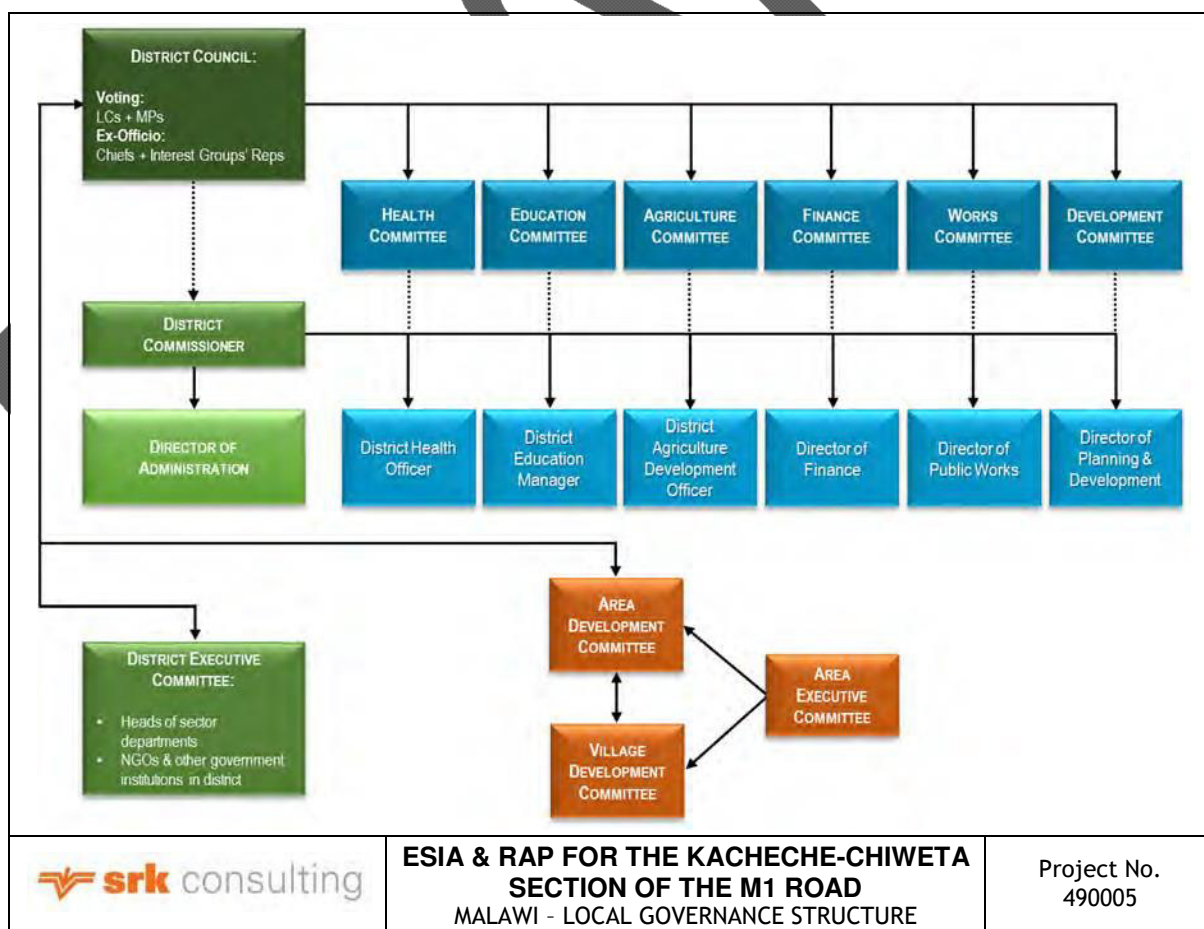
#### 3.1 State and Local Governance Overview

Malawi is divided into the Southern Region, Central Region and the Northern Region. The regions are divided into 27 districts and four cities, which represent local government. The cities include Blantyre and Zomba in the Southern Region, Lilongwe in Central Region and Mzuzu in the Northern Region. The Central Region is comprised of nine districts and the Southern Region of thirteen. The Northern Region has six districts: Rumphi, Mzimba, Chitipa, Karonga, Likoma, and Nkhata Bay (Figure 3-1).

Local government is formally made up of District Councils. The District Commissioner (DCo), and local heads of sectors, together forms the District Executive Committee (DEC). The DEC assists the commissioner, and is the main political decision-making body. ADC's, Group Village Development Committees, and Area Executive Committees render administrative support.

There are 250 TA areas in Malawi in total. The TA in Malawi has evolved to include democratic decision making and legislative responsibilities as per Malawi legislation. Malawians still tend to actively seek the advice and ruling of their traditional chiefs and village headmen, ahead of other governance role-players (BTI, 2019).

The project traverses the land of six TAs: Mtwalo, Munthali, Mwahenga, Mwalweni, Mwamlowe, and Mwankhunikira. Each village within these authorities has a headman, with a Group Village Headman responsible for five or more villages. Villages are named after the Group Village Headman. TA Jalavikuba Munthali will be directly impacted by the project. Some of his assets fall within the RRB, albeit outside of the areas that will be changed to road infrastructure.



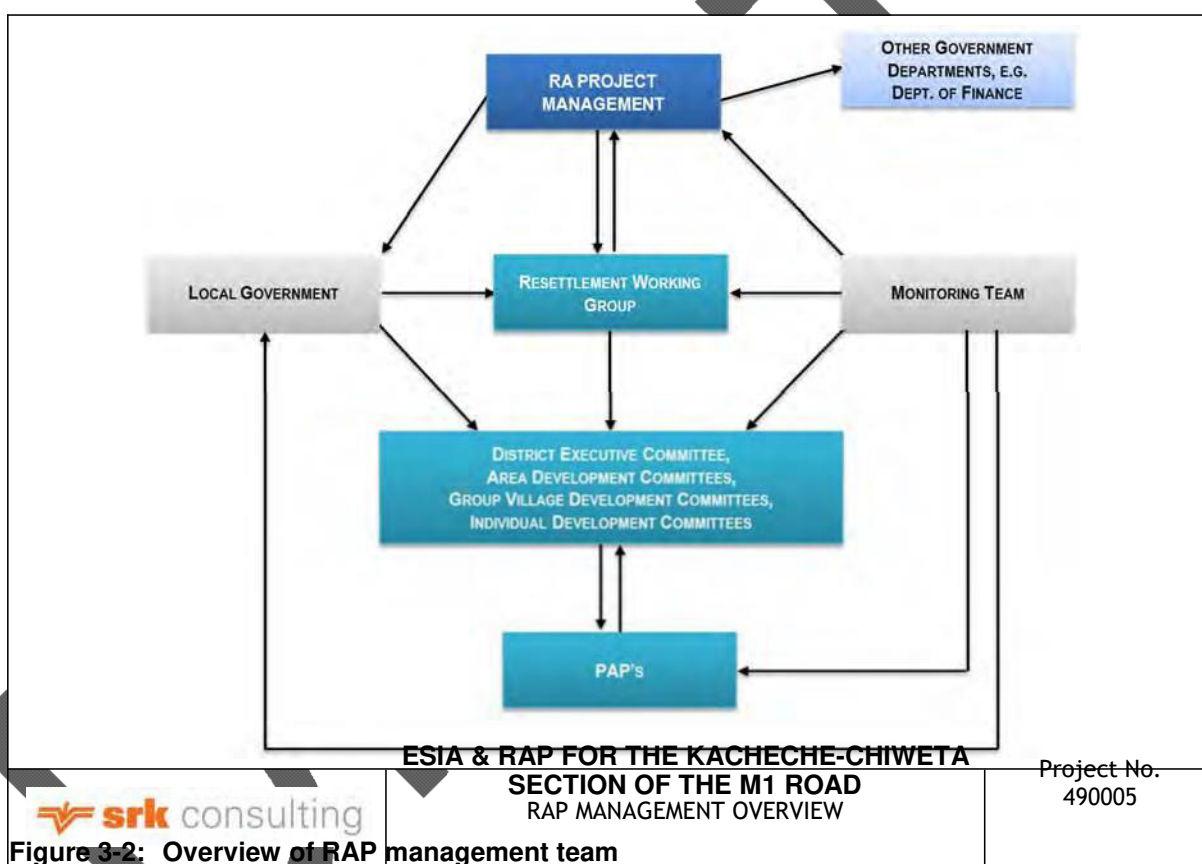
**Figure 3-1: Overview of Malawi's local governance structure**

Source: DFID 2011 in O'Neil and Cammack, 2014

### 3.2 Institutional Framework for the RAP Implementation

Government being the primary proponent of the project will have the overall responsibility of coordinating the implementation of the resettlement process through the RA. The RA will set up a project management team to monitor the resettlement process. The actual execution will be done through collaboration with the DCs and all the relevant ministries and departments such as the Ministry of Lands, the Ministry of Finance, and the Office of the President and Cabinet. The interactions among the relevant institutions for purposes of managing resettlement and compensation are depicted in Figure 3-2.

The RAP will be widely circulated by the RA so that the information is available to all the concerned stakeholders. If necessary, the contact persons and teams in each ministries will be trained so that the compensation process is conducted with respect and due care to all affected. Once the groundwork has been laid, the DC will monitor implementation of the RAP although the RA will remain the responsible authority.



**Figure 3-2: Overview of RAP management team**

Source: RMF, 2014

The formation of an RWG is essential to interact with the PAP, and should be done during the RAP process. The RA advised SRK that the formation of a RWG should not take place at the time of the RAP survey. As per the RMF (2014), it will be constituted in such a manner as to be regarded as the primary representative voice of the affected persons. The RWG will not need to bear a direct relationship to the ADCs/Group Village Development Committees and/or individual Village Development Committees that have already been established. The composition of the RWG will be as follows:

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

Representatives of the TAs in each of the areas affected;



Representatives of the RA; and,

One representative from each of the Districts. These will be the DC or his representative.

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

Act as the primary channel of communication between the various interest groups/organizations involved in the resettlement process. In particular, it will serve to facilitate communication between RA and the affected population;

Solve amicably any problems relating to the resettlement process. If it is unable to resolve any such problems, it is to channel them through the appropriate grievance procedures; and,

Assume primary responsibility of assisting RA in overseeing the resettlement processes in all phases.

### 3.3 Historical Public Consultation and Disclosure of Information

This section reports on the planning and execution of the stakeholder engagement during the project's inception and scoping phases, during which the RAP was discussed, as well as RAP-specific engagement.

#### 3.3.1 Project Inception

The stakeholder engagement tasks and activities undertaken during project inception are presented in Table 3-1 below.

**Table 3-1: Stakeholder engagement tasks undertaken during project inception**

Task	Activities during project inception	Timeline
Develop stakeholder database	Identify and categorise stakeholders from a wide range of sectors of society and develop stakeholder database Database is updated throughout the process	July 2019
Pre-scoping engagement with key stakeholders	Conduct consultation with Malawi Department of Environment Affairs to discuss the terms of reference for the ESIA and specialist studies Undertake a reconnaissance site visit to develop a better understanding of the stakeholders along the M1 road	July 2019

### 3.3.2 Scoping

The stakeholder tasks and activities undertaken during scoping are presented in Table 3-2.

**Table 3-2: Stakeholder engagement activities undertaken during scoping**

Task	Activities during scoping	Timeline
Prepare engagement documentation	<p>Compile a Background Information Document (BID), (English and Chitumbuka) describing the project, ESIA process and how stakeholders can be involved</p> <p>Prepare a meeting invitation letter and comment sheet (English and Chitumbuka)</p> <p>Prepare a schedule of meetings with key stakeholders for scoping</p>	June 2019
Distribute engagement documentation	Distribute BID, letter and comment sheet (English and Chitumbuka) via email and personal delivery to all stakeholders on the stakeholder database	June 2019
Hold scoping meetings	<p>Conduct dry run meeting with project team prior to scoping meetings. The purpose of the dry run meeting is for the team to finalise meeting arrangements and presentations to ensure that messages are clear and consistent, and to strategize on responses to stakeholder comments and questions</p> <p>Hold scoping consultation meetings (in English and Chitumbuka) with stakeholders, i.e. national, regional, district and local government, NGOs, individual organisations and parastatals. The purpose of the meetings were to provide stakeholders with an opportunity to introduce the project and raise any issues of concern or comment</p>	15 – 26 June 2019
Prepare Comment and Response Report (CRR) and Stakeholder Engagement Chapter	<p>Record all stakeholder comments in a Comments and Responses Report, including comments from the project team (See Appendix A)</p> <p>Prepare Stakeholder Engagement Chapter, which documents the stakeholder engagement process followed during scoping, for incorporation into the ESIA Report (See ESIA 490005/1)</p>	September 2019

The schedule of scoping engagement meetings, as well as the stakeholder group, approximate number of attendees and number of BIDs distributed is shown in Table 3-3. The attendance registers are attached to Appendix B1, and the issues and responses document is attached to Appendix B2.

**Table 3-3: Schedule of stakeholder meetings during July/June 2019**

Date of meeting	Stakeholder Group	Organisation	Approx. number of attendees	No. of BIDs distributed
8 July 2019	National Government	Environmental Department	6	0
15 June 2019	National Government	Department of Antiquities	4	8
16 June 2019	National Government	Department of Mining	3	6
16 June 2019	Regional Government	Regional Water Office	3	6
16 June 2019	Regional Government	Regional Forestry Office	3	6
16 June 2019	Parastatal	Malawi Energy Regulatory Authority (MERA)	3	6
16 June 2019	NGO	National Aids Committee (NAC)	3	6
17 June 2019	District Government	Mzimba District Executive Sub-committee (DESC)	24	48
17 June 2019	District Government	Mzimba District Environmental Sub-Committee	14	28
18 June 2019	District Government	Rumphi District Council (RDC)	29	58
18 June 2019	District Government	DEC, Rumphi	14	28
19 June 2019	District Government	Rumphi District Environmental Sub-Committee	29	58
19 June 2019	Local Government	ADC, Mwalweni	43	86
20 June 2019	Local Government	ADC, Chinyolo	23	46
15 June 2019	National Government	Ministry of Transport and Public Works	3	6
15 June 2019	National Government	Ministry of Local Government	4	8
15 June 2019	Business	SimbaNET	3	6
15 June 2019	National Government	Ministry of Housing, Lands and Urban Development	3	6
22 June 2019	Regional Government	Road Traffic and Safety Services	1	2
23 June 2019	Regional Government	Zonal Forestry Office	1	2
24 June 2019	Regional Government	Mzuzu City Council	1	2
25 June 2019	Regional Government	Education Division	1	2
25 June 2019	Regional Government	Water Division	1	2
25 June 2019	Regional Government	Regional Engineer	1	2
25 June 2019	Regional Government	Mzuzu Meteorology Division	1	2
25 June 2019	Parastatals	Malawi Telecommunications Limited (MTL)	1	2
25 June 2019	NGO	Synod of Livingstonia Development (SOLDEV)	1	2
25 June 2019	NGO	Feed the Children International	1	2
26 June 2019	Regional Government	Defence Force: Mzuzu	2	4

### 3.3.3 RAP Specific Consultations

As mentioned, the stakeholder consultations for the ESIA during the scoping and inception phases also addressed the RAP requirements. Subsequent to the inception and scoping phases, the RAP fieldwork was undertaken (refer to Table 3-4). The RAP fieldwork took place during September 2019.

**Table 3-4: Activities undertaken during the RAP census survey and sample valuation process**

Task	RAP Framework activities	Timeline
Prepare for the fieldwork for the Draft RAP (490005RAP/D)	Prepare survey instruments Meeting with Mr. Allan Kaziputha of the Roads Authority to confirm the RAP Framework approach and timeframes Meeting with Regional Department of Lands, Housing and Rural Development to confirm the fieldwork approach and timeframes. Confirm the attendance of Mr. Willard Shora from the department to observe the training and the fieldwork Inform the Rumphi and Mzimba DC about the intended fieldwork and timeframes Identify and train of enumerators Confirm scope of work for the enumerators, quantity surveyors and valuers	13 – 16 September 2019
Execute fieldwork for the Draft RAP (490005RAP/D)	Identify local people to accompany the enumerators and quantity surveyors during fieldwork Conduct household surveys for location of households interviewed Conduct quantity survey within the road reserve Distribute the BID to households interviewed Submit household data and quantity surveying data for assessment Close-out the fieldwork	17 – 24 September 2019
Compile the Draft RAP (490005RAP/D)	Assess household census data and surveyor data collected during 17-23 September 2019 Value the structures within the RRB Draft RAP (490005RAP/D). Give input into the CRR.	26 September – 18 October 2019

### 3.3.4 RWG and GRC Establishment

The establishment of the RWGs and GRCs took place in June 2017. The report and attendance registers are attached to Appendix E. A list of the meetings held as part of this process is contained in Table 3-5.

**Table 3-5: Schedule of stakeholder meetings during June 2017**

Date of meeting	Stakeholder Group Purpose of meeting	Approx. number of attendees	
6 June 2017	Mzimba DEC	Preparation Meetings for formation of GRCs and RWGs	69
13 June 2017	Rumphi DEC	Preparation Meetings for formation of GRCs and RWGs	22
13 June 2017	(Paramount Chief) Chikutamayembe	Preparation Meetings for formation of GRCs and RWGs	3
13 June 2017	Nkosi (TA) Jalavikuba Munthali	Preparation Meetings for formation of GRCs and RWGs	3
27 June 2017	Mzimba District Administration Regional Office	Preparation Meetings for formation of GRCs and RWGs	3
21 June 2017	Mwankhunikira GRC	Meetings for the Formation of GRCs	10
22 June 2017	Njikula GRC	Meetings for the Formation of GRCs	11
23 June 2017	Mwalweni/Mwamlowe GRC	Meetings for the Formation of GRCs	9
28 June 2017	Jalavikuba Munthali GRC	Meetings for the Formation of GRCs	12
21 June 2017	Chinyolo RWG	Meetings for the Formation of RWGs	12
21 June 2017	Mkombezi RWG	Meetings for the Formation of RWGs	12
22 June 2017	Mzokoto and Mwale RWGs	Meetings for the Formation of RWGs	18
22 June 2017	Bale RWG	Meetings for the Formation of RWGs	12
22 June 2017	Jalawe/Mchenga RWG	Meetings for the Formation of RWGs	9
23 June 2017	Chiweta RWG	Meetings for the Formation of RWGs	16
28 June 2017	Luzi RWG	Meetings for the Formation of RWGs	9
28 June 2017	Bwengu RWG	Meetings for the Formation of RWGs	8
28 June 2017	Thumbi RWG	Meetings for the Formation of RWGs	11

### 3.4 Consultation Going Forward

Extensive consultation and information sharing with the stakeholders involved or affected by the resettlement will be necessary. If international funding is required, engagement will be required to meet international requirements and will have to fulfil specific objectives and principles.

The IFC Guidelines state that “*Effective resettlement planning requires regular consultation with a wide range of Project stakeholders. Early consultation helps to manage public expectations concerning impacts of a project and expected benefits. Subsequent consultations provide opportunities for the Project proponent and representatives of affected populations to negotiate compensation packages and eligibility requirements, resettlement assistance, and the timing of resettlement activities.*”



Furthermore, the IFC's "Handbook for Preparing a Resettlement Action Plan (2012)" sets out the following requirements for consultation and communication during a RAP:

**Consultation with local government, community leaders and affected people representatives:** *"Consultation with officials of local government, community leaders and other representatives of the affected population is essential to gaining a comprehensive understanding of the types and degrees of adverse project effects".*

**Consultation with host communities:** *"Consultation involving representatives of both host communities and the communities to be displaced helps to build familiarity and to resolve disputes that inevitably arise during resettlement".*

**Requirement for a resettlement advisory group and composition:** *"Depending on the scale of resettlement associated with a project, it may be appropriate for the sponsor to create a resettlement advisory group. This advisory group should comprise representatives of the project sponsor, relevant government line and administrative departments, community organisations, NGOs involved in support of resettlement as well as representatives of the communities affected by the project".*

**Purpose of consultations:** *"Early consultation helps to manage public expectations concerning the impact of a project and its expected benefits. Subsequent consultations provide opportunities for the sponsor and representatives of the people affected by the project to negotiate compensation packages and eligibility requirements, resettlement assistance and the timing of resettlement activities. Project consultation with people affected by resettlement is mandatory."*

Apart from international requirements, the RMF (2014) states that public consultation and participation are essential because they afford potential PAP the opportunity to contribute to the design and implementation of the activities and reduce the likelihood of conflicts between PAP and the RA.

Public consultation should begin at the start of the planning stage, when potential land sites are being considered. A participation strategy will ideally, and in practice, provide multiple opportunities for involvement. Therefore, as a matter of strategy, public consultation will be an ongoing activity taking place throughout the entire project cycle (RMF, 2014).

Public participation and consultation will occur through multiple formats, including meetings; radio programs; requests for written proposals/comments; completion of questionnaires/application forms; public readings and explanations of project ideas and requirements; and dissemination of public documents at the national, local, and homestead levels at suitable locations such as official residences or offices of local chiefs and elders. These formats will account for the low literacy levels prevalent in rural communities and allow sufficient time for responses and feedback (RMF, 2014).

Notwithstanding the value of broad public participation, the best guarantors for public interest are the chiefs and other local leaders who are responsible members of their local communities and can also be part of the potentially displaced (economically or physically) individuals and households. The village chief would have a key role in the monitoring the public participation process, and in the overall monitoring and evaluation mechanism of the project (RMF, 2014).

### 3.4.1 Notification

The respective district and local administration leaders, who were involved in identifying the land required by the developer, will notify the local and community leaders and representatives who will help identify and locate the land users. These community leaders and representatives will be charged with the responsibility of notifying their members about the established cut-off date and its significance. The land users will be informed through both a formal notification in writing and, for as many people as are illiterate, by verbal notification delivered in the presence of the village chief or his representative. In addition, the chief, religious leaders, other elders, and individuals who control pastoral routes, fishing

areas, wild trees, beehives, or hunting areas will accompany the survey teams to identify sensitive areas (RMF, 2014).

### **3.4.2 Documentation of Holdings and Assets**

Local community leaders and officials representing the RA will arrange meetings with PAP to discuss the compensation process. For each individual or household affected, a compensation dossier containing necessary personal information on the affected party and those that he or she claims as household members, total land holdings, inventory of affected assets, and information for monitoring their future situation has to be completed. This information is confirmed and witnessed by the regional land board, traditional leaders, or their representatives (RMF, 2014).

Dossiers will be updated and include documentation on lands surrendered. This is necessary to ensure that the PAP can be monitored over time. All claims and assets will be documented (RMF, 2014).

### **3.4.3 Agreement on Compensation and Preparation of Contracts**

All types of compensation are to be clearly explained to the individual and households involved. The RA draws up a contract listing all property and land surrendered and the types of compensation (cash and/or in kind) selected. A person selecting in-kind compensation has an order form that must be signed and witnessed. The compensation contract and the grievance redress mechanisms are read aloud in the presence of the affected party, the regional land board representative, and local community leaders prior to signing (RMF, 2014).

All property surrenders (such as land and buildings) and compensation payments will be made in the presence of the affected party, traditional and local community leaders, officials of the developer, and representatives of the local district administration (RMF, 2014).



## 4 Social Profile

This section discusses the social context of the project, starting at a national context and then focussing on the study area. The social context of the study area is based on the census survey of the households and businesses that were conducted in September 2019.

### 4.1 National Overview

#### 4.1.1 Economic Overview

The World Bank (2019) reports a Gross Domestic Product (GDP) growth of 2.5% in 2015 for Malawi, down from 6.1% in 2013, and 5.7% in 2014. The GDP growth in 2013 was significant, mostly due to growth in agriculture and manufacturing, and 111.3% increase in tobacco output, according to BTI's Country Report on Malawi (2019).

The World Bank apportions adverse weather conditions and macro-economic instability to the negative change in GDP. BTI (2019) highlights emerging risks as contributing factors, including the uncertainty regarding donor support in light of the Cashgate scandal that involved the national looting of public resources, a fall in tobacco prices, and the ongoing rise in interest rates. Malawi's resource envelope in revenues and grants underperformed by 13.7% in the 2013/2014 financial year, which is linked to the reduction of donor grants by 67.1% (BTI 2019).

Against the backdrop of the above GDP figures, in 2019 the African Development Bank projects the economic growth is to reach from 4.0% to 4.9% in 2017, with agriculture as the main driver. These projections are based on the assumptions that weather conditions will be conducive to agricultural activities, that macroeconomic stability will be achieved, that policies will be implemented, and that the private sector will regain confidence in the government and the economy (African Development Bank, 2019).

In light of the weak GDP growth of 6.1% in the 2013/2014 financial year, Malawi's economy does not offer opportunities for competition, especially market based competition (BTI, 2019). Small-scale farmers compete when they sell their products, and there is no monopoly. Tobacco growers face some competition at tobacco auctions. The manufacturing sector's contribution to GDP has declined from 9.9% in 2011 to 9.5% in 2013 and 9.4% in 2014 (projected) with local firms closing down operations and remaining un-competitive. Affordable second hand vehicles and parts from Japan are tough competition for local franchises. The informal sector is growing, and its regulation is regarded as one way in which economic transformation can be achieved (BTI, 2019).

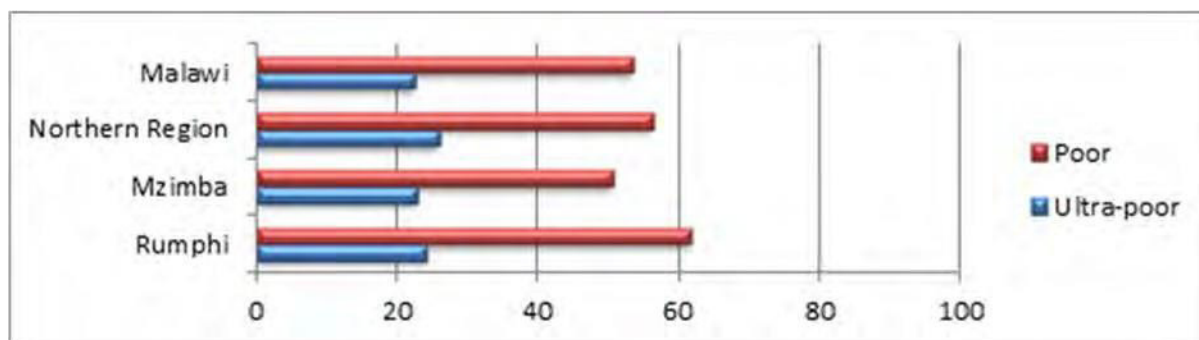
#### 4.1.2 Socio-economic Overview

Malawi's Human Development Index value of 0.414 in 2013, positioned the country at 174 out of 187 countries. In addition, the difference between the rich and the poor in Malawi is significant. The richest 10% of the population have an average per capita income that is nine times higher than an average per capita income of the poorest 10% (BIT, 2019).

The 2010/11 Integrated Household Survey (National Statistical Office Malawi (NSO), 2015) reported that over half of the population was poor and one quarter lived in extreme poverty. With about 85% of the population living in rural areas, close to 100% of the poor live in the rural areas as compared to only 6% of the poor living in urban areas.

A difference between male and female-headed households was reported: about 49% male-headed households were identified as poor compared to 57% female-headed households (NSO, 2015). According to the World Bank (2019), these numbers are not expected to change significantly for the 2017 estimates.

Figure 4-1 illustrates the poverty levels on National level, in relation to the areas relevant to the project. In the Northern Region, 26% of its population was deemed to be ultra-poor<sup>1</sup>, while Rumphu and Mzimba Districts were recorded to have over 50% of its total population living below the poverty line<sup>2</sup> (NSO, 2015).



**Figure 4-1: Distribution of poverty levels**

Source: NSO, 2015

### 4.1.3 Economic Activities

The 80% of the Malawi's population living in rural areas are mostly dependent on subsistence agriculture. It follows that Malawi's economy is agriculture based. Low subsistence agricultural production contributes to the poverty situation. The staple crop for food security is maize, and its production dropped by 30.2% year on year. Approximately 2.8 million people (17% of the population) are therefore unable to meet their food requirements (BIT, 2019).

The area relevant to the project has a formal economy that is largely based on agriculture; with tobacco, tomatoes, maize and sugar cane. The tobacco plantations are small-scale operations, and once tobacco has been dried in sheds, it is taken to the corporation on auction.

Apart from agricultural activities, non-agricultural enterprises also serve as a source of income for households in Malawi. Trading centres include maize mills, grocery stores, brick making, restaurants and pubs, and syphoned fuel (illegal). Trading centres identified are; Bale, Banana, Bwengu Majiga, Chichi, Chinyolo, Chitokoto, Chiweta, Chizaula, Kandewe, Luzi, Mkombezi, Msambanyama, Mzokoto, Phwezi and Thumbi.

Regarding non-agricultural enterprises, the Integrated Household Survey (IHS, 2010-2012) concludes the following:

Of the non-agricultural enterprises, just over half is engaged in trading followed by manufacturing at one third. Social services, transportation, construction, financial services and mining or quarrying together have a negligible share (just over 10%);

Female-headed households active in non-agricultural enterprises dominate the manufacturing sector, with a participation rate of four in 10 compared to male headed households with a participation rate of three in 10;

A total of 87% of household non-farm enterprises are owned by a sole proprietor and 13% are partnerships. Almost 98% of enterprises owned by female headed households have sole proprietorship status compared to 85% for enterprises owned by male headed households. The Northern Region has the highest proportion of enterprises under partnership arrangement (18%);

<sup>1</sup> Ultra-poor refers to a status amongst poorest of the poor in low-income countries as coined by Michael Lipton in 1986. He defines ultra-poor as receiving less than 80 percent of minimum caloric intake whilst spending more than 80% of income on food

<sup>2</sup> World Bank defines the poverty line as "a level of personal income defining the state of poverty" (currently \$1.90 a day)

Half of the enterprises in the Northern Region are in the trading sector, followed by manufacturing (38%);

In rural areas, the main source of household enterprise set up capital is own savings from agricultural activities (39%), followed by savings from proceeds from non-agricultural activities (17%). At 1%, loans from banks or other financial institutions barely register as a source of start-up capital;

The proportion of enterprises whose set up capital is from loans from money lenders is higher in female headed households (4%) than in their male counterparts (2%). The results further show that very few male and female headed households obtained loans from financial institutions (2% and 1% respectively);

About 43% of household non-farm enterprises are located within or near the home, and about 33% at traditional market places. Only 0.3% is located at industrial site, while 13% are owned by mobile vendors - people who move their goods or services from place to place;

At the regional level, most enterprises are also located either in a traditional market or at home (outside the residence). Traditional market base is more common in the southern than in the northern or in the central region (40% compared to less than 30% respectively). Outside residence base is more common in the Northern Region where 32% of enterprises are based outside the dwelling. The Northern region has the highest proportion of household non-farm enterprises operating by the roadside (9%);

Slightly over 84% of non-farm enterprises sell their products or services directly to final consumers.

Most of the remaining 16% of these enterprises sell to traders, other small businesses, and large established businesses or institutions. Less than 1% of household enterprises sell their goods and services to manufacturers or marketing boards;

About 86% of the enterprises in the Northern Region sell their products to final consumers, 8% to traders, 4% to other small businesses and 1% to large established businesses;

The proportion of enterprises selling forest based products the southern region has the highest proportion (17%) followed by the northern region (13%) and central region (11%);

The highest source of forest-based products at the national level is from other sellers (51%).

Forests and park reserves come second as a major source of forest based products (26%) by communal land (13%) and own land (7%);

In terms of place of residence, most of the enterprises in urban areas purchase forest products from other businesses (76%) compared to 44% in rural areas. The second most important source of forest-based products in rural areas is the forest or park reserve at 28% compared to 17% in urban areas;

By sex of the household head, the proportion of enterprises sourcing products from the forest/park reserve is substantially higher in female-headed households (37%) relative to those in male-headed households (24%). The proportions are however higher in male-headed households for enterprises that purchase the products from other traders at 55% compared to their female counterparts at 25%;

Looking at the three main regions of the country, the northern region has the highest proportion of enterprises sourcing forest-based products from their own land at 12%, followed by southern region at 7% and central region at 5%;

Nationally, the average total number of people engaged in household non-farm enterprises is 1.4 of which 1.2 is household members and 0.2 are non-household members;

Owners or managers of approximately 79% of household non-farm enterprises did not engage any other household members in their operations. The northern region does not engage non-household members in their operations at 90%;

The proportion of one-person enterprises is higher in female-headed households (87%) than in male-headed households (77%). The northern region has 73% one-person enterprises;

Enterprises in female-headed households are more likely to have no employees (95%) than in male-headed households (91%); and,

The two largest categories of business costs are the purchasing of goods that are resold or transformed i.e. inventory and raw materials. Inventories account for nearly 46% of all costs and raw materials account for about 34%. Transportation or freight accounts for about 8% of the enterprises' total expenditure. Fuel and oil has about 3% share of the total expenditure and utilities (electricity and water) account for barely 1%, while insurance costs constitute less than 1% of the total costs.

#### 4.1.4 Labour Force Characteristics and Education

The Third IHS (IHS3, 2010-2012) assessed the characteristics of the labour force<sup>3</sup>. The labour force participation rate (LFP) in Malawi is around 88%, the rate higher in rural areas than in urban areas, and higher amongst males than females. LFP in the labour market across age groups is fairly similar for those aged between 25 years and 64 years. However, those aged below 25 or above 64 are less likely to be working or looking for a job.

The LFP Survey (2013) found LFP at 89% nationally, 91% for the males and 88% for females. The rural figures are slightly higher and the urban figures lower. Nationally, employment was reported at 80%, with a 10%+ difference between males and females. Females in urban areas had the lowest employment rate (Table 4-1).

**Table 4-1: LFP and employment figures (2014)**

	Malawi	Urban	Rural
<b>LFP</b>			
Total	89.4	85.4	90.0
Male	90.9	87.3	91.6
Female	88.1	83.5	88.7
<b>Employment</b>			
Total	79.6	71.8	80.8
Male	85.7	82.4	86.2
Female	74.3	60.8	76.1

Source: NSO, 2013

According to the study (IHS3, 2010-2012), over two-thirds of the population is involved in income generating activities while slightly half of the population are in household agricultural or fishing activities. Three out of 25 persons are engaged in casual, part time or ganyu (casual) labour. Approximately 18 out of 25 males and 16 out of 25 females participate in income generating activities.

According to the IHS3 (2010-2012), in the past seven days, people spent on average 40 hours on wage, salary, commission or any payment in kind (not including ganyu) activities; 24 hours on non-agricultural and non-fishing household business, 16 hours on household agricultural activities and 15 hours on casual or part time or ganyu labour. It was found that most people spend more hours on salaried activities followed by business regardless of age, education, location and economic status.

The IHS3 (2010-2012) further establishes that people with higher educational qualifications are less likely to participate in agriculture or fishing activities, and more likely to be active in activities related to salary, wage, commissions or any payment activities. However, *“those without any education have a similar labour force participation rate to those with secondary or tertiary education whereas those with primary education have a slightly lower LFP rate. Similarly, across all the regions, people with either secondary or higher education are more likely to participate in the labour market than those with primary education”*.

According to UNICEF's Malawi Annual Report (2019), only 13% of secondary school aged children actually attend secondary school. Therefore, for most people in Malawi, primary education is the

<sup>3</sup> According to the IHS3 (2010-2012) labour force is “the population that provides the pool of labour for provision of services and production of goods in the economy. Labour force participation rate is the percentage of labour force in the total population. It indicates the share of the population aged 15 years and above working or seeking work. The labour force comprises the employed and the unemployed together. Labour force participation rate (LFP) is an indicator of the country's potential labour supply at a given time”.

highest level of education they will achieve. One of the reasons is that access to secondary education is limited, and depends on the family's ability to pay school fees.

In terms of literacy, Malawi's national literacy rate for the proportion of the population aged 15 years and above was estimated at on average 71.8%, with female literacy estimated at 64.0% compared to 80.5% of men (Table 4-2). The estimated literacy rates of the urban population are higher than those of the rural population (NSO, 2014). The Northern Region has a high literacy rate, with the Rumphi District literacy rate at 82% and the Mzimba District literacy rate at 75% (NSO, 2011).

**Table 4-2: Literacy rates (2014)**

Gender	Malawi	Urban	Rural
Male	80.5	94.7	77.7
Female	64.0	58.7	59.8
Total	71.8	91.2	68.2

Source: NSO, 2015

#### 4.1.5 Socio-demographic Overview

The NSO's census of 2008 established a population size of 13.1 million people in Malawi. The NSO (2014) estimates that the population of Malawi totalled at 15.8 million people in 2014, indicating a growth rate of 17.0% from 2008 to 2014. The World Bank estimates the population slightly higher at 16.8 million in 2014 and at 17.2 million in 2015 (World Bank, 2019). An assumed population growth of 2.8% a year will require consistent economic growth to reduce poverty.

Regarding Mzimba and Rumphi Districts, NSO (2014) estimates a population size of 869 202 and 203 054 respectively. Mzimba District houses 41.5% of the Northern Region population, in contrast to the 9.7% housed by Rumphi District. The population of Mzuzu City is similar to that of Mzimba District, totalling 209 000 people (Table 4-3). Mzuzu District is home to the Ngoni ethnic group and Rumphi District to the Tumbuka ethnic group. The language largely spoken in the project area is Chitumbuka.

Despite the less developed infrastructure of the Northern Region in comparison to the Southern and Central Regions, it the second fastest growing in terms of population (NSO, 2014).

**Table 4-3: Population size**

Place	Population 2008 (100's rounded)	Population 2014 (100's rounded)	Area (km <sup>2</sup> )	Population Density 2014 (persons/km <sup>2</sup> )
Malawi	13 077 000	15 805 000	94 276	167
Southern Region	5 858 000	6 890 000	31 753	217
Central Region	5 510 000	6 824 000	35 592	192
Northern Region	1 709 000	2 091 100	26 931	78
Mzimba District	727 900	869 000	10 382	84
Rumphi District	128 400	203 000	4 769	43

Source: NSO, 2015

The number of households for 2014 could not be sourced, and therefore only the household numbers recorded during the 2008 census are reflected in Table 4-4.



**Table 4-4: Household size (2008)**

Place	Number of Households	Household size
Malawi	2 957 683	4.4
Northern Region	345 752	4.9
Mzimba District	142 980	5.1
Rumphi District	36 037	4.7

Source: NSO, 2015

## 4.1.6 Health Overview

### Mortality and Fertility

The projected life expectancy of males for 2014 was 53.7 and for females 56.6 (NSO 2015), based on 2008 projections). Maternal and child mortality rates are currently estimated at 574 out of 1000 live births and 69 out of 1000 births, respectively (NSO, 2015). The major causes of these mortality figures include: early marriages and pregnancies, poverty and marginalization, harmful cultural practices, gender-based violence, malaria, tuberculosis and other opportunistic infections, lack of information and services, and religious beliefs (BTI, 2019).

### Malaria

Malaria is endemic to the whole of Malawi, and as such is a major health concern. There are numerous initiatives between the Malawian government and development partners to combat the disease as part of the Roll Back Malaria campaign. The most significant component of this campaign is the distribution of long-lasting insecticide-treated nets, which seeks to minimise exposure to vectors of malaria.

In the Northern Region, 78% of households owned at least one mosquito net, the highest percentage when compared to the other two Regions (Malawi Ministry of Health, 2015); this translates to at least one net for every two people amongst 40% of the Northern District population. Treatment of children in the Northern region is also superior to other Regions, whereby 63% of children who showed signs of fever were treated at a health facility (Malawi Ministry of Health, 2015).

### HIV/Aids

The HIV prevalence rate among the general population stands at 10.6%, with women and girls having higher infection rates than men and boys. The National AIDS Commission Response Progress Report (2015) indicates that 46% of all new HIV infections occur in the 10- to 29-year age group and that 69% of sexually active young people have multiple partners.

Of the estimated 13,317 pregnant women living with HIV in Malawi, 85% were on treatment in 2015, compared to 73% in 2014; an additional 1,584 women initiated antiretroviral therapy (ART) during breastfeeding, a period when HIV transmission to infants can be high. In addition, 95% of HIV exposed infants received antiretroviral prophylaxis, decreasing the risk of HIV infection (UNICEF, 2019).

### Hospitals

There are 31 health facilities and a District hospital servicing Mzimba District, with a fleet of seven ambulances. The cost of fuel often means that many of the fleet do not operate for large periods of time (Chunga S, 2019). Rumphi has one District hospital, 12 public health facilities and six mission health facilities (Coraid, 2019).

### 4.1.7 Vulnerable Groups

In the Malawian context young women and children can be regarded as vulnerable<sup>4</sup>, based on information contained in the Population Data Sheet of 2012 (USAID, 2012):

The age structure amongst the poorest 20% of the population is extremely youthful, with a median age of 13;

Education level and fertility is closely related. Women with no education have on average three times as many children as those who continue their studies beyond secondary school;

Among women aged 20 to 24, half were married by age 18; and,

More than 1 in 5 girls have begun bearing children by age 17. In Malawi, a child is legally defined as a person under the age of 18.

One out of five females in Malawi had reportedly experienced at least one incident of sexual abuse prior to the age of 18, while nearly 50% experienced physical violence before 18 years. Of children, 25% experience multiple forms of violence (CDC, UK AID and UNICEF, 2014).

Children affected by HIV/Aids, including more than 500 000 orphans, have a high risk of entering the labour market. These children may be heads of households or primary caregivers to sick parents. In the absence of alternatives, these children may seek employment, where they could be exploited (Department of Labour, 2012).

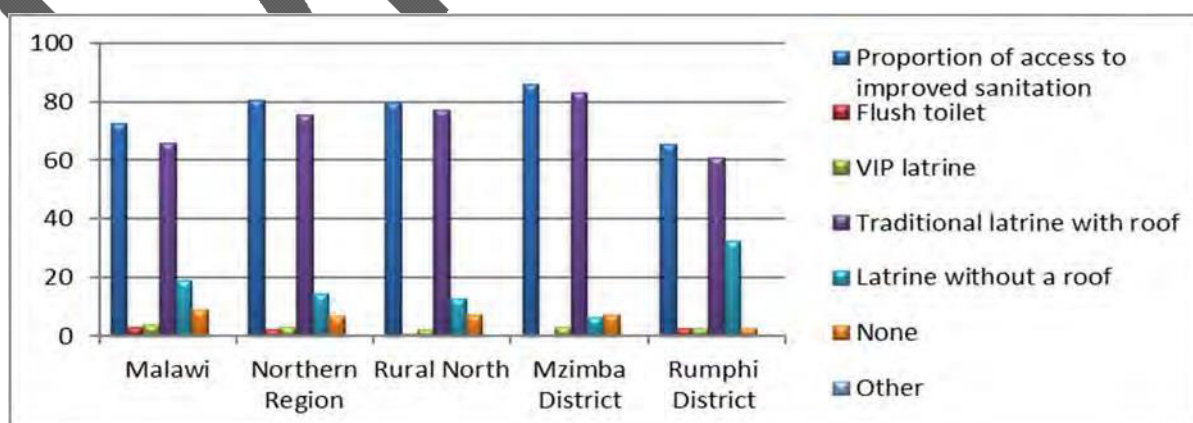
### 4.1.8 Infrastructure and Services

#### Housing

Nationally, as well as in the Northern Region, with Mzimba and Rumphi Districts, housing is traditional<sup>5</sup>, with most residents owning the houses in which they reside. The average number of people per room per household is between one and two on national and district level (NSO, 2011). Traditional housing along with occupational ownership is in keeping with the land tenure situation. Land tenure is determined according to private, public or customary ownership.

#### Sanitation

Nationally and in the Northern Region, with Mzimba and Rhumpi Districts, the majority of households have access to a traditional latrine with a roof (Figure 4-2). These facilities represent 83% for Mzimba District and 61% for Rumphi District (NSO, 2011).



**Figure 4-2: Access to sanitation**

Source: NSO, 2011

<sup>4</sup> The World Health Organisation defines vulnerability as: “the degree to which a population, individual or organization is unable to anticipate, cope with, resist and recover from the impacts of disasters”. The World Bank defines it as “a population that has some specific characteristics that make it at higher risk of falling into poverty than others”.

<sup>5</sup> Traditional housing as defined by the Malawi Housing Corporation is “a dwelling with mud walls and a thatched roof”.



## Utilities

Table 4-5 illustrates households' sources of fuel for cooking and for lighting on a national level, in the Northern Region and its Mzimba and Rumphi Districts. On a district level, fuel for cooking is almost exclusively firewood, with charcoal accounted for 5% of cooking fuels (National Statistical Office, 2011). Half of the households in the country make use of paraffin for lighting, but lighting is largely battery powered in Mzimba District at 45% and in Rumphi District at 52%. The second most used source for lighting is paraffin, at 33% in Mzimba District and 35% in Rumphi District.

The use of firewood for fuel is the main cause of the rate of deforestation evident in Malawi. The high cost of electricity is a deterrent to most households, especially in rural areas (BTI, 2019).

**Table 4-5: Fuel used for cooking and lighting**

Place	Source of fuel for cooking (%)					Source of fuel for lighting (%)					
	Firewood	Electricity	Charcoal*	Crop residue / animal waste / sawdust	Other	Firewood	Paraffin	Electricity	Battery	Candles	Other
Malawi	87.7	2.5	8.9	0.8	0.2	7.6	51.8	7.6	27.3	4.6	1.1
Northern Region	95.3	1.1	3.5	0.1	0.1	7.2	39.5	6.1	40.8	4.3	2.1
Mzimba District	99.7	0.2	0.0	0.0	0.1	12.0	33.2	1.8	44.9	4.2	4.0
Rumphi District	94.7	0.3	5.0	0.0	0.0	2.3	35.4	5.7	52.0	3.3	1.4

Source: NSO 2011

## Basic Needs Perceptions

In terms of household perceptions over basic needs, in keeping with the high levels of poverty in the country and study area, most households felt they had inadequate access to food, clothing, housing and healthcare (Table 4-6). Clothing was noted as the largest inadequacy in the Mzimba and Rumphi Districts, and perceptions of food security exceeded 30% in both districts (NSO 2011).

**Table 4-6: Basic needs perceptions of households**

Place	Inadequate food	Inadequate housing	Inadequate clothing	Inadequate health care
Malawi	38.3%	40.5%	55.6%	32.7%
Northern Region	28.0%	34.0%	50.5%	25.5%
Mzimba District	31.1%	35.5%	49.6%	23.0%
Rumphi District	33.2%	40.6%	57.2%	41.7%

Source: NSO, 2011

## 4.2 Household and Business Census Survey

This section discusses the results of the survey that was conducted with a sample of households and businesses within the RRB of the M1 between the Kacheche turn-off and Chiweta during the period of 16 to 24 September 2019.

### 4.2.1 Sample Characteristics

Figure 4-3 gives a spatial representation of the distribution of interviews that were conducted. The trading centres on the map are those that were mentioned by participants, and therefore it might not represent a comprehensive list of trading centres between the Kacheche turn-off and Chiweta, alongside the M1.

In cases where the GPS co-ordinate of the household/ interviewed did not register, it was grouped with the trading centre the participant mentioned he/she belonged to. In cases where neither of this information was available, i.e. the GPS co-ordinate and the trading centre, the interview was not registered on the map. A total of 16 interviews were therefore not mapped.

Interviews were conducted with the Heads of Households and Owners of Businesses. In their absence, their representatives were interviewed. In the absence of the representative, the interview was not conducted. The sample was not a representative sample, but an opportunity sample: those that were available were interviewed; those that were not available were passed.

A total of 245 interviews were conducted, with 109 households, 116 businesses, and 20 did not reveal their status as household or business head. A list of interviewees are listed in Appendix D. The focus was on complete households and business units affected; and partly affected households and businesses were not interviewed, example where toilets and kitchens only were affected.

The survey figures are a representation of 85% of the total estimated population along the RRB between the Kacheche turn-off and Chiweta, since the Quantity Surveyors on the team registered 216 impacted businesses within the 18-meter RRB and 123 business households within the 30-meter RRB (Table 4-7).

Closer observation indicates that the number of businesses within the RRB might only be 166, and this will have to be confirmed when the full survey is done in 2017.

**Table 4-7: Household and business population and sample size**

	Quantity Survey	Household and Business Survey	Sample % of total
Total	289/339	245	85% or 72%
Total businesses within 18 meter RRB	166 or 216	116	70% or 54%
Total households within 30 meter RRB	123	109	89%
Unknown		20	7%

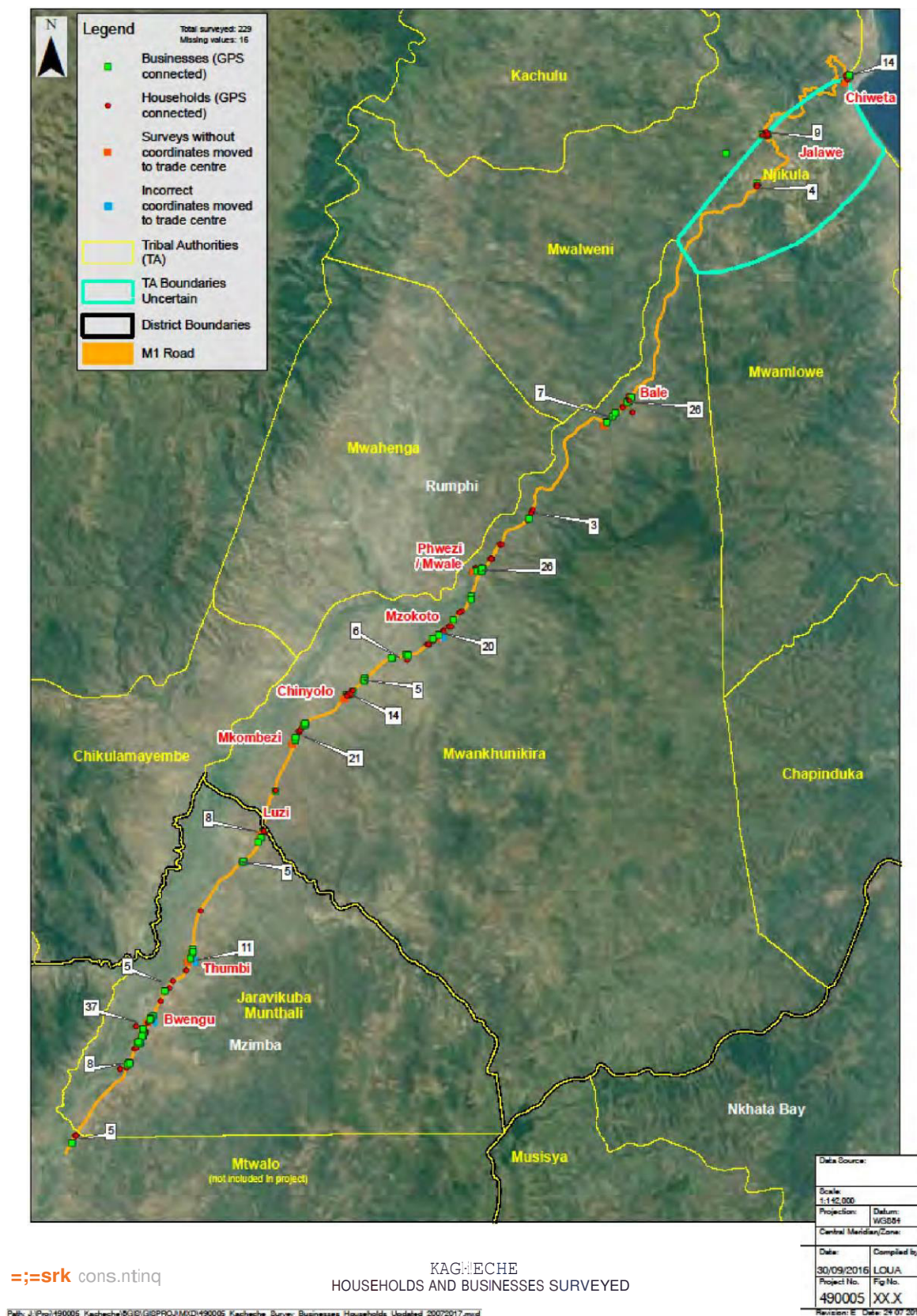


Figure 4-3: Household and business census survey locations

Table 4-8 gives a breakdown of the key characteristics of the 245 people who participated in the survey. The longest section of the road falls within the Rumphu District in the Mwankhunikira TA area, and the majority of the surveys were conducted alongside this section.

About an equal number of businesses and households were interviewed. The majority had buildings in the RRB, and did not consider the land as belonging to them.

The main language spoken was Chitumbuka; second languages spoken were mostly Chichewa and Chinkhonde. English as a language spoken in the household were mentioned by 12 participants only. All participants considered themselves to be Christians. Of the 227 participants whose gender was recorded, close on two thirds were male (62%) and one third female (38%).

**Table 4-8: Sample characteristics**

Aspect		Number (total=245)	
District			
Mzimba District		92	
Rumphi District		150	
No response		3	
Traditional Authority			
Jalavikuba Munthali		211	
Mwalweni		10	
Mwanlowe		13	
Mwankhirikira		122	
No response		11	
Household and Businesses interviewed			
Business owner		89	
Business owner representative		27	116
Head of Household		73	
Head of Household representative		36	109
No answer		20	
Main language	Tribe	Main language	Tribe
Chitumbuka	Tumbuka	203	233
Chinkhonde	Nkhonde	8	6
Chilambya	Lambya	7	8
Chichewa	Chewa	5	
Chingoni	Ngoni	5	5
Chinamwanga	Namwanga	1	1
Kinyakyusa	Nyakyusa	1	2
Chiyao	Yao	1	2
Chindali/Chilhomwe	Ndali/Lhomwe		2
No response	No response	14	10



## 4.2.2 Land and Building Ownership

Approximately 65% of the 245 participants claimed to know where the RRB was. Participants' responses to questions related to land and building ownership give an indication of the perceptions about customary land ownership, specifically within an RRB. Proof of ownership was recorded as follows:

The majority (39) of those who said they inherited the land had no proof of ownership, and 31 had a Deed of Gift;

Those who had land allocated by the Chief: seven (7) had a Deed of Gift, 19 had no proof, 8 said they had customary ownership;

A total of 15 claimed to have a Deed of Gift, bought and fully paid off;

A total of 34 claimed to own the land, fully paid off, but had no proof;

A total of 14 claimed to have a Deed of Gift, and were still paying it off; and,

In 24 cases, different owners owned the building and the land the building was on.

Only two participants mentioned that they were in disputes regarding the use of the land they were occupying, and this related to neighbours' lack of care for the environment.

The majority (195 participants) claimed not to know any Malawian and/or customary law or regulations concerning the use of their land. Of the 50 who did know of laws and regulations, the majority (8) cited that control of customary land was vested in the traditional leaders and that any land related transactions and agreements had to go through these leaders, including buying and selling of land.

In terms of general land ownership perceptions:

Three (3) mentioned that land was inherited;

Three (3) mentioned that land was bought;

Two (2) mentioned that land given by the traditional leaders cannot be taken away; and,

Two (2) mentioned that land can be inherited.

Other single mentions included:

Land belongs to the government, but TAs administer land on behalf of government;

Land belongs to the government;

Land given by the chief cannot be taken away;

Land has to be bought through the TA;

Family land can be inherited;

Houses have to be built far from the road reserve;

If one stays on land for more than ten (10) years, the land cannot be taken away;

If one stays on land for more than seven (7) years, it automatically becomes his;

Inherited land cannot be sold;

Land belonging to husband automatically becomes the wife's possession upon death of husband;

Land can be bought and belong to a person;

Land has to be registered;

Road reserve land has to be compensated;

One can only lease land through the DC; and,

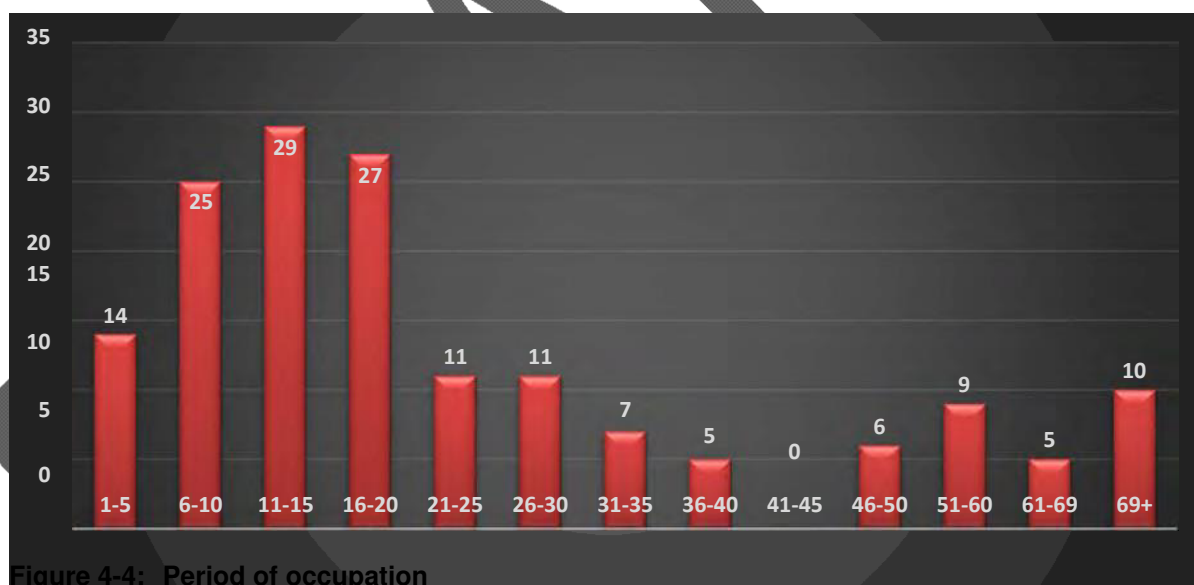
When you have customary land, there is a need to apply for a lease to the government.

Of interest is the high number of tenants interviewed (40), which has implications for the eligibility matrix – both the owners and the tenants will have to be considered for compensation. A total of 13 households and 14 businesses disclosed the rent they paid. There is no notable difference in the rental bracket of households and of businesses (Table 4-10).

**Table 4-10: Rental amount**

Amount	Number of households/businesses
1000-1500	3
2000-2500	4
3000-3500	5
4000-4500	4
5000-5500	1
6000-6500	3
7000-7500	8
8000-8500	1
9000-9500	1
10000-10500	1
30000	1
60000	1

Owners of the land that was being rented to tenants stayed in Chiweta, Bwengu, Phwezi, and Rumphu, amongst others. Some landowners reportedly also stayed as far away as South Africa. The majority of the participants who claimed to have land in the RRB had had the land between 6 and 20 years (81 participants), with 64 participants having had the land for 21+ years (Figure 4-4). In the past five years, 14 participants received land.

**Figure 4-4: Period of occupation**

The majority (66) cited the proximity to trading centres, followed by inheritance (64) as the reason for establishing in the area. Eleven cited that it was the only place available, 10 cited potential job opportunities, 9 cited proximity to family and 3 cited proximity to fields.

Those who said to have buildings outside of the RRB (55), mostly walk or cycle to it. The distance to these buildings vary between 50 meters to 6 km. One building is 40km away, and a car is used to get there. Those who have land outside of the RRB (36) can walk or cycle up to 2 hours to get there, the distance varying between 50 metres to 10km.



### 4.2.3 Households

#### Household Demographics

Households of seven people was in the majority. Households with between three and seven people was the trend. The average household size came to six persons per household (Table 4-11).

**Table 4-11: Household size**

Household size	Number of households	Number of household members
Single	6	6
Two person	8	16
Three person	13	39
Four person	13	52
Five person	15	75
Six person	12	72
Seven person	17	119
Eight person	4	32
Nine person	8	72
Ten person	2	20
Eleven person	5	55
Twelve person	2	24
Thirteen person	1	13
Fourteen person	1	14
Fifteen person	1	15
Twenty one person	1	21
Not recorded		4
<b>Total recorded</b>	<b>109</b>	<b>649</b>

Of all the household members recorded, 27% fell in the 0-10 year-old bracket. The young adults of 18 – 25 years old represented 19% of the household members recorded (Table 4-12).

**Table 4-12: Age distribution**

Age group	Number of household members
0-5	70
6-10	103
11-14	71
15-17	47
18-25	126
26-34	79
35-39	34
40-59	76
60+	37
<b>Total recorded</b>	<b>643</b>
<b>Total adults</b>	<b>352</b>
<b>Total children (0-17)</b>	<b>291</b>
Not recorded	24

A large majority of the adult sample who answered the question on marital status, defined themselves as “single” (28%), possibly in line with the high prevalence of 18-25 year olds (Table 4-13). The sample was composed of 8% widows/widowers, and traditional polygamy was recorded for 3%. Marriage by law was in the majority, at 31%. Reportedly, no children were married, i.e. under the age of 18 years.

**Table 4-13: Marital status**

Marital status	Number of adults
Widow/widower	29
Traditional polygamy	10
Traditional monogamy	65
Single divorced	25
Single	100
Living with partner	16
Lawfully married	112
<b>Total adults recorded</b>	<b>357</b>
Children	292
<b>Total recorded</b>	<b>659</b>
Adults not recorded	10

Reportedly, 46% of the adult population had completed a secondary school education, with those who had completed primary school following AT 41% (Table 4-14).

**Table 4-14: Education level**

Education level	Number of adults
University	2
Certificate	6
Diploma	2
Secondary school	168
Primary school	152
None	37
<b>Total recorded</b>	<b>367</b>

In the past year, 18 households had people joining their households; the reasons being family matters (9), education (7), and jobs (2). They came from: Chitimba, Chiweta, Embangweni, Gowola Hewe Jalawe, Karonga, Karonga District, Lilongwe, Luhomelo, Luzi, Mzimba, Mzokoto, Mzuzu, South Africa, and Uzimala.

In the past year, 16 households had participants leave their homes. The main reasons cited were jobs (6), education (4), family matters (4), other reasons (4 – reasons not cited). They moved to: along the lake, Blantyre, Chitimba, Lilongwe, Mangochi, Mzuzu, Phwezi, Rumphi, and Uzunara.

## Household Livelihoods

Households experienced a shortage of staple food during the course of this year (2019), and the reasons were mostly apportioned to floods. Other reasons cited were: not producing enough food, lack of money, cost of food.

The majority of households reported to have beds, bicycles, chairs, hand hoes, mobile phone(s), radios and tables. A minority of households reported to have: sewing machines, generators, televisions, carts, motorbikes, refrigerators, solar panels, mattresses and telephones.

A quarter of the households that were willing to divulge the amount of money the household collected annually, reported an amount of between Malawi Kwacha (MKW)1-100 000.00, followed by one fifth at MKW101 000.00 to MKW200 000.00 (Table 4-15). The sources of income were reportedly business related activities, crop farming, casual labour, tobacco, vegetables, fruit, livestock, salaries, maize, and wood.

**Table 4-15: Income distribution**

Salary range in MKW	Number of salaries generated
1-100000	24
101000-200000	18
201000-300000	5
301000-400000	8
401000-500000	2
501000-600000	8
601000-700000	8
701000-800000	2
801000-1000000	6
1010000-2000000	5
2010000-3000000	5
4000000-8000000	4
25000000	1
<b>Total</b>	<b>96</b>
Not recorded	13

A total of 47 households reportedly had trees in the RRB, 25 had livestock and 21 gardens. Households reportedly harvested wild fruits to sustain themselves, made use of medicinal plants, went fishing, and made their own bricks. Harvesting of wood for household use was reported by the majority of households. Only 28 adults were formally employed, and 101 were looking for employment.

Reporting on the top three items households spent money on, food emerged as the top expenditure (all households), followed by a cluster consisting of: clothes (57), groceries (50), agricultural activities (48), and school (43).

Only 38 participants reported having a bank account, and NBS, FMB, Standard Bank and OIBM were mentioned. A total of 29 households reported to belong to a village savings or a banking scheme.

## Household Access to Services

### Water

The majority of households (76) get their water from a water pump, followed by a tap in the yard (15), a river/dam (7), a communal tank (5), a communal tap/tap at Phwezi Technical Collge (6), and a spring (1) (5 not recorded). The majority reported to fetch 0-80 litres a day, with 18 households stating that they did not get enough water a day (Table 4-16). Five (5) households paid to transport water.

**Table 4-16: Water quantity per day**

Amount	Number of households/businesses
0-80 litres	44
100-180 litres	37
200-280 litres	18
300-400 litres	4
<b>Total</b>	<b>103</b>
Not recorded	5

**Lighting, heating and cooking**

The findings relating to lighting, heating and cooking were as follows:

The majority of households reportedly used torches for lighting (28), solar power was reported to be used by 24 households (solar touch), electricity by 22 households, the chinese lamp by 21, and candles by six (6) (not reported: 8 households);

For heating, 23 households reportedly used charcoal, and 23 households used wood (not reported: 53);

For cooking, 88 households reportedly used wood and 14 charcoal. Only five reportedly used electricity (not reported: 2);

The majority commented on the scarcity of firewood, and the long distances that had to be covered to find firewood. The cost of charcoal was mentioned as well as the electricity blackouts; and,

A total of 29 households reportedly paid for wood and/or charcoal.

**Sanitation**

All households reported to have a pit latrine with no ventilation.

**Waste disposal**

All households reported to have household pits to dispose of their waste.

**Structures**

The main buildings were recorded as being multi-residential, consisting of a living area and bedrooms. Kitchens were generally separate from the main structure. Structures were mostly built with clay bricks or mud bricks, and windows and doors had wooden frames. Windows were either openings, or covered with glass or reeds. Most main buildings had verandahs. Granaries were generally made of reeds. Some main buildings were also used for business – the residential area were attached to the back of the building.

**Household Health**

The main ailment experienced by households was reported to be Malaria (90). One participant mentioned that it was becoming a normal part of their lives; they forget to mention it as a disease. Couging was mentioned second most (60), followed by diarrhoea/stomach ache (45). Flu was mentioned by 11 participants, asthma by three.

Single mentions included: dental problems, HIV/STI related, headache, high blood pressure, and arthritis. A total of 21 lives were reportedly lost across the 108 households during the course of the year, due to still births, accidents and illnesses.

Households made use of multiple hospitals/clinics:

Nthenji (38);  
Mozokoto (37);  
Bwengu (24);

Ekwendeni (23);  
 Rumphu (15);  
 Luzi (7);  
 Phwezi (5);  
 Jalawe (4); and,  
 Muhuju (2).

#### 4.2.4 Businesses

This section focuses on results of surveys conducted with businesses.

##### Business Type

The majority of shops recorded within the RRB were recorded as grocery shops (37%) (Table 4-17). The majority of the businesses reportedly remained stagnant since they opened the business, with five reporting growth and one reporting a decline. They mostly served the surrounding communities

**Table 4-17: Business types**

Business type	Number of businesses
Agricultural chemicals	1
Barbershop / salon	5
Brick making shop	1
Building	1
Business structure for rent	3
Clothes	1
Grocery Shop	37
Grocery, saloon and barbershop	1
Incomplete structure	1
Liquor and retail shop	1
Liquor shop	1
Maize mill	2
Money bureau	1
Pub	5
Restaurant	1
Rest-house, hair salon	1
Restaurant, Rest-house, Video show	1
Retail shop	15
Retail shop/grocery shop	1
Vegetable stand	1
Sell maize	2
Shop	3
Spare parts shop	2
Tailor shop	3
Tobacco shed	1
Tuckshop	5
Tuckshop and bottle store / bar	1
Video and audio studio	1

Business type	Number of businesses
Warehouse and Video Show	1
<b>Total</b>	<b>100</b>
Not recorded	16

## Business Supplies

Business supplies were reportedly sourced mostly from Rumphi and Mzuzu (Table 4-18).

**Table 4-18: Business supplies**

Supplier	Number
Mzuzu	25
Rumphi	24
Mzuzu and Rumphi	6
Local farmers	3
Phwezi	3
Karonga, Chitipa and Tanzania	1
Mzuzu, Rumphi, Karonga	1
Bolero	1
Karonga	1
Mzuzu and Tanzania	1
Mzuzu, Rumphi, Karonga, Ntcheu and many different areas	1
Phwezi , Rumphi and Chiweta	1
Household garden	1
Rumphi and Karonga	1
Rumphi and Phwezi Trading	1
Rumphi District	3
Rumphi, Karonga and other within Phwezi	1

## Business Income

Business income is illustrated in Figure 4-5, and should be interpreted with caution due to the fact that income is a sensitive subject for the majority of people. The majority fall in the category of MKW5 000.00 to MKW15 000.00 before deductions. The difference in income after deductions differ between business owners, with some not dropping in income and others dropping by 50% and more.





Figure 4-5: Business income

## Business Access to Services

### Water

The majority of businesses get their water from a water-pump (Table 4-19 below), with all reportedly getting sufficient clean water from these sources. For 54 businesses it reportedly took ten minutes or less to get their water supplies, for 20 it took 20-30 minutes, for nine it took 30-60 minutes, and four (4) reported that it took more than an hour (not reported: 36).

A correlation between the time it took and the volume of water required was not evident. The majority of businesses who reported the volume of water they fetched per day, fetched 0-80 litres (73 out of 89), followed by 100-180 litres (15 out of 89), and only one business fetching 200 litres a day.

**Table 4-19: Business water sources**

Water source	Number of businesses
Water-pump	69
Tap - yard	7
Tap - communal	6
Spring well	4
Tap - house	2
River / dam	2
Bottled water	2
Restaurant	1
Tap – community	1
<b>Total</b>	<b>94</b>
Not recorded	22

Problems cited regarding business' water sources mostly related to its distance from the business, and the inadequate number of water sources (Table 4-20).

**Table 4-20: Business water sourcing problems**

Problems with water sources	Number of businesses
One borehole/source only for all the people "The four taps in the community are not enough to cater for over one hundred households"	5
Boreholes are far from our business	10
Shortage of water	3
Access to safe water is once in a while	2
Salty water	2
Access to clean water is difficult	1
Boreholes get damaged very often which makes us fetch water from the rivers	1
Clean water is not readily available	1
Costly	1
Maintenance of boreholes is a problem	1
Water becomes scarce during rainy season	1
October water levels go down hence shortage of water	1
The water is only fit for brickmaking process and he lacks clean water for consumption	1

## Electricity

The majority of businesses reported using electricity for lighting most of the time (Table 4-21 below). Wood is used for cooking most often. Only 26 households mentioned heating, with charcoal and electricity used equally (Table 4-22).

**Table 4-21: Energy sources of lighting**

Energy source for lighting	Number
Electricity	48
Candles	11
Torch	11
Solar	10
Chinese lamp	8
Wood	3
Paraffin	1
<b>Total</b>	<b>92</b>
Not recorded	24

**Table 4-22: Energy sources for cooking**

Energy source for cooking	Number
Wood	21
Charcoal	17
Electricity	13
Paraffin	1
<b>Total</b>	<b>52</b>
not recorded/not cooking at shop	64

Regarding problems with electricity, the majority complained about the electricity black-outs, the cost of the source, and the scarcity of wood (Table 4-23).

**Table 4-23: Energy source problems**

Problems experienced with energy sources	Number of businesses
Unreliable electricity supply	13
Difficult to access wood	9
Candles become difficult to use especially when weather is windy	3
Electricity is expensive	3
Charcoal is expensive	2
Wood is expensive	2
Difficult to get charcoal	2
Candles are expensive	2
Electricity tokens are bought far	1



### Sanitation

All the businesses reported to have pit latrines without ventilation.

### Waste disposal

Businesses reported to make use of their own or a communal waste pit, with three reporting that the waste was dumped anywhere.

### Bank accounts

A total of 50 businesses reported having a bank account, with some having more than one. NBS was the most mentioned. A total of 37 reported membership of a village savings or banking scheme (Table 4-24).

**Table 4-24: Bank membership**

Bank	Number of businesses
NBS	25
Opportunity International Bank Malawi	10
Malawi Savings Bank	6
Standard Bank	3
FDH	3
National Bank of Malawi	3
First Merchant Bank	2

## 4.2.5 Road Specific Feedback

Just over half of the participants heard of the proposed upgrade and rehabilitation of the M1 road, and the majority described it using the words: widening of the road, road extension, road construction. Some mentioned it in connection with resettlement, in all cases with trepidation: *“we will be forced to evacuate as the land on each side belongs to the RA.”* Some were under the impression that the widening would be up to the beacons (Table 4-25).

All the participants claimed to not have been part of a project related survey before, such as Simbanet and the proposed Fufu Dam.

Road accidents were reported as the main concern regarding the road (50 households), and three participants mentioned the noise. One participant lost two children in road accidents

**Table 4-25: Perceptions regarding the project**

Feedback	Number of responses
<b>Negative</b>	
Afraid of losing business land due to the project	26
The project will lead to poverty; starting over will be hard	1
No sensitization about this project as people are still building outside the RRB; Still not aware why widening this road so big	1
We are so devastated because we don't know where we are going and our businesses will be affected	1
No land to relocate to/don't know where to go to in case of relocation	2
Concerned about relocation/ fear of displacement	15
I am widow who cannot manage to build another house	1
Worried about the demolishing of the fence	1
Need to be fully helped if the project will negatively affect his household	1
No money to relocate	3
To lose a beautiful house which has just been built	1
<b>Positive</b>	
It will bring development and will have easy access to goods and services	4
Good development	14
Will reduce accidents	6
Thankful for the government in conducting this survey	
Create jobs	2
<b>Questions / Statements</b>	
Compensation is expected for business/household	22
Resettlement must be done properly	1
Will buildings within the RRB, but not impacted by the upgrade, be demolished	
When will it commence	5
Where will we be moved to	5
We used to hear rumours but now we have proof that the development is coming	1
Fair compensation of land and property	1
What will be her compensation	1

## 5 Resettlement Related Impacts

The focus of this section is on impacts related to the impact “displacement” and resettlement related mitigation measures. Socio-economic impacts presented in the ESIA (490005/1) are included in Appendix A for reference.

### 5.1 Physical Displacement

Physical displacement will not be required for the area that will be taken for the widening of the road. The extent of physical displacement within the RRB is summarised in Table 5-1, and detailed in Appendix C. Appendix C contains the valuation report submitted by the Department of Lands, the lists of the names of the owners of the structures, as well as a corresponding photos of structures.

A total of 511 physical structures were recorded within the project's RRB (Appendix C), 15 graveyards and one (1) cultural heritage site.

**Table 5-1: Summary of impacted physical assets**

House Characteristic	Category	Total
Complete Fired Bricks - Corrugated Iron Roof – Cement - Electricity-Eskom/ Solar Water	A	75
Complete Fired Bricks - Corrugated Iron Roof – Cement - No Electricity - Mains Water	B	16
Complete Fired Bricks - Corrugated Iron Roof – Cement - No Electricity - No Water Mains	C	79
Complete Fired Bricks - Corrugated Iron Roof - Earth	D	46
Complete Fired Bricks – Thatches - Cement	E	28
Complete Fired Bricks – Thatches - Cement	F	106
Mud and Lattice – Thatches - Cement	G	4
Mud and Lattice – Thatches - Earth	H	100
Poles, Thatches Earth	I	
Side Post	J	37
Bole Hole	K	7
Maize Meal	L	2
Bottle Store/Bar	M	1
Church/Mosque - Cement Floor - Earth Floor	N	10
<b>TOTAL **</b>		<b>511</b>
Graveyards*	15	
Cultural heritage sites*	1	

\*\* Source: Valuation Report (Appendix C), 2017

\*Source: The Project Asset Inventory results, 2019



## 5.2 Economic Displacement

Economic displacement will not be required for the area that will be used for the widening of the road. The total number of exotic trees that will be impacted and will be compensated for are 3 281, and are listed in Appendix C, with the names of the owners of these trees and the names of the trees. The estimated number of indigenous trees are listed in Table 5-3, the estimated number of tobacco fields are listed in Table 5-2, and the estimated number of impacted gardens are listed in Table 5-4. As per the entitlement matrix in Table 7-1, crops and crop fields will not be compensated for. Indigenous trees belong to the state and will also not be compensated for.

**Table 5-2: Summary of impacted tobacco fields**

Tobacco field	Total number affected
Tobacco fields	29

Source: The Project Asset Inventory results, 2019

**Table 5-3: Summary of impacted trees**

Affected Category	Total number affected
Exotic trees	26136
<b>TOTAL</b>	<b>26136</b>

Source: The Project Asset Inventory results, 2019

**Table 5-4: Summary of impacted gardens**

Affected Crop Type	Total number affected
Pineapple	2
Maize	73
Cassava	18
Vegetables	2
Ground nuts	1
<b>TOTAL</b>	<b>94</b>

Source: The Project Asset Inventory results, 2019

### 5.3 Other Socio-economic Impacts

Resettlement can often have profound impacts on the socio-economic status and wellbeing of an affected community. These impacts are often not tangible or quantifiable like the physical impacts, yet they too need to be identified and mitigated where possible. Table 5-5 provides a summary of the potential socio-economic impacts expected as a result of the loss of household structures, businesses, services, land, and cultural heritage sites within the RRB. Where PAP have to move to alternative sites, the following guidelines have to be taken into account:

The Henga valley bordering the west of the RRB reduces opportunities to move households further westward. Resettlement of households to the west of the M1 will therefore probably have to be alongside the M1 or across the M1 on its eastern side;

Traders have to be moved in close proximity to the existing trading centres, to an alternative that will not compromise their economic viability. The assumption in regards to trading centres is therefore that it will be possible to move them to alternatives within the current site;

Households, especially those at trading centres and villages, may have to be moved to alternative sites further away from their current location. These households will have to integrate into the communities/areas they move to;

The distance between trader's household and the new trading site has to be acceptable and viable; and,

Where a household is on the trading site, and the trading site falls outside of the minimum of 18 meters, the household will have to move to be outside of the 30 m RRB.

**Table 5-5: Potential socio-economic impacts on PAP**

Impact	+/-	Detail	Proposed Mitigation
<b>Social</b>			
Displacement from land, and loss of livelihoods (grazing land, crop land), loss of access to land	-	Many PAP will be displaced from land they have occupied for more than five years, where they have established habits and activities to support livelihoods. Displacement may lead to landlessness and loss of resources for agricultural and other activities.	<p>Ensure productive agricultural resources are identified and provided for</p> <p>Ensure access to ecosystems services households are dependent on</p> <p>Ensure that businesses and households are assisted during the time of transition</p> <p>Ensure landlessness does not occur, but provide PAP with the necessary legal proof of land ownership</p> <p>Develop and implement a Livelihoods Restoration Plan (LRP)</p> <p>Ensure that PAP are not moved onto land that is fertile and can be used for livelihoods support purposes</p> <p>Ensure access to land or to alternatives</p> <p>New agricultural land should be similar or superior in productive potential</p> <p>Render assistance with preparing and levelling land for agricultural purposes</p> <p>Identify vulnerable households and render additional assistance where required</p> <p>Ensure that tenants do have alternative accommodation, and that these alternatives will not negatively impact livelihoods</p> <p>Establish a legal basis for land acquisition</p>
Loss of a sense of community and family/neighbour support systems	-	<p>Host communities may be detrimentally affected in terms of economic and social circumstances, as a result of additional households moving into their area.</p> <p>Family and neighbour support systems in the community exist. These systems may be detrimentally affected by the resettlement.</p> <p>Host communities, surrounding communities and PAP may be negatively impacted by the influx of job seekers and construction workers.</p>	<p>Establish the need and requirements for host sites</p> <p>Identify potential impacts and management measures where host communities are concerned (land availability, tenure arrangements and resettlement processes)</p> <p>Disrupt host communities as little as possible, and inform them about schedules and activities</p> <p>The identification of alternative land for resettlement and/or the layout of both the community and individual houses should take the current community layout into account</p> <p>Neighbours and families should not be broken apart where possible</p> <p>Households should be involved in the design of the village layout and design of structures</p> <p>Selection of alternative sites should be made with the relevant authorities in consultation with the PAP and the host communities</p> <p>Implement the Code of Conduct for Contractors Employees (Appendix F)</p> <p>Implement the Labour Influx Management Plan (Appendix G)</p>

Impact	+/-	Detail	Proposed Mitigation
Loss and demolition of structures within the RRB leading to stress and feelings of loss and detachment	-	Loss of land may lead to landlessness and homelessness, impoverishment, loss of income, loss of community cohesion and cultural structures. Structures within the RRB will be demolished once they have been evacuated. This may be a traumatic experience for PAP in terms of loss of homes and loss of religious houses. If the structures are not demolished in a timeous manner, illegal occupants may move in. It will also pose a safety hazard in the long term.	<p><u>Demolish structures in a timeous and safe manner</u></p> <p>Allow PAP to salvage materials from structures</p> <p>If so required, provide PAP with photographs of structures that will be demolished</p> <p>Inform PAP about the demolition procedures, timeframes and dates.</p> <p>Arrange for transportation if required, should PAP want to observe the demolition of their structures</p> <p>Refer also to impacts dealing with loss of a sense of community and loss of access to cultural sites</p> <p>Ensure a smooth move from to the new structures, and provide additional assistance during the first months after the move, if required, especially in the case of vulnerable PAP</p>
Loss of access to cultural sites	-	Resettlement may result in PAP being moved from burial sites and other cultural sites. Construction teams may damage or destruct cultural sites, or not show the necessary respect for these sites.	<p><u>Determine the importance of cultural sites, and the activities that occur in relation to these.</u> Ensure that these will still be accessible and activities executable after the move</p> <p>Do not destroy or demolish cultural sites</p> <p>Ensure that the construction team is well aware of the cultural rituals and sites in the area and that they treat these with care, e.g. burial sites should not be entered without permission</p>
Loss of access to social and infrastructure services, the M1, and social networks	-	Resettlement may negatively impact people's access to services, due to an increase in distances to services, lack of roads and transport to services.	<p>Ensure access to social services such as hospitals and schools (adequate roads and transport)</p> <p>Ensure that PAP are moved to areas in close proximity to their current area</p> <p>Monitor the situation after resettlement and implement mitigation measures to minimize impacts where required</p>
Improved security of tenure	+	The community currently do not have title deeds to their properties, when they are resettled their tenure should be improved.	<p>RA should consider, through the TAs, DC and Department of Physical Planning, the advantages and disadvantages to improve the tenure status of the residents by securing leases</p> <p>If leases/title deeds are not the preferred way, Deeds of Gift by the TAs should be provided. The status of both owners and tenants should be addressed</p> <p>Tenure options should be discussed with the PAP</p>
Improved access to basic services	+	The community could receive improved services, particularly water and sanitation.	Through the resettlement process, improved services should be provided, particularly reliable water supply and improved sanitation facilities

Impact	+/-	Detail	Proposed Mitigation
<b>Economics</b>			
Possible employment prospects	+	Currently the majority of the community is not formally employed. A large-scale project in the area may increase employment opportunities for the local population.	<p>The RA should make provision for training and/or business development opportunities in the community, thus taking advantage of improved employment potential</p> <p>Additional cash compensation, if required by the WBG, should be channeled into livelihoods assistance and business development to ensure sustainable development</p> <p>During construction, the RA should employ local people where possible in accordance with their employment policies and requirements</p>
Loss of business due to loss of shops	-	The resettlement of shops and stores could negatively impact the economic activities at trading centres. Lack of land within close proximity of the RRB to ensure that business can carry in alongside the road may render shops economically unviable.	<p>Ensure that shops at trading centers remain united</p> <p>Assess whether shops outside the RRB will have to be resettled to ensure that trading centers remain economic units</p> <p>Provide the necessary livelihoods restoration guidance to ensure that resettled businesses grow sustainably</p>
Impact on employees and income of shop owners	-	The resettlement of shops and stores could negatively impact the income of the owners and employees.	<p>The full replacement values of commercial business structures should be based on market values</p> <p>Cash compensation for loss of income should be negotiated with business owners and employees and based on annual earnings</p> <p>Monitor the impact of resettlement on the business and on employees and their families</p>

## 6 Eligibility for Compensation and Assistance

In this section, the RMF's (2014) and IFC's Performance Standard 5 (2012) approach to eligibility for compensation is taken as the point of departure. The following PAP are considered to be eligible:

- (d) Those who have formal legal rights to land or other affected assets (including customary or traditional rights to the use of land and/or assets);
- (e) Those who initially do not have formal legal rights to occupy or use the land or other assets but have a claim to legal rights based upon the laws of the country, upon the possession of documents such as a Deed of Gift and/or permission from TAs to occupy or use the land; and,
- (f) Those who have no recognisable legal right or claim to the land they are occupying (i.e. tenants and/or squatters).

Persons and households covered under (a) and (b) should be provided in-kind compensation and resettlement assistance for lost land, and other assets. Persons and households covered under (c) are provided compensation for the assets they lose, and other assistance, as necessary, to achieve the objectives set out in the RAP.

### 6.1 Legitimate Interest

Project-affected households are eligible for compensation and other assistance if they have a "legitimate interest" in respect of "immoveable assets" in the RRB at the time of the entitlement cut-off date.

"Legitimate Interest" in immoveable assets at the household level is usually held by a single member, the household head. In this case, through traditional and family practice, the household head is typically the most senior male member of the household. In some instances, the legitimate interest may be held jointly, i.e. by the household head and his/her spouse, or with other members of the extended family. The inheritor, should the household head pass away, must be identified during the process of negotiation.

It should be noted that "Legitimate Interest" is not synonymous with ownership. Even those project affected persons/households/communities with no recognizable right or claim to the assets they occupy or hold are considered eligible for resettlement assistance.

### 6.2 Determination of Eligible Assets

The inventory of immoveable assets, supported by household socio-economic data, forms the basis for compensation of project-affected people/households. In conjunction with compensation rates, the surveys determine the compensation eligibility and entitlement for each project-affected person/household. Immoveable assets include:

Complete Immoveable Assets – assets that are fully established (in the case of crops) or fully constructed (in the case of buildings); and,

Incomplete Immoveable Assets – assets that are only partially established: newly planted (in the case of crops) or partially constructed (in the case of buildings).

The final asset inventory for PAP and any other households that may be physically displaced on the final infrastructure layout will need to be verified as appropriate at the detailed design stage.



### 6.3 Cut-off Date

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified sub project areas is carried out, that is, the time when the RA has identified the land needed and the socio-economic study is conducted (RMF, 2014). After the assessment and study, no new cases of affected people will be considered. Unfinished structures would be identified and secured. Unused materials will be piled at the site so that the cut-off survey can estimate investments that should be compensated for in lieu expenses (including labour) incurred until the cut-off date. The Department of Lands communicated the cut-off date of 30 June 2017 to the PAP whilst they were conducting the valuation. This cut-off date was established by the RA.

The establishment of a cut-off date is required to prevent people from migrating into the selected sites in hopes of receiving compensation. Therefore, establishment of a cut-off date is of critical importance. As the time period between the cut-off date and the project construction is likely to be longer than six months, bearing in mind that work can only begin after PAP have been compensated and any replacement structures built according to the requirements of this RMF, special attention needs to be given to securing the cleared sites from opportunistic invasion. These measures should include close consultation with the recognized PAP, signs that inform the general public of the intended use of the site, security patrols to identify opportunistic invaders, or necessary measures (RMF, 2014).

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## 7 Entitlement

The entitlement matrix outlines the compensation principles for replacing affected assets. The objectives of the entitlement matrix are to identify compensation principles for:

All categories of affected people, including property owners and land right holders, tenants, squatters, and other natural resource users, shopkeepers, vendors and other service providers, communities, and vulnerable groups;

All types of loss associated with each category, including loss of physical, economic and livelihood assets; loss of access to such assets; loss of wages, rent, or sales earnings; loss of public infrastructure and elements of cultural significance; and,

All types of compensation and assistance to which each category is entitled, including: compensation for or replacement of land and natural resources; compensation for structures, assets, wages, rent, or sales earnings; moving assistance and post-resettlement support.

The entitlement matrix is structured to differentiate between temporary and permanently affected assets, i.e. the temporary loss of assets such as fields in laydown areas versus the permanent loss of housing due to physical resettlement.

### 7.1 General Structure of Entitlements

Eligible households will be provided with entitlements as per the final entitlement matrix (Table 7-1). The entitlement matrix needs to be finalised following both the determination of the final project layout and the extent of physical and economic displacement. The entitlement matrix is summarised as follows:

The entitlement matrix is developed in line with the following compensation and associated provision principles:

All compensation packages will be negotiated with affected households;

All compensation packages must restore livelihoods and the standard of living of displaced persons;

All cash compensation will be paid at full market value;

Households must receive compensation packages prior to permanent asset losses;

Affected assets will be replaced with like-for-like assets;

No cash compensation will be provided for permanent loss of physical structures (e.g. housing). Households will receive like-for-like replacement assets;

Pit latrines will be replaced with ventilated pit latrines;

All communal assets (i.e. land and physical structures) will be negotiated with the relevant government department, DC, TA, VDC and AVC; and,

In the unlikely event that public land for communities (village land) is illegible to receive money, money will be used for a village LRP.

Restoration and rehabilitation measures to be provided could include:

Free removal services for all affected households permanently displaced;

Demolishment of structures to be done by the RA;

Additional assistance to vulnerable households;

Resources or other economic and livelihood development programmes (such as agricultural assistance, and training for non-farm income) to assist with the full restoration of income earning capacity of affected households as per an LRP; and,

Monitoring will be participatory, with PAP actively partaking.

Monitoring will be participatory, with PAP actively partaking.

The management and monitoring measures to be provided could include:

- Comprehensive and accessible grievance management procedure;
- Organisational arrangements to ensure effective preparation and implementation of the RAP;
- Ongoing monitoring and evaluation of the implementation of the RAP in order to ensure that compensation and resettlement activities and tasks will be implemented effectively; and,
- Full close-out audit by an independent third party.

No cash compensation will be paid by the project in relation to the loss of access to agricultural land as land is in the RRB. However, PAP will be assisted to identify replacement farm land and put it into cultivation. These households will also be eligible to benefit from the LRP. Bid Document Volume 2 Section VII-2, pages 12-13:

Entitlements for households affected by land take, outside of the RRB, include the following categories (RMF, 2014):

**Compensation for assets and investments:** The RA will compensate for assets and investments, including labour, crops, buildings, and other improvements. Compensation rates will be market related as of the date and time that the replacement is to be provided. Market prices for cash crops would have to be determined. Calculations for compensation will not be made after the entitlement cut-off. For community land held under customary law, the permanent loss of any such land will be covered by community compensation, which will be in kind only; and,

**Compensation for land:** The aim is to provide a farmer whose land is appropriated for project purposes with compensation for land, labour, and crop loss. For this reason, and for transparency, "land" is defined as an area 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 in his/her labour. A farmer works on his/her land most months of the year. The major input for producing a crop is not seed or fertilizer, but the significant labour put into the land each year by the farmer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost. For purposes of measuring land, the unit of measurement should be understood by the affected farmers. In rural areas, for instance, if a traditional unit of measurement exists, that unit should be used. If a traditional unit of measurement does not exist in a particular area, then it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. However, in such an event, the unit that is being used must be explained to the affected farmers/users and be related to easily recognizable land features that are familiar to the communities, e.g. locations of trees and tree stumps.

If any borrow pits are proposed in cultivated lands the RA representative shall be contacted timeously by the contractor with a view to his liaising with the land users connected to the borrow pits. No lands with crops shall be entered into by the contractor unless prior written permission has been obtained from the engineer. The Ministry of Agriculture and Food Security will determine the value of compensation for losses suffered by land users arising from the establishment of borrow pits in cleared or cultivated land. The contractor shall pay the land user the determined compensation and the RA shall reimburse the Contractor;

**Compensation for crops:** The current prices for cash crops have to be determined. All crops are to be compensated using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing a new land. Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to a previous year's land (land in which a farmer has already invested labour) and land that has been planted but has not yet sprouted. Further, it avoids contention over crop density and quality of mixed cropping. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation is to be updated to reflect values at the time compensation is paid. Crop values will be determined based on:

- A combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that farmers typically have in food crops and cash crops is used to determine the chances they would lose food crop rather than a cash crop income
- The value of staple crops is to be taken as the highest market price (over three years) reached during the year, in recognition of the following 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
  - Farmers most often purchase cereals when they 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 hectare value that reimburses for the vegetables and other foods that are commonly intercropped with staples, but are almost impossible to measure for compensation.

**Compensation for labour cost for preparing replacement land:** This cost is calculated on what it would cost a farmer to prepare the replacement land. This value is found by adding together the average costs of clearing, plowing, sowing, weeding twice, and harvesting the crop. Labour costs will be paid in Malawi Kwacha (MK) shillings at the prevailing market rates. All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season, a farmer might need to give up his or her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments. For example, if farmers are notified that their land is needed after the agriculturally critical date of March (generic date, may be different in Malawi and across climate zones) when they will no longer have enough time to prepare another land without help, they will require compensation. Assistance will be provided in the form of labour-intensive village hires, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. Farmers will still continue to receive cash compensation so that they can pay for sowing, weeding, and harvesting;

**Compensation for buildings and structures:** Replacement compensation for structures such as huts, houses, farm outbuildings, latrines, and fences will apply. Any homes lost will be rebuilt on acquired replacement land; however, cash compensation would be available as a preferred option for structures (that is, extra buildings) lost that are not the main house or house in which someone is living. The market price for construction materials will be determined. Alternatively, compensation will be made in kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis. Compensation will be made for structures that are: abandoned because of relocation or resettlement of an individual or household or directly damaged by construction activities. Replacement values will be based on:

- Drawings of the affected individual's house and all its related structures and support services
- Average replacement costs of different types of household buildings and structures based on collection of information on the number of and types of materials used to construct different types of structures (for example, bricks, rafters, bundles of straw, doors, and so forth)
- Prices of these items in different local markets
- Costs for transportation and delivery of these items to acquired/replacement land or building site
- Estimates for construction of new buildings, including required labour;

**Compensation for vegetables, gardens and beehives:** These include gardens planted with vegetables and ingredients for daily use. Until a replacement garden starts to bear, the family displaced (economically/ physically) as a result of project land appropriation will have to purchase these items in the market. The replacement costs will be calculated based on the average amount that a town dweller spends on buying these items for 1 year per adult in the local market. Beekeepers place beehives in various locations in the bush. If such hives will be disturbed by project activities or access to hives is denied, beekeepers can move them and the bees will adapt to the new locations. Beekeepers will be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive;

**Compensation for horticultural, floricultural and fruits trees:** With Malawi's highly variable weather patterns, water costs, and the fact that much of the land is not suitable for growing fruits, village areas are sparsely populated with certain types of fruit trees. Given their significance to the local subsistence economy, which this project intends to positively impact, compensated for fruit trees will be based on a combined replacement market value. Fruit trees used for commercial purposes will be compensated at market value based on historical production records. If households choose to resettle, they will be compensated for the labour invested in the trees they leave behind as they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they previously lived and, in some cases, continue to harvest fruit from those trees for subsistence purposes and/or to sell 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 socioeconomic study. A compensation schedule can be developed incorporating the following goals:

- Replace subsistence fruit production yields as quickly as possible
- Provide subsistence farmers with trees to extend the number of months of the year during which the fruit are produced and can be harvested as a supplemental source of food for their families
- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season periods
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be pro-rated on the basis of the number of square meters of surface area removed. The total surface area of the tree will be calculated using the following formula:  $(1/2 \text{ diameter of canopy})^2 \times 3.14 \text{ (cm}^2 \text{ or m}^2\text{)}$ . Bid Document Volume 2 Section VII-2 (page 13) states that the width of bush clearing is limited to the square metre beyond the limits of the road prism, and that firewood may not be collected by the contractor or his personnel except from the areas cleared for construction;

**Inconvenience allowances:** Generally, cash inconvenience allowances are provided to offset loss of livelihoods as well as disturbance and inconvenience experienced by PAP. Currently it is only proposed that physically displaced households benefit from an inconvenience allowance; and,

**Livelihood restoration benefits provided to support PAP to restore livelihoods affected by project activities:** Livelihood restoration benefits are generally delivered in kind and/or in the form of various services, including training and capacity building. A LRP must be provided in the comprehensive RAP report detailing options for both physically and economically displaced households.

## 7.2 Entitlement Matrix

Entitlements for each type of impact are presented in Table 7-1 below. The RA will be responsible for demolishing structures, and will be responsible for providing transport to move people. In this way, influx is managed, and the PAP and the RA are held to a schedule.

In the event of cash compensation, money is disbursed through the DC with the local chiefs and trade committees as witnesses. Local chiefs and council keep a record of affected persons, their claims and entitlements and documents with names of beneficiaries. Each recipient of compensation shall counter sign the payment schedule against his or her name as proof of receipt of compensation. Figures for compensation are ordered by formal courts for affected people who may appeal to courts for review of compensation packages.

**Table 7-1: Entitlement matrix**

Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Structures				
Residential and business structures on land with title	Structures are partially affected Remaining structures viable for continued use	Not applicable.	Cash compensation for affected building and other fixed assets. Cash assistance to cover costs of restoration of the remaining structure Cash compensation for affected land. Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).	LRP and monitoring not applicable.
Residential and business structures on land leased/squatter	Structures are partially affected Remaining structures viable for continued use	Disturbance compensation equivalent to two months rental costs.	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).	LRP and monitoring not applicable.
Residential and business structures on land leased	Permanent loss of residential/business structures and other assets including services and facilities Remaining structures not suitable for continued use	Relocation assistance (costs of shifting + allowance equivalent to four months rental costs). Assistance to help find alternative rental arrangements. Rehabilitation assistance if required (assistance with job placement, skills training).	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location, which is acceptable to the PAP. For business: Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.	All households and businesses will be eligible to participate in the LRP. Monitoring should be participatory, with PAP actively participating.



Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Residential and business structures on land without title deed (squatter)	Permanent loss of residential structures and other assets including services and facilities Remaining structures not suitable for continued use	Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project. Rehabilitation assistance if required assistance with job placement, skills training). Pit latrines to be replaced by ventilated latrines.	Cash compensation for affected structure without depreciation.	All households and businesses will be eligible to participate in the LRP. Monitoring should be participatory with PAP actively participating.
Residential and business structures on land with title deed	Permanent loss of residential structures and other assets including services and facilities Remaining structures not suitable for continued use	Right to salvage materials without deduction from compensation. Relocation assistance (costs of shifting + allowance). Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Alternative housing needs to be in place and all legal requirements for ownership complete before resettlement, including access to services. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location, which is acceptable to the PAP. Rehabilitation assistance if required (assistance with job placement, skills training). Pit latrines to be replaced by ventilated latrines.	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Land for land replacement or compensation in cash according to PAP's choice. Relocation assistance (costs of shifting + allowance). For business: Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).	All households and businesses will be eligible to participate in the LRP. In the unlikely event that public land for communities (village land) is illegible to receive money, money will be used for a village LRP. Monitoring should be participatory, with PAP actively participating.

Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Residential and business structures on land with/without title deed	Partial loss of structures and other assets including services and facilities (e.g. pit latrine)	<p>Provide the opportunity to recover assets and to salvage materials from structures.</p> <p>Provide equivalent alternative structures and other assets and services (such as sanitation and water supply, fences, etc.) in the same area.</p> <p>Pit latrines to be replaced by ventilated latrines.</p>	<p>For land with title: Disturbance allowance of 20% of the value of the land and building to be lost.</p> <p>For land without title to be confirmed by the TA and DC: disturbance allowance of 15% of the value of the land and building to be lost.</p>	<p>All households and businesses will be eligible to participate in the LRP.</p> <p>In the unlikely event that public land for communities (village land) is illegible to receive money, money will be used for a village LRP.</p> <p>Monitoring should be participatory, with PAP actively partaking.</p>
Business or household tenant structures	Permanent loss structures and other assets including services and facilities	<p>Provide the opportunity to recover assets and to salvage materials from structures (provided these were implemented by the tenant).</p> <p>Alternative structures need to be available and contracts complete before resettlement.</p>	<p>If the rental amount is higher than the current amount, provide the difference over the period of six months.</p> <p>Disturbance allowance 10% of the rental amount.</p>	<p>Monitoring of tenant, business and employees of tenant.</p> <p>Based on monitoring findings provide LRP if required.</p> <p>Monitoring should be participatory, with PAP actively partaking.</p>
Business or household tenant structures	Partial loss structures and other assets including services and facilities	<p>Provide the opportunity to recover assets and to salvage materials from structures (provided these were implemented by the tenant).</p> <p>Alternative structures need to be available before demolition.</p>	Disturbance allowance of 10% of the annual rental amount.	<p>Monitoring of tenant, business and employees of tenant.</p> <p>Based on monitoring findings provide LRP if required.</p> <p>Monitoring should be participatory, with PAP actively partaking.</p>
Street vendor (informal without title or lease to the stall or shop)	Loss of stall or shop	<p>Relocation assistance (costs of shifting).</p> <p>Assistance to obtain alternative site to re-establish the business.</p>	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.	<p>All households and businesses will be eligible to participate in the LRP.</p> <p>Monitoring should be participatory, with PAP actively participating.</p>

Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Grazing				
Grazing land with title	Loss of grazing land	Grazing area replacement to land of sufficient carrying capacity to sustain herd size, with support infrastructure. Secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.	None	Eligible to participate in the LRP.  Monitoring should be participatory, with PAP actively participating.
Grazing land without title	Loss of grazing land	Grazing area replacement to land of sufficient carrying capacity to sustain herd size, with support infrastructure. Secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.		Eligible to participate in the LRP.  Monitoring should be participatory, with PAP actively participating.
Crops				
Annual crops on lost or encumbered land or land submitted to limitation of use without titles:  Less than 20% of land holding affected  Remainder of 80% of land remains economically viable.	Partial loss of annual/perennial crops	No land for land replacement	Cash compensation for affected land equivalent to replacement value  Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years	LRP and monitoring not applicable

Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Annual crops on lost land or encumbered land or land submitted to limitation of use with lease:  Less than 20% of land holding affected  Remainder of 80% of land remains economically viable	Partial loss of annual/perennial crops	No land for land replacement.	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.	LRP and monitoring not applicable.
Annual crops on lost land or encumbered land or land submitted to limitation of use without titles/lease:  Less than 20% of land holding affected  Remainder of 80% of land remains economically viable	Partial loss of annual/perennial crops	No land for land replacement.	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.	LRP and monitoring not applicable.

Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Annual and perennial crops on lost land or encumbered land or land submitted to limitation of use without titles:  More than 20% of land holding lost OR Less than 20% of land holding lost but remaining land not economically viable	Loss of annual/perennial crops	Relocation assistance (costs of shifting + assistance in re-establishing economic trees).  Allowance up to a maximum of 12 months while short-term crops mature + assistance with establishing tobacco sheds).	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop. No compensation will be paid for fallow land.	Monitor and develop an LRP if required.  Monitoring should be participatory, with PAP actively partaking.
Annual and perennial crops on lost land or encumbered land or land submitted to limitation of use with lease:  More than 20% of land holding lost OR Less than 20% of land holding lost but remaining land not economically viable	Loss of annual/perennial crops	Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature + assistance with establishing tobacco sheds).	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater. No compensation will be paid for fallow land.	Monitor and develop an LRP if required.  Monitoring should be participatory, with PAP actively partaking.

Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
<p>Annual and perennial crops on lost land or encumbered land or land submitted to limitation of use with titles:</p> <p>More than 20% of land holding lost OR Less than 20% of land holding lost but remaining land not economically viable</p>	Loss of annual/perennial crops	<p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees</p> <p>Allowance up to a maximum of 12 months while short-term crops mature + assistance with establishing tobacco sheds).</p>	<p>Land for land replacement where feasible, or compensation in cash for the entire landholding (PAP's choice). Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</p> <p>Market value to be determined by the Ministry of Agriculture and the DC.</p> <p>Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop.</p> <p>Cash compensation based on type, age and productive value of affected trees plus 10% premium</p>	<p>Monitor and develop an LRP if required.</p> <p>Monitoring should be participatory, with PAP actively partaking.</p>
Annual/perennial crops on land with/without title or lease used temporarily	Temporary loss of annual/perennial crops	In kind compensation is not applicable.	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop or market value of the crop for the period effected and any longer terms effects as a result of limited ability to replant etc.	LRP and monitoring not applicable.
<b>Heritage and Communal Property</b>				
Graveyards and cultural heritage sites	Loss of access to cultural heritage sites/graveyards	All graveyards and cultural heritage sites will not be disturbed.	<p>No cash compensation will be applicable.</p> <p>A disturbance allowance is not applicable.</p>	<p>If access to cultural sites are impacted, this will be addressed in the LRP.</p> <p>Monitoring should be participatory, with PAP actively partaking.</p>



Affected Asset or Right	Eligibility Conditions	Entitlements		
		Compensation (in kind)	Cash compensation	Livelihood Restoration Assistance and Monitoring
Communal property	Loss of community land such as school buildings, school grounds, clinics	In kind compensation is not applicable.	Provide the relevant government department with the cash compensation required to construct new buildings/wells/taps. Pit latrines to be replaced by ventilated latrines where buildings are replaced.	Monitor the impact of the move on learners, their parents and staff members on livelihoods, and provide assistance where required. Monitoring should be participatory, with PAP actively partaking.
Temporary loss of property/loss off access to property	Loss of buildings, crops, land/loss of access to buildings, crops, land temporarily	In kind compensation is not applicable.	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop. Cash compensation of loss of buildings at market value.	LRP and monitoring not applicable

## 8 Valuation of and Compensation for Losses

Refer to Appendix C of the report for the valuation assessment. SRK contracted local experts to assist with the valuation process. Ms. Mander of the Department of Lands led the method of valuation and the valuation of structures.

## 9 Site selection, Site preparation and Relocation

The identification and selection of alternative sites to relocate businesses were not in SRKs scope of work and will have to be done in collaboration with the TAs, RWG and PAP. PAP will be presented with choices and will be given the opportunity to identify alternatives, regarding method of compensation, structure of relocation (e.g. as part of already existing communities, relocating as individual families, and sustaining existing patterns of group organisation).

Not all the trade centres and villages may have suitable and available land to allow for resettlement in the same area outside the boundary of the RRB, due to e.g. wetlands and housing developments. The identification of alternative sites have to consider the need for businesses in close proximity to the road in order to be accessible to the market and to customers. Businesses will therefore probably be relocated within the same area they are currently operating, and the trade centres alongside the road will probably expand in length in the form of an extended ribbon development.

In terms of households, the culture of the households, the relationships with other households in the area, support systems and access to social and infrastructure services will be considered. The potential fertility and productivity of the land at the alternative sites will be assessed. Where the land does not show similar or improved fertility and productivity potential, land will be prepared to mitigate the shortcomings.

Host communities will be consulted in the process of identification of alternative sites within their area, and the resettlement process. The consultation process will be formalised through the RWG. The engagement process and discussions will be recorded and considered in the environmental and social impact assessment that will be implemented for host sites.

Both the host communities and the PAP will have access to a grievances procedure (outlined in the next section), and the RWG to communicate concerns and suggestions, as well as request information. Vulnerable groups such as women and the landless will be adequately represented, and their limitations will be considered in the finalisation of the grievances procedure.

Plans will be drawn up for the provision of housing, infrastructure (for example, water supply, feeder roads), and social services to PAP and host populations and any necessary site development, engineering, and architectural designs for these facilities.

The environmental and social impacts of the proposed resettlement to the proposed resettlement areas will be assessed, and appropriate mitigation measures will be identified to avoid and/or minimise negative impacts and enhance positive impacts.

The resettlement process will be planned in consultation with the PAP and the host communities, as well as other key stakeholders. Arrangements for prompt payments and assistance to PAP and host communities will be made. A conflict resolution process will be in place, and relations between host communities and PAP will be monitored as part of the monitoring and evaluation process.

The land allocation and planning process that will be followed to identify replacement land, and to determine the best land tenure option that ensures affected households and host sites are no worse off as a result of resettlement are outlined below:

**Determine land requirements:** identify the size and category of affected land from the asset inventory;

**Determine land availability:** develop a land availability map by mapping; (i) “unused” land using existing maps and GIS technology, (ii) overlaying current land tenure status, (iii) plotting service infrastructure (including water and electricity) (iv) engaging the TAs and the DC on land availability;

**Formulate land transfer and develop an action plan:** formulate an action plan for land transfer and development, including a detailed timetable, roles and responsibilities; and,

**Undertake transfer and development activities:** implement the action plan as an integral part of RAP implementation.

The identification and preparation of resettlement sites include, in this order:

- a) Development of resettlement sites, including planning, survey, dwelling and infrastructure design, construction and inspection;
- b) Development of replacement land, including clearing, land preparation and allocation;
- c) Provision of cash compensation including compensation for field preparation labour costs, lost crops, and lost business income. Financial counselling is envisaged as an element of livelihoods restoration;
- d) Implementation of the livelihoods restoration programme, including the finalisation of delivery arrangements and the launch of the various programme elements;
- e) Implementation of transitional assistance and assistance to vulnerable households;
- f) Implementation of the physical resettlement; and
- g) Ongoing resolution of grievances.

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## 10 Grievance Procedure

A transparent, accessible and accountable mechanism through which affected people can express grievances is an important mechanism for sustaining good relations. It is accepted good practice to afford affected parties the opportunity to air concerns and grievances related to sensitive issues such as resettlement and compensation. Against this background a grievance management provision is a requirement of a comprehensive RAP. The RMF (2014) sets out the approach for dealing with grievances, namely:

Once the RAP is approved and the individual/household/community compensation contract has been signed, PAPs should be informed of the process for expressing dissatisfaction and seeking redress. The grievance procedure should be simple administered at the local levels if possible to facilitate access and flexible recognizing that most people are illiterate to ensure that people receive a prompt and fair resolution of their grievances;

The RA, as a party to the contract, would not be the best official body to receive, process, and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the local ward leaders for resolution; and,

If a complaint pattern emerges, the RA, district, and regional administrators, along with the chiefs and RWG, will discuss possible remediation. Negotiation and agreement by consensus will provide the first avenue to iron out and resolve any grievances expressed by the individuals, the landowners or households whose land and properties might be affected. Local leaders will be required to give advice concerning the need for revisions to procedures. Once necessary and appropriate changes are agreed upon and officially written up, the developer, district and regional administrators, chiefs, and homestead representatives and leaders will be responsible for communicating a description of the changed process to future potential PAP at the beginning of the consultation process.

The procedure for handling grievances should be as follows.

1. The affected person should file his grievance in writing, to the Village Head. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, he should obtain assistance to write the note and emboss the letter with his/her thumbprint;
2. The Village Head should notify the Grievance Committee and 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, an independent valuer should be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the Village Leader must notify the aggrieved person that his/her complaint is being considered;
3. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the DCo; and,
4. The Grievance Committee 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 can be taken through the formal court process.

It should also be noted that any query or comment should also be acknowledged and addressed before it becomes an issue or grievance. In practice, grievances and disputes that are most likely during the implementation of a RAP are:

Disputes over plot limits, either between the affected person and the project, or between neighbours;

Disputes over the ownership of a given asset (two or more individuals claim to be the owners of such an asset);

Disagreement over the valuation of an asset;

Family disputes resulting in conflict amongst family members over ownership or shares of a given asset,

Disagreement over resettlement measures; and,

Grievances received from the host community.

## 11 Livelihoods Restoration

This section outlines the proposed approach to LRP, which will have to be further developed in consultation with the PAP, RWG and NGOs.

### 11.1 Purpose

IFC notes that “*simple restoration of livelihood may be insufficient to protect affected populations from adverse project impacts, especially induced effects such as competition for resources and employment, inflation, and the breakdown of social support networks. For this reason, IFC seeks to promote the improvement of the living standards of people affected by the project*”

An LRP aims to ensure that livelihoods are restored in a way that protects PAP from the potential negative impacts of displacement, and goes beyond simple restoration of livelihoods. The socio-economic baseline shows that the majority of the households in the project area are poor and sustain their livelihoods through multiple livelihood activities. Agriculture is prominent among these activities, providing food for household consumption, and in some cases, surplus produce is sold to generate income. In addition to agricultural activities, trade centres are situated alongside the road, with numerous small businesses trading everyday. Markets (mostly for agricultural products) converge once a week to once a month. Other sources of livelihood include formal and informal employment, casual labour, and animal husbandry.

In light of the socio-economic baseline, the application of the entitlement matrix only will therefore not be sufficient to ensure that PAP are the same or better off than before. The RMF (2014) lists rehabilitation assistance as a compensation measure to PAP who are in the RRB and whose entire structures are affected or partially affected. Rehabilitation assistance may include assistance with job placement and skills training, as per the entitlement matrix. Cash-in kind options as well as financial enhancement requirements should rather be channelled into livelihoods restoration activities to ensure sustainable economic growth and livelihoods restoration of PAP.

Eligibility for livelihood restoration include those who will experience loss of:

- Loss of structures (businesses and homes);
- Business that cannot be re-established;
- Agricultural land or access to agricultural land;
- Loss of employment that cannot be re-established; and,
- Vulnerable people due to physical, mental, health, economic and social challenges.

### 11.2 Livelihoods Needs Assessment

Households affected by economic and physical displacement will be eligible to participate in the livelihood restoration programme. Public land for communities (village land) is illegible to receive money and money will be used for the village LRP.

The development of the LRP must be based on a comprehensive approach to livelihood assistance requirements of each project-affected household. The assessment of needs on a household basis will be based on the household survey database, the exit interviews, discussions with the RWG and NGOs – a consultative process. All LRP programmes will need to be designed to ensure sustainability, addressing potential social opportunities to enhance and improve the livelihoods of those affected by displacement. In addition, these programmes will need to be implemented with a broader development strategy that aims to mitigate social impacts and risks.

The baseline factors of the PAP as a group indicates that the following strategies should be considered, focusing on capacity building:

Money management awareness/financial literacy training;  
Agricultural assistance programmes (crops and livestock);  
Business development programme (existing businesses), which may include development of economic diversification options; and,  
Business development programme, which may be small, medium and micro businesses (e.g. providing fresh produce to businesses).

### 11.2.1 Financial Literacy Training

A financial literacy course should focus on assisting PAP to work with compensation money they receive, specifically towards restoration of livelihoods for households and for businesses. The training should include both husbands and wives in order for them to agree and understand the parameters within which the compensation will be spent.

Modules should include: drawing up a budget and spending of cash, balance sheets, tracking of spent, and debt management. In addition, the training should include rendering assistance after payment has been made to ensure plans are executed as prepared for during training sessions. In the event that bank accounts are opened for the first time, training regarding bank accounts need to be given.

Training will have to be compulsory, and will be a prerequisite for PAP to receive their compensations. PAP identified for this training will have to be contacted and invited to the training through a number of channels, such as the village heads, text messages, notices, and radio announcements. Attendees should have at least two dates to choose from to attend, and training venues should be accessible to PAP. Each trading centre should host a training course.

### 11.2.2 Agricultural Assistance Programme

This training will provide agricultural assistance to subsistence farmers who will be losing their fields/gardens within the RRB and have to establish crop fields/gardens elsewhere. The programme should intend to assist farmers to establish their fields in a way that will ensure crop productivity. Eligible farmers will be identified through the compensation process, identifying those who will receive compensation due to loss of farm land/gardens. Those farmers whose farms/gardens will not be impacted will not be eligible for training.

Farmers will be alerted to the training at the exit survey. Training will only happen once all the farmers who wish to continue with farming do have alternative land, and land clearance payment is pending. Training will include an assessment of the clearance payment, use of clearance payment in a way that will improve productivity, the assessment of the alternative land, the consideration of current agricultural practices and tools, the timeframes for planting and harvesting, and the impact of the farming activities on food security. Training will also entail the development of a business plan, if the farmer is interested in developing its subsistence farming activities into a business and in cases where the farmer already operates as a business.

All farmers will be required to attend the financial training.

Assistance packages relevant to each farmer's situation will be put together, to ensure that the business plan can be implemented. The assistance rendered in this regard will be in accordance with the entitlement matrix, and will take into account the current size of land being farmed. This assessment will be done by the NGO who will be selected to implement the training.



### 11.2.3 Business Development

All businesses should be required to attend the financial literacy training, specifically focusing on the financial requirements to build a business. The NGO that will be appointed to assist with business development will have to identify forms of business support that could be applicable to all businesses. This could be in the form of loan provision and/or savings.

The development of a business plan should be part of the training – for existing businesses and those who have opted to move away from agricultural businesses into commercial businesses.

Business support systems will be established, e.g. rendering assistance to register businesses and linking businesses through formal structures in order to encourage support, partnerships, and diversification. Financial, business management, and marketing are some of the modules that will be considered as part of a business development course.

## 11.3 Assistance to Vulnerable Households

Additional assistance should be provided to households, which as a result of their “vulnerability” are unable to fully participate in the resettlement process or the livelihood restoration programme. For the purposes of this project, vulnerability may be viewed in the context of two stages:

Pre-existing vulnerability; and,

Transitional hardship vulnerability, caused by project related physical and economic displacement.

Pre-existing vulnerability is vulnerability that occurs, with or without the project development, whilst transitional hardship vulnerability occurs as a result of those directly affected by the project being unable to adjust to new conditions due to shock or stress related to project activities.

Vulnerability assistance will be rendered as part of the LRP. These households will be identified during the exit survey. The identification of vulnerable households and individuals will be guided by the assessment of the structure of households in terms of: households' ability to feed itself, means of income, level of income, child headed households, female headed households, households headed by those with mental and/or physical health challenges, the elderly and unmarried women who depend on sons, brothers, or others for support, non-farming single women, and small scale women farmers.

Assistance can be rendered to these people in the form of support once payment has been made, ensuring that they are not exploited, ensuring they understand the compensation payment process, and that they attend financial training suitable to their situation. Additional guidance and assistance with finding alternative land will be rendered, and resettlement committees will be made aware of these people and the nature of vulnerabilities. These groups will be individually consulted and will be given technical and financial assistance if they wish to make use of the grievance mechanisms of the project.

## 11.4 Institutional Arrangement for LRP

The composition of the committee who will be responsible for providing oversight to the development and implementation of the LRP will have to be determined. At a minimum, it should include representatives from the RA, the RWG, TAs, local government, the NGOs that will be involved, as well as PAP from the local villages and trading centres. A Terms of Reference (ToR) will be developed to stipulate the roles and the responsibilities of the committee and the PAP. An engagement strategy to communicate the ToR to all relevant stakeholders will be developed.

## 12 Exit Interviews: Identification and Verification

It will be necessary to identify and record all of the structures and affected fields, together with the owners, within the RRB. The information collected for this report (490005RAP/D) will serve as a basis to further refine the quantification and extend of physical and economic displacement. The database of impacted fields, including the location, approximate size, crop types and cultivation status need to be updated. The database for impacted households and business also needs to be updated. Once these have been finalised, a final cost estimation needs to be completed.

With the final identification and verification completed, it will be important to implement a cut-off date for eligibility. It will be important that the cut-off date is widely disseminated to all affected parties as it will determine which field owners will be eligible for compensation. An engagement plan will have to be developed in this regard.

## 13 Monitoring and Evaluation

The RA will be the responsible for the follow-up and monitoring of RAP implementation. To facilitate this task, the RA will use the internal tool Resettlement/Compensation Monitoring Report (RMR) described in the RMF (2014).

The purpose of this RMR is as follows:

- Alert authorities to the RAP implementation;
- Assure the compliance of the RAP during its implementation;
- Report any grievances that require resolution; and,
- Document timely completion of project resettlement obligations (that is, payment of the agreed sums, construction of new structures, and so forth) for all permanent and temporary losses, as well as unanticipated, additional construction damage.

The RA team on the ground will be responsible for periodically reporting to RA managers on the RMR results, so that the RA is promptly aware of any difficulties arising at the local level.

Once the RAP has been completed, a final review is required in order to assure that the plan has been properly implemented. To facilitate this task, the RA will use the Resettlement/Compensation Final Report (RFR) as described in section 6.5.3 of the RMF (2014). The purposes of this RFR are to verify if:

- PAP have been compensated in full before start of project works; and,
- PAP are now living at the same or better standard than before the project proposed.

This RFR needs to be approved by the RA and by the World Bank (No Objection) in the cases where a project requires a RAP (Classification A), as in the case of this sub project. The approval of this RFR is the “green light” to start with the projects execution. In order to follow-up and monitor the RAP implementation, a number of indicators will be used to determine the status of affected people (compared to pre-project, land being used, standard of house, level of participation in project activities, how many kids in school, health standards, and others). The RAP will set three major socio-economic goals by which to evaluate success:

- Affected individuals, households, and communities are able to maintain their project standard of living, and even improve on it;
- Local communities remain supportive of the project; and,
- Absence or prevalence of conflicts.

The indicators in Table 13-1 will be used to monitor and evaluate the implementation of resettlement and compensation plans.

**Table 13-1: Verification indicators for M & E**

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
Communities unable to set village-level compensation after two years	Outstanding village compensation contracts
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre-project production and income (year before land used) versus present production and income of resettles, off-farm-income trainees, and users of improved agricultural techniques	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation
Pre-project production versus present production (crop for crop, land for land)	Equal or improved production per affected household/homestead
Pre-project income of vulnerable individuals identified versus present income of vulnerable groups	Higher post-project income of vulnerable individuals

Source: RMF, 2014

## 14 Cost and Budget

The RA, with the support of the specialized social consultant, will prepare the resettlement/compensation budget. This amount should be included as part of the total budget of the project. This budget will be subject to the pre-approval of the RA and identified the lender, and finally for the district authority. Some of the resettlement/compensation items and assumptions that should be consider are shown in Table 14-1.

**Table 14-1: Potential items of the resettlement/compensation budget**

Item	Estimated cost
Cost of livelihoods restoration, including contracting of suitable organisations to conduct the restoration activities	60, 000, 000.00 Malawian Kwachas
Cost of relocation assistance/expenses	8, 000, 000.00 Malawian Kwachas
Negotiation and signing of compensation agreements, payment of compensation (excludes compensation amounts)	900, 000.00 Malawian Kwachas
Grievances resolution (ongoing)	9, 200, 000.00 Malawian Kwachas
Training of RWGs and GRCs	4, 000 000.00 Malawian Kwachas

\* These costs will be revised at the time payments are made.

The cost of impacted buildings are 638, 359, 300.00 Malawian Kwachas, excluding a disturbance allowance of 20% of the total amount, the cost of demolition, as well as the cost for assistance with establishing new gardens, transport assistance to move, the cost of land acquisition, the cost for town planners, the resettlement team, and project management. The cost of trees are 347, 034, 545.00 Malawian Kwachas, excluding the cost of establishing new trees.

## 15 Way Forward

The RAP has addressed the requirements set out in the RMF (2014), with consideration of GIIP and applicable local legislation. To implement the RAP, the following activities have to be executed as part of the resettlement planning process:

- Prepare for and execute negotiations;
- Identify replacement land and communicate with host communities;
- Complete the valuation based on the entitlement matrix;
- Conduct exit interviews, updating the household census of PAP; and,
- Planning for implementation with consideration of the construction schedule.

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All data used as source material plus the text, tables, figures, and attachments of this document have been reviewed and prepared in accordance with generally accepted professional engineering and environmental practices.

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# Appendices

## **Appendix A: Social Impacts Assessed**

## **A. Impact assessment methodology**

The impact assessment is conducted in an integrated manner that links the biophysical components with the socio-economic components of the environment. The impact assessment is divided into issue identification, impact definition and impact evaluation.

### **Elements for determining impact significance**

The basic elements used in the evaluation of impact significance are described in Tables A-1 and A-2 presents the characteristics that are used to describe the consequence of an impact.

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**Table A1: Key elements in the evaluation of impact significance**

Element	Description	Questions applied to the test of significance
Consequence	<p>An impact or effect can be described as the change in an environmental parameter, which results from a particular project activity or intervention. Here, the term "consequence" refers to:</p> <ul style="list-style-type: none"> <li>(a) The sensitivity of the receiving environment, including its capacity to accommodate the kinds of changes the project may bring about.</li> <li>(b) The type of change and the key characteristics of the change (these are magnitude, extent and duration).</li> <li>(c) The importance of the change (the level of public concern/ value attached to environment by the stakeholders and the change effected by the project).</li> </ul> <p>The following should be considered in the determination of impact consequence:</p> <ul style="list-style-type: none"> <li>(a) Standards and guidelines (thresholds).</li> <li>(b) Scientific evidence and professional judgment.</li> <li>(c) Points of reference from comparable cases.</li> <li>(d) Levels of stakeholder concern.</li> </ul>	<p>Will there be a change in the biophysical and/or social environment?</p> <p>Is the change of consequence (of any importance)?</p>
Probability	Likelihood/chances of an impact occurring.	What is the likelihood of the change occurring?
Effectiveness of the management measures	<p>Significance of the impact needs to be determined both without management measures and with management measures.</p> <p>The significance of the unmanaged impact needs to be determined so there is an appreciation of what could occur in the absence of management measures and of the effectiveness of the proposed management measures.</p>	Will the management measures reduce impact to an acceptable level?
Uncertainty/ Confidence	<p>Uncertainty in impact prediction and the effectiveness of the proposed management measures. Sources of uncertainty in impact prediction include:</p> <ul style="list-style-type: none"> <li>(a) Scientific uncertainty – limited understanding of an ecosystem (or affected stakeholders) and the processes that govern change.</li> <li>(b) Data uncertainty – restrictions introduced by incomplete, contradictory or incomparable information, or by insufficient measurement techniques.</li> <li>(c) Policy uncertainty – unclear or disputed objectives, standards or guidelines.</li> </ul> <p>There are a number of approaches that can be used to address uncertainty in impact prediction, including:</p> <ul style="list-style-type: none"> <li>(a) 'Best' and 'worst' case prediction to illustrate the spread of uncertainty.</li> <li>(b) Attaching confidence limits to impact predictions.</li> <li>(c) Sensitivity analysis to determine the effect of small changes in impact magnitude.</li> </ul>	What is the degree of confidence in the significance ascribed to the impact?

**Table A2: Characteristics used to describe impacts and impact consequences**

Characteristics used to describe consequence	Sub-components	Terms used to describe the characteristic
<b>Type</b>		Biophysical, social or economic
<b>Nature</b>		Direct or indirect, cumulative etc.
<b>Status</b>		Positive (a benefit), negative (a cost) or neutral
<b>Phase of project</b>		During pre-construction (if applicable), construction, operation, decommissioning or post closure
<b>Timing</b>		Immediate, delayed
<b>Magnitude</b>	<b>Sensitivity of the receiving environment/ receptors</b>	High, medium or low sensitivity Low capacity to accommodate the change (impact)/ tolerant of the proposed change
	<b>Severity/ intensity</b> (degree of change measured against thresholds and/or professional judgment)	Gravity/ seriousness of the impact Intensity/ influence/ power/ strength
	<b>Level of stakeholder concern</b>	High, medium or low levels of concern All or some stakeholders are concerned about the change
<b>Spatial extent or population affected</b> The area/population affected by the impact The boundaries at local and regional extents will be different for biophysical and social impacts.		Area/ volume covered, distribution, population Site/Local (social impacts should distinguish between site and local), regional, national or international
<b>Duration (and reversibility / sustainability)</b> Length of time over which an impact occurs and potential for recovery of the endpoint from the impact		Short term, long term Intermittent, continuous Reversible, irreversibility (negative impacts) Sustainable, unsustainable (positive impacts) Temporary, permanent
<b>Confidence</b>		<b>High, Medium, Low</b>



### Impact significance rating

Practicable management measures are recommended that avoid, and if avoidance is not possible, then reduce, restore, compensate/offset negative impacts, enhance positive impacts and assist project design (IFC, 2007). The impact significance rating system is presented in Table A3.

Part A: Defines impact consequence using the three primary impact characteristics of magnitude, spatial scale and duration;

Part B: Uses the matrix to determine a rating for impact consequence based on the definitions identified in Part A;

Part C: Uses the matrix to determine the impact significance rating, which is a function of the impact consequence rating (from Part B) and the probability of occurrence; and

Part D: Defines the confidence level.

**Table A3: Method of rating the significance of impacts**

PART A: DEFINING CONSEQUENCE IN TERMS OF MAGNITUDE, DURATION AND SPATIAL SCALE		
<i>Use these definitions to define the consequence in Part B</i>		
Impact characteristics	Definition	Criteria
<b>MAGNITUDE</b>	Major	Substantial deterioration or harm to receptors; receiving environment has an inherent value to stakeholders; receptors of impact are of conservation importance; or identified threshold often exceeded
	Moderate	Moderate/measurable deterioration or harm to receptors; receiving environment moderately sensitive; or identified threshold occasionally exceeded
	Minor	Minor deterioration (nuisance or minor deterioration) or harm to receptors; change to receiving environment not measurable; or identified threshold never exceeded
	Minor+	Minor improvement; change not measurable; or threshold never exceeded
	Moderate+	Moderate improvement; within or better than the threshold; or no observed reaction
	Major+	Substantial improvement; within or better than the threshold; or favorable publicity
<b>SPATIAL SCALE</b>	Site or local	Site specific or confined to the project area
	Regional	May be defined in various ways, e.g. cadastral, catchment, topographic
	National/ International	Nationally or beyond
<b>DURATION</b>	Short term / reversible / unsustainable	Less than 3 years
	Medium term / partially reversible / sustainable	3 to 15 years
	Long term / irreversible / sustainable	>15 years

B: DETERMINING CONSEQUENCE RATING PART					
Rate consequence based on definition of magnitude, spatial extent and duration					
			SPATIAL SCALE/ POPULATION		
			Site or Local	Regional	National
MAGNITUDE					
Minor	DURATION	Long term	Medium	Medium	High
		Medium term	Low	Low	Medium
		Short term	Low	Low	Medium
Moderate	DURATION	Medium term	Medium	Medium	High
		Short term	Low	Medium	Medium
Major	DURATION	Medium term	Medium	Medium	High
		Short term	Medium	Medium	High
PART C: DETERMINING SIGNIFICANCE RATING					
Rate significance based on consequence and probability					
			CONSEQUENCE		
			Low	Medium	High
PROBABILITY (of exposure to impacts)	Definite	Medium	Medium	High	
	Possible	Low	Medium	High	
	Unlikely	Low	Low	Medium	
PART D: CONFIDENCE LEVEL					
High		Medium		Low	

#### Management recommendations and post management significance

The significance of impacts is re-assessed **with** assumed management measures in place ("**after management**"). The project team and specialists also recommend and describe appropriate **monitoring** and review programs to track the efficacy of management measures.

## B. Socio-economic impacts during construction

### B1. Economic

#### Issues raised by stakeholders

- Concern over theft of materials and equipment
- Tree cutting close to the road, mainly to supply local charcoal sellers
- Tree cutting resulting in affecting the aesthetic value of the area
- Request for information regarding compensation for physical or economic losses especially if located in the road reserve
- Concern over encroachment in the road reserve of farming practices, dwellings and small businesses
- Concern about the disruptive potential on non-local construction workers at community and household levels
- Concern regarding pilferage from vehicles carrying valuable cargo, especially fuel
- Concern over vandalism of new infrastructure
- Request for adequate road safety measures along the road
- Request to include communities throughout the process
- Concern over impact of road on small scale farming
- Request for gender equality in local employment and use of locals

#### **Impact EC1: Disruption of local and through traffic during construction, with associated delays and operator costs.**

The improvement of the M1 road between Kacheche and Chiweta is in the preliminary design phase at present. The schedule for construction remains to be developed, and will depend on decisions made during detailed design.

The M1 road presently carries substantial local and through traffic, with volumes expected to increase following the upgrade (Malawi Roads Authority, 2019). Traffic will be disrupted and delayed along sections of the route as a result of road and infrastructure upgrade activities, with regulated diversions where required.

The economic impacts of the delays for local users are difficult to describe and assess based on the current lack of information, but will apply only where construction is active. The most tangible economic impacts will be on commercial operators using the full length of the project road. In these cases, delays will incur operator costs.

Table EC1

Impact EC1: Disruption of local and through traffic during construction, with associated delays and operator costs.								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Regional</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Effectively manage choke points and detours along the road. Train people to direct / divert traffic and design detours to promote the easiest possible traffic flow. Publish accessible construction schedules enabling users to plan routes and timing. Remove (where feasible) obstacles to traffic flow during periods of construction down time (for example machinery and vehicles).								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Regional</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Medium</i>

### Impact EC2: Local employment and income generation.

The scale of project employment has yet to be determined. The RA has committed to local preference in recruitment, but numbers cannot be predicted without definition of the total workforce. Similarly, the opportunities available for local semi-skilled and unskilled workers have not been determined or quantified.

If local employment is indeed opened up, the short-term impacts on those securing the work and associated income could be considerable, given prevailing levels of unemployment and poverty. Since the construction phase has a limited duration, most local employment will be lost when construction is completed.

Table EC2

Impact EC2: Local employment and income generation.								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	+	<i>Low</i>
<b>Management Measures</b> Develop a detailed construction phase staffing plan, taking into account tasks and skills required. The plan should make provision for optimal local employment. Develop a local recruitment strategy and plan, including ways to optimise access – readily available information on opportunities, clear and simple recruiting procedures and requirements, focussed training (where feasible) to improve threshold skills and access to jobs. Working with local leadership where appropriate, disseminate employment information, including the likelihood of job loss at the conclusion of construction								
<b>After Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	+	<i>Medium</i>

**Impact EC3: Increased spend in local economies by construction workers and contractors.**

The 2010/11 Integrated Household Survey (National Statistical Office Malawi (NSO), 2015) reported that over half of the population was poor and one quarter lived in extreme poverty. With about 85% of the population living in rural areas, close on 100% of the poor live in the rural areas as compared to only 6% of the poor living in urban area (Section 8.2.3). When on site, construction workers and contractors will spend money on local goods and services, bringing benefits to local economies for the duration of the construction phase. This impact will be significant given the poverty of the local rural communities. Spending is likely to be spread across formal and informal business. Positive impacts may be especially meaningful to informal traders and service providers, where markets are small and unpredictable. Goods and services might include alcohol and prostitution (see Impacts CO1 and CO3).

**Table EC3**

<b>Impact EC3: Increased spend in local economies by construction workers and contractors.</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	<i>+</i>	<i>Medium</i>
<b>Management Measures</b> Encourage local administrations and business organisations to provide information to contractors and workers on legal goods and services available. Permit approved small and informal traders to market goods and services in proximity to construction camps, and possibly provide simple facilities. Note: The extent to which measures can improve spending benefits is limited. Hence consequence and significance ratings are unlikely to change.								
<b>After Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	<i>+</i>	<i>Medium</i>

**Impact EC4: Loss of materials and equipment as a result of theft and illegal trading.**

In the course of stakeholder engagement, some respondents expressed concern about theft of materials and equipment, noting that some materials could be used locally, and that the sale of stolen goods could secure income for poor households. The likely extent of these activities is unknown, but stakeholders were sufficiently concerned to raise the issue.

**Table EC4**

<b>Impact EC3: Loss of materials and equipment as a result of theft and illegal trading.</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	<i>-</i>	<i>Low</i>
<b>Management Measures</b> Secure storage for all materials and equipment, with guarding as required. Prepare and disseminate rules regarding theft for all contractors and contract workers, with clearly articulated consequences, Cooperate as necessary with local police								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	<i>-</i>	<i>Low</i>

## B2. Land, livelihoods and compensation

### Impact LC1: Temporary and localised loss of land utility and crops due to construction-linked flooding.

Under Malawi's tropical rainfall regime, local flooding is common. The wet season is between November and April and the average rainfall during the wettest month (April) in Rumphi is 134.5mm. Flooding of fields and loss of crops has been reported along the Kacheche – Chiweta stretch of the M1 (Malawi Roads Agency, 2019), with some attributed to poor drainage and deteriorating drainage infrastructure such as the culverts along the road (Malawi Roads Agency; Stakeholder engagement). There are many culverts along the road, with the number increasing after the confluence of the South Rukuru River with the Kasitu River approximately 50km from the start point at the Kacheche turnoff. Refer to Figure 7-15 – Figure 7-18 in the ESIA report, which indicate the position and number culverts along the road. Construction activities might increase flooding potential temporarily, or flooding might be linked to construction in the perceptions of impacted people.

Table LC1

Impact LC1: Temporary and localised loss of land utility and crops due to construction-linked flooding.								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Attend to flooding potential and avoid actions that might exacerbate flooding (for example the positioning of gravel dumps). Temporary clearance of culverts and drainage channels prior to upgrading, especially where flooding potential is high. Provide drainage alternatives during culvert repair and rebuilding.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>



**Impact LC2: Permanent loss of land and land linked livelihoods on road margins.**

The main land uses along the Kacheche to Chiweta section of the M1 road are agriculture and cultivation, settlement and trading centres and wetland/riparian habitat and dambos (See Section 7.8.4). Road and shoulder widening and alignment adjustment might result in permanent but limited loss of land used for agriculture. In some cases, the lost land might be situated outside the road reserve, but in many instances land used for planting within the reserve might be lost. Compensation consequences are discussed further under Impact LC7.

**Table LC2**

<b>Impact LC1: Permanent loss of land and land linked livelihoods on road margins.</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Long term</i>	<i>Local</i>	<b>High</b>	<i>Definite</i>	<b>High</b>	-	<i>Medium</i>
<b>Management Measures</b> Clarify compensation rules that apply to land and crop loss within the road reserve, and communicate these rules (see Impact LC7 for a fuller discussion of differential compensation). Implement appropriate compensation and livelihoods restoration (where necessary) under a Resettlement Action Plan. Investigate re-use of construction infrastructure such as contractor camps as a community development initiative.								
<b>After Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Low</i>

**Impact LC3: Permanent limited loss of structures and linked livelihoods on road margins.**

Structures such as houses, road side stalls, agricultural and vegetable gardens, brickmaking areas are found in the road reserve. Road and shoulder widening and alignment adjustment might result in permanent but limited loss of structures and linked livelihoods (for example roadside stalls, brick making and vegetable gardens). In some cases, the lost structures and livelihoods might be situated outside the road reserve, but in many instances structures and livelihoods within the reserve might be lost. Compensation consequences are discussed further under Impact LC7.

**Table LC3**

<b>Impact LC1: Permanent loss of land and land linked livelihoods on road margins.</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Long term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Clarify compensation rules that apply to land and crop loss within the road reserve, and communicate these rules (see Impact LC7 for a fuller discussion of differential compensation) Implement appropriate compensation and livelihoods restoration (where necessary) under a Resettlement Action Plan.								
<b>After Management</b>	<i>Minor</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

**Impact LC4: Loss of crops and associated livelihoods at borrow pits and lay down sites as well as along quarry access roads and temporary detours.**

Construction activities will require lay down sites, borrow pits and quarries, access roads and temporary diversions and detours. Apart from agricultural activities, non-agricultural enterprises also serve as a source of income for households in Malawi. Trading centres in the primary and secondary area of influence include maize mills, grocery stores, brick making, restaurants and pubs, and syphoned fuel. Land, crops, vegetable gardens that are currently occurring within the road reserve as well and associated livelihoods will be lost for the duration of construction, or over a longer term if rehabilitation is not undertaken.

**Table LC4**

<b>Impact LC4: Loss of crops and associated livelihoods at borrow pits and lay down sites as well as along quarry access roads and temporary detours</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Long term</i>	<i>Local</i>	<b>High</b>	<i>Definite</i>	<b>High</b>	-	<i>High</i>
<b>Management Measures</b> Implement appropriate compensation for temporary loss under a negotiated Resettlement Action Plan. Rehabilitate sites where necessary, and return to original use and users.								
<b>After Management</b>	<i>Minor</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Definite</i>	<b>Low</b>	-	<i>Medium</i>

**Impact LC5: Temporary loss of access to land-based livelihoods and roadside business due to construction activities.**

80% of Malawi's population living in rural areas are mostly dependent on subsistence agriculture. Agriculture common along the project area is the growing of tobacco, tomatoes, maize and sugar cane (Section 8.2.4) Other livelihood activities are road side businesses, vegetable gardening, grocery stores, brick making, restaurants and pubs and trading centres.

Localised construction activities may temporarily interrupt access to fields adjacent to the M1, especially for vehicles. Similarly, these activities may limit owner and customer access to fixed location roadside businesses and other livelihood practices.

**Table LC5**

<b>Impact LC5: Temporary loss of access to land-based livelihoods and roadside business due to construction activities</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Provide information to proximate communities prior to the start of construction. Implement a grievance and issue collection and response mechanism, allowing the reporting of short term impacts. Ensure quick resolution of access issues where possible. Implement appropriate compensation for temporary loss, possibly under a quick response provision included in the Resettlement Action Plan.								
<b>After Management</b>	<i>Minor</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

### Impact LC6: Opportunistic building, planting and tree removal on road margins.

The 2010/11 Integrated Household Survey (National Statistical Office Malawi (NSO), 2015) reported that over half of the population was poor and one quarter lived in extreme poverty. With about 85% of the population living in rural areas, close on 100% of the poor live in the rural areas (Section 8.2.3). This is typical of the communities living next to the project area. Several opportunistic practices may emerge in anticipation of construction, and in some cases of possible compensation. In the latter case building of structures and planting of trees can be expected. Stakeholders report that tree cutting is already taking place close to the road, mainly to supply local charcoal sellers. This situation adds complexity to compensation planning and has the potential to cause community discontent where compensation is not granted.

**Table LC6**

<b>Impact LC5: Opportunistic building, planting and tree removal on road margins, adding complexity to compensation planning and with potential for community discontent where compensation is not granted</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>
<b>Management Measures</b> Clarify compensation rules that apply to land and crop loss within the road reserve, and wide communication these rules to all affected communities (see Impact LC7 for a fuller discussion of differential compensation). Provide for tree cutting in areas where trees will be lost, and communicate this to relevant local communities.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	+/-	<i>Medium</i>

**Impact LC7: Unhappiness among people displaced from road margins due to perceived compensation exclusions.**

There are structures within the road reserve such as dwellings, grave sites, shops, road side trading stalls that will potentially be affected by the road upgrade. These areas are situated in the more populated areas. Malawi Roads Agency has made it clear that no compensation will be paid for structures and activities that encroach on the road reserve (Malawi Roads Agency – in response to questions from stakeholders). The RA noted that this is a matter of law in Malawi. Those excluded from compensation may contest this position, possibly citing lack of communication of the exclusion, loss of important livelihoods, and possibly other precedent. A precedent was set by the private company, Simbanet, who made provision for compensation when installing fibre optic cables along the M1 road. Documentation suggests that local laws would guide compensation, but the details of actual compensation are not available (Simbanet, 2014).

**Table LC7**

<b>Impact LC5: Unhappiness among people displaced from road margins due to perceived compensation exclusions</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>
<b>Management Measures</b> Clarify possible differences between International Standards and domestic laws on the issue of land use with no rights. Note that IFC Performance Standard 5 (Land Acquisition and Involuntary Resettlement) requires that non-land assets be replaced or retained where project affected people have no land rights, and that provisions are made to restore lost livelihoods. Clarify compensation rules that apply to land and crop loss within the road reserve, and undertake wide and early communication thereof (see Impact LC7 for a fuller discussion of differential compensation). Determine possible livelihood restoration provisions for this group of impacted people.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>



**Impact LC8: Difficulty securing and unhappiness over alternative sites for displaced structures, agricultural activities and businesses.**

The extent of project-based displacement along the Kacheche – Chiweta road remains to be determined (as part of resettlement planning). It is likely, however, that alternative sites will have to be found for displaced structures, agricultural activities and business. In some situations, land availability and tenure patterns might impede access to alternative sites, and the size and location of sites might cause unhappiness among some of those affected.

**Table LC8**

<b>Impact LC8: Difficulty securing and unhappiness over alternative sites for displaced structures, agricultural activities and businesses</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Low</i>
<b>Management Measures</b> Determine the extent of displacement as soon as possible (through the finalisation of the RAP process) and assess requirements for alternative land. Explore access to the land required, and processes to secure it early in the resettlement planning process. Where appropriate, discuss arrangements around alternative sites with affected people (through the RAP process) and secure alignment. Where appropriate, discuss arrangements around alternative sites with hosts (through the RAP process) and secure alignment.								
<b>After Management</b>	<i>Minor</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

### B3. Infrastructure and services

**Impact IS1: Temporary loss of access to social and other services and unplanned interruption of services through infrastructure damage.**

Construction activities may change levels of access to social and other services, where access roads and entrances are temporarily blocked, or where detours and diversions extend distances and travel times. Services with linear infrastructure close to the road such as water, power and telecommunications might also be disrupted by unintended damage to lines.

**Table IS1**

<b>Impact IS1: Temporary loss of access to social and other services and unplanned interruption of services through infrastructure damage</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Identify access potential access problems prior to the commencement of road works, and make arrangements to retain reasonable access. Identify all roadside linear infrastructure and marking locations where the infrastructure is buried during final design phase of the project. Provide access to specialised repair teams capable of repairing breaks and restoring services as quickly as possible. Implement the environmental and social management plan.								
<b>After Management</b>	<i>Minor</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

## B4. Community organisation and wellbeing

**Impact CO1: Community disruption by construction workers (especially in the vicinity of camps), including cultural conflicts, alcohol abuse and the promotion of prostitution.**

The road upgrade project will require teams of construction workers. The number has yet to be determined, but it is proposed that non-local workers be housed in dedicated construction camps (Malawi Roads Agency, 2019). Away from families and with disposable income, it is probable that some of the construction workers will visit community based taverns and restaurants, and seek the services of prostitutes. Respondents in stakeholder engagement meetings expressed particular concern about the disruptive potential of non-local construction workers, at community and household levels.

**Table CO1**

<b>Impact CO1: Community disruption by construction workers (especially in the vicinity of camps), including cultural conflicts, alcohol abuse and the promotion of prostitution</b>								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Develop a code of practice for contractors and construction workers, including requirements for interacting with local people and communities. Cooperate with local police to apprehend and potentially prosecute workers who break the law. Meet with community leaders prior to construction in a particular area to agree strategies to address disruptive behaviour. Move camp locations as frequently as economically and practically feasible, to avoid impacts falling on a few communities.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

**Impact CO2: Unhappiness and social division due to perceived preferential access to construction phase jobs.**

In a socio-economic environment characterised by limited opportunities (7.2.3), high levels of unemployment and widespread poverty, employment (albeit temporary) and compensation will be highly valued. Jobs will be limited, however, and compensation will vary according to entitlement, if offered at all. In addition, construction phase jobs will be lost when construction is completed (Section 2). In this context, elements of the affected communities are likely to be disaffected if they feel they have lost an opportunity while others have benefitted, with potential to cause social division.

**Table CO2**

<b>Impact CO2: Unhappiness and social division due to perceived preferential access to construction phase jobs</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>
<b>Management Measures</b> Determine local recruitment policy and practice, and prioritise local employment. Based on the above implement robust, fair and transparent local recruitment processes, preferably led by a neutral party. Monitor recruitment processes for compliance. Clarify the temporary nature of the construction work offered and include termination arrangements in the contract.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>

## B5. Public health and safety

### Impact HS1: Hazard to pedestrians and cyclists from heavy vehicles and machinery during construction.

The Kacheche to Chiweta road carries mixed traffic, including heavy and light motor vehicles, cyclists, animal-drawn vehicles and pedestrians (Malawi Roads Agency, 2019). Cyclists and pedestrians are already at risk, but will be more so when construction vehicles and machinery enter the traffic mix. Hazards include encounters with construction vehicles and passing active construction sites.

**Table HS1**

Impact HS1: Hazard to pedestrians and cyclists from heavy vehicles and machinery during construction								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>
<b>Management Measures</b> Secure the perimeter of active working sites. Draft and implement a code of practice for construction vehicle drivers, including speed limits and respect for cyclists and pedestrians. Set up general construction phase safety posters in public places close to construction works. Provide safe bypass arrangements at active work sites. Implement environmental and social management plan.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>

### Impact HS2: Health risk from the storage and use of hazardous and toxic materials (bitumen, gasoline, diesel, lubricating oil).

Materials necessary for the road improvement process will be stored at various sites along the project road. The materials are likely to include some that are hazardous or toxic, including sealing materials such as bitumen, gasoline, diesel and lubricating oil. In addition, cement used during construction, hydrocarbons and heavy metals (Section 7.7.1) Health risks include inhalation of fumes and gases, direct contact with these materials and contaminants polluting local water sources.

**Table HS2**

Impact HS2: Health risk from the storage and use of hazardous and toxic materials (bitumen, gasoline, diesel, lubricating oil)								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Secure storage for all materials and equipment, with guarding as required. Store toxic and/or hazardous materials according to Malawi standards, and informed by international best practice. Put in place procedures and arrangements for stormwater management and remediation of spills.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

**Impact HS3: Community health risk from noise and airborne pollutants, including dust and vehicle emissions.**

There are a number of trading centres along the route where many people congregate for business and where settlements occur. Construction vehicles, machinery, sites, quarries and borrow pits and access roads will generate a variety of airborne pollutants, including dust and vehicle emissions. Sites and construction traffic will also be a source of noise. The primary risk is among construction workers, but there is a secondary risk to community members exposed to construction-related pollutants and noise (Section 7.6).

**Table HS3**

<b>Impact HS3: Community health risk from noise and airborne pollutants, including dust and vehicle emissions</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>
<b>Management Measures</b> Maintain vehicles and machinery to ensure compliant emission and noise levels. Undertake dust suppression and management, especially where dust is likely to be generated for a significant portion of each day, and where the proximity of structures and settlements may lead to ongoing exposure. Provide dust and noise nuisance reporting, possibly through a grievance collection and response mechanism (see Impact LC5). Undertake periodic health monitoring through selected local clinics. Reduced vehicle speed in the construction area.								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

**Impact HS4: Danger to uninformed onlookers (especially children) at construction sites, borrow pits and quarries.**

Road upgrading activities may be of interest to local communities, and onlookers can be expected from time to time, and especially at construction sites, borrow pits and quarries close to towns and villages. There is potential danger for all onlookers, but children are particularly at risk. Quarries and borrow pits may seem attractive as play areas for local children.

**Table HS4**

<b>Impact HS4: Danger to uninformed onlookers (especially children) at construction sites, borrow pits and quarries</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Provide perimeter protection at active construction sites, with warning signage incorporating clear imagery and local languages. Undertake safety monitoring at all construction sites, with a specific brief to warn onlookers and to move them to safety if necessary. Provide perimeter protection, especially at borrow pit and quarry sites where access will place casual visitors in acute danger. Provide warning signage as a minimum around these sites, and along access roads. Undertake safety briefings at local schools – possibly using trained volunteers working through designated teachers								
<b>After Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>



### Impact HS5: Risk of increased HIV, STD and other infectious diseases.

Community disruption impacts associated with interaction between construction workers and communities are described under Impact CO1. Among the disruptive activities are alcohol abuse and the promotion of prostitution. The latter activities will enhance the risk of HIV and STD transmission, but will extend more broadly to unprotected sexual intercourse. Tuberculosis is among the other infectious diseases that might be transmitted through worker interaction with communities. Several health care facilities and non-government organisations seek to promote awareness and to treat infected people, with an emphasis in HIV and AIDS (Stakeholder Engagement, 2019). These institutions will be placed under pressure if infection rates increase.

**Table HS5**

Impact HS5: Risk of increased HIV, STD and other infectious diseases								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	Major	Medium term	Local	Medium	Definite	Medium	-	High
<b>Management Measures</b>								
<p>Develop a code of practice for contractors and construction workers, including requirements for interacting with local people and communities.</p> <p>Cooperate with local police to apprehend and potentially prosecute workers who break any laws that may be transgressed when not abiding by the code of practice of contractors. This may also be in relation to actions that are transgressed as set out in the Gender Equality Act and the HIV and AIDS Response and relevant gender equality policies.</p> <p>Brief local NGOs and clinics, and assist the former to provide counselling and information on infectious diseases. Aid agencies, international NGOs and government ministries involved with HIV, TB and other diseases might be willing to assist.</p> <p>Move camp locations as frequently as economically and practically feasible, to avoid impacts falling on a few communities.</p> <p>Note: the consequence and significance of this impact has not changed after implementation of the proposed mitigation measures as it is not anticipated that these mitigation measures will be effective enough to reduce the impact to low</p>								
<b>After Management</b>	Moderate	Medium term	Local	Medium	Possible	Medium	-	Medium
The Bid Document: Volume 2. Section VII-2: Specifications HIV / AIDS Considerations (pages 128-131, 134-139) in summary states the following:								

The contractor is required to implement the following measures to reduce the risk of the spread of HIV/AIDS as a result of the project:

- Initiate and undertake an awareness campaign targeting all persons involved on the contract.
- Institute and undertake an HIV/AIDS prevention programme. As part of the programme he will make available condoms to all personnel employed on the contract at no cost to the personnel.
- Keep detailed records of the number of condoms issued, copies of which shall be submitted to the engineer on a weekly basis.
- Minimise the number of migrant workers employed on the project and housed in the site camp.

## B6.Cultural heritage

### Impact CH1: Loss of or damage to sites of cultural heritage importance.

A number of graveyards have been observed along the road during field investigations. Construction activities may damage or cause the loss of sites of cultural and heritage significance. Such sites may include graves, archaeological materials, sacred objects (trees, water sources) and places used for religious gatherings.

During the scoping consultations the Antiquities Department recommended that a heritage survey and rescue plan be undertaken by their department officials prior to construction. During field visits approximately five graveyards were identified along the Kacheche – Chiweta road. These grave sites will be further assessed during the heritage survey.

**Table CH1**

Impact CH1: Loss of or damage to sites of cultural heritage importance								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Long term</i>	<i>Local</i>	<b>High</b>	<i>Possible</i>	<b>High</b>	-	<i>Low</i>
<b>Management Measures</b> Engage with appropriate local leadership and community representatives to determine the nature and location of potential sites and objects. This should be done in the context of the RAP planning process, and should be supplemented by specialist heritage research as required. Undertake heritage survey and rescue plan through the Department of Antiquities prior to commencement of construction. Formulate a chance find procedure and for contractors, detailing roles, responsibilities and steps to be taken in the event of a find. Where finding an alternative site or compensation is required, address the negotiation and the entitlement / compensation under the RAP. Implement the environmental and social management plan.								
<b>After Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>

## C. Social impacts during operation

### C1. Economic

**Impact EC5: Improved international and regional access due to improvement of the M1 with associated national and regional economic benefits (cumulative).**

The improvement of the M1 road between Kacheche and Chiweta is part of a broader programme to improve the M1 as a whole and associated corridor. The M1 is the major north-south arterial in Malawi, and serves to link Malawi to countries to the north, south and west (Malawi Roads Authority, 2019). The upgrade of the 66.5 km between Kacheche and Chiweta, coupled with a broader upgrade initiative will improve international and regional access, with national and regional economic benefits for Malawi.

**Table EC5**

<b>Impact EC5: Improved international and regional access due to improvement of the M1 with associated national and regional economic benefits (cumulative)</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Long term</i>	<i>National</i>	<i>High</i>	<i>Possible</i>	<i>High</i>	<i>+</i>	<i>Medium</i>
<b>Management Measures</b> Inspection of the road and road reserve Maintenance of the road. Investigate upgrade requirements for other sections of the M1.								
<b>After Management</b>	<i>Major</i>	<i>Long term</i>	<i>National</i>	<i>High</i>	<i>Possible</i>	<i>High</i>	<i>+</i>	<i>Medium</i>

**Impact EC6: Improved local access along the upgraded road.**

The M1 between Kacheche and Chiweta is already extensively used by a variety of local users (heavy and light motor vehicles, cycles, animal-drawn carts, pedestrians – Malawi Roads Authority, 2019). Improvements to the road and shoulders should permit improved traffic flow, and safer use by all traffic forms, improving access to local and regional destinations. Multiple social and economic benefits should accrue from better access (for example reduced travel times and better access to schools and clinics).

**Table EC6**

<b>Impact EC6: Improved local access along the upgraded road</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Long term</i>	<i>Local</i>	<i>Medium</i>	<i>Definite</i>	<i>Medium</i>	<i>+</i>	<i>High</i>
<b>Management Measures</b> Maintain and repair upgraded road and shoulders.								
<b>After Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<i>Medium</i>	<i>Definite</i>	<i>Medium</i>	<i>+</i>	<i>Medium</i>

**Impact EC7: Improved opportunity for the offering and sale of roadside and near off-road goods and services.**

Goods and services are offered for sale along populated stretches of the M1 between Kacheche and Chiweta, and in towns and villages along the route. Increased use of the road should increase the number of potential customers and hence improve the sales opportunities.

**Table EC7**

<b>Impact EC7: Improved opportunity for the offering and sale of roadside and near off-road goods and services</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	<i>+</i>	<i>Medium</i>
<b>Management Measures</b> Provide roadside areas where traders can legally establish stalls and sell their goods. Provide signage for trading areas to enhance safety and visibility.								
<b>After Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	<i>+</i>	<i>High</i>

**Impact EC8: Ongoing and potentially increased pilferage from vehicles carrying valuable cargo.**

Stakeholder engagement respondents have indicated that pilferage from vehicles carrying valuable cargo (especially fuel) is relatively common, with an impact on operator profits. Hence the practice is already an element of the socio-economic baseline in section 8. Improvement of the road will not change the practice significantly, but an increase in the number of vehicles may provide more opportunity for pilferage.

**Table EC8**

<b>Impact EC8: Ongoing and potentially increased pilferage from vehicles carrying valuable cargo</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Long term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	<i>-</i>	<i>High</i>
<b>Management Measures</b> Raise awareness among haulage operators on possible pilferage. Cooperate with local police, and prosecution of offenders.								
<b>After Management</b>	<i>Moderate</i>	<i>Long term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	<i>-</i>	<i>Medium</i>

### Impact EC9: Vandalisation and theft of new infrastructure

Stakeholders raised the issue of vandalism and theft of new infrastructure. Items at risk were not specified, but it is assumed that signage might be prone to vandalism, and that items like steel from roadside barriers and signposts might have value elsewhere, with potential for theft.

**Table EC9**

Impact EC9: Vandalisation and theft of new infrastructure								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>
<b>Management Measures</b> Regular inspections by RA of the status of infrastructure along the route. Cooperate with local police and prosecution of offenders. Implement environmental and social monitoring plan during construction and operation.								
<b>After Management</b>	<i>Minor</i>	<i>Medium term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	-	<i>Medium</i>

## C2. Public health and safety

### Impact HS6: General improvement in the safety of road use due to the road upgrade.

An average vehicle count, of approximately 6600 vehicles during a 12-hour period has been observed on the M1 road between Kacheche and Chiweta (Section 7). In addition, vehicles congregate at trading centres along the route. The road upgrade is based on widely accepted road engineering standards (Malawi Roads Agency, 2019). In combination, the elements of the upgrade (e.g. wider road and shoulders, improved surface, adjusted alignments and better signage) should secure a general improvement in the safety of road use (at least in the short to medium term). Increased traffic and speeds may place pedestrians and cyclists at risk (see Impact HS7), but the safety improvement should benefit motor vehicle drivers and passengers.

**Table HS6**

Impact HS6: General improvement in the safety of road use due to the road upgrade								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ /-	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Regional</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	+	<i>High</i>
<b>Management Measures</b> Promote safe driving, through awareness-building signage and through appropriate road safety campaigns. Maintain road and infrastructure. Road patrols and infringement prosecution. Implement the environmental and social monitoring plan during construction and operation.								
<b>After Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Regional</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	+	<i>High</i>



**Impact HS7: Hazard for pedestrians and cyclists due to increasing traffic volumes and higher vehicle speeds.**

Initial road design studies predict an increase in Annual Average Daily Traffic (AADT) following the improvement of the road (Malawi Roads Agency, 2019). In general, the road upgrade will also permit higher motor vehicle speeds. The Kacheche to Chiweta road is characterised by a mix of road users, including pedestrians and cyclists, with high concentrations around villages and towns (refer to socio-economic baseline in Section 8). This latter group of users is vulnerable to higher motor vehicle traffic volumes and increased vehicle speeds, especially pedestrians seeking to cross the road, and cyclists on the road or using road verges and shoulders.

**Table HS7**

<b>Impact HS7: Hazard for pedestrians and cyclists due to increasing traffic volumes and higher vehicle speeds</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Regional</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>High</i>
<b>Management Measures</b> Establish marked and signposted pedestrian crossings, with clearly indicated speed restrictions at the approach to such crossings. Facilitate the use of culverts already serving as safe pedestrian crossings (maintaining or increasing pipe diameters where appropriate, making access easier and safer, signage warning hazards during rainy periods and storms). Install traffic calming measures (for example speed humps) at all major pedestrian crossings, and in areas considered to pose specific risks to pedestrians (e.g. in and around settlements). Apply and enforce general speed limits. Erect awareness-building signage and posters as part of a safety campaign.								
<b>After Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Regional</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>High</i>



### Impact HS8: Health and safety hazard at borrow pits and quarries.

The RA has indicated a general commitment to site rehabilitation, but details of the nature and extent of rehabilitation at borrow pits and rock quarries are not available. There will be significant differences between borrow pit and quarry sites, but in un-rehabilitated or partially rehabilitated form, many may be health and safety hazards. Among the hazards are stagnant water bodies hosting malaria-bearing mosquitos and slopes that might cause people to slip and fall. Water bodies might also be a drowning hazard, especially among children. With limited rehabilitation information to hand, this assessment assumes that a proportion of the borrow pits and quarries serving the project will embody one or several of the hazards described above.

**Table HS8**

Impact HS8: Health and safety hazard at borrow pits and quarries								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Major</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>		<i>Medium</i>
<b>Management Measures</b> Implement rehabilitation plans for borrow pit and/or quarry sites demonstrating the community health and safety hazards listed under this impact. Measures might include the filling of ponds and the grading of hazardous slopes in order to make borrow-pits and quarries free draining. Where mitigation through rehabilitation is not feasible / possible, perimeter protection around particularly hazardous areas, and warning signage with understandable graphics and in local languages as a minimum. Safety awareness briefings at local schools – possibly using trained volunteers working through designated teachers.								
<b>After Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>

### C3. Infrastructure and services

**Impact IS2: Improved access to key social and other services situated on or in near proximity to the improved road.**

The upgraded road will enhance general access, due to improved traffic flow. Where communities and individuals use the M1 to access social and other services, reaching them should be easier than pre-improvement conditions.

**Table IS2**

<b>Impact IS2: Improved access to key social and other services situated on or in near proximity to the improved road</b>								
	<b>Magnitude</b>	<b>Duration</b>	<b>Scale</b>	<b>Consequence</b>	<b>Probability</b>	<b>SIGNIFICANCE</b>	<b>+ / -</b>	<b>Confidence</b>
<b>Before Management</b>	<i>Moderate</i>	<i>Short term</i>	<i>Local</i>	<b>Low</b>	<i>Possible</i>	<b>Low</b>	+	<i>High</i>
<b>Management Measures</b> Undertake a traffic study during the final design phase. Install clear signposting for major services. Ensure safe and easy access to on-road services, with turning lanes if appropriate. Ensure safe and adequate off-road parking in cases where this is not available								
<b>After Management</b>	<i>Major</i>	<i>Short term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	+	<i>Medium</i>

## C4. Community organisation and wellbeing

### Impact CO3: Potential community disruption at trucking stops, including alcohol abuse and prostitution.

As an international and regional arterial road, the M1 will host many long-haul trucks. There is potential for alcohol abuse and prostitution at trucking stops, and for more general community disruption.

The number and size of trucking stops have not been determined in the preliminary design report. This impact will be in direct relation to the number and size and location of trucking stops provided.

**Table CO3**

Impact CO3: Potential community disruption at trucking stops, including alcohol abuse and prostitution								
	Magnitude	Duration	Scale	Consequence	Probability	SIGNIFICANCE	+ / -	Confidence
<b>Before Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Definite</i>	<b>Medium</b>	-	<i>Low</i>
<b>Management Measures</b> Provide a spread of trucking stops to avoid an over-concentration of disruptive behaviours, if possible. The location of villages and communities will be taken in consideration for the identification of suitable trucking stops. Cooperate with local police to monitor trucking stops. Meet with community leaders to discuss ways to address disruptive behaviour.								
<b>After Management</b>	<i>Moderate</i>	<i>Medium term</i>	<i>Local</i>	<b>Medium</b>	<i>Possible</i>	<b>Medium</b>	-	<i>Medium</i>

## **Appendix B: Stakeholder Engagement**

**DRAFT**

## **Appendix C: Valuation**

Telephone: 01312944  
LANDS (N) Fax No.: 01312579  
Our Ref. No: NR/MZU/06/VAL/17  
Your Ref No: .....



REGIONAL COMMISSIONER FOR  
P.O. Box 492  
Mzuzu  
Malawi

3<sup>rd</sup> July, 2017

SRK Consulting (South Africa) (Pty) Ltd  
265 Oxford Road, Illovo, 2196,  
Johannesburg, South Africa,  
P.O.Box 55291,  
Northlands, 2116,  
**SOUTH AFRICA.**

Dear Sir/ Madam,

**COMPENSATION ASSESMENT SCHEDULE FOR PLANTS AND BUILDINGS  
ALONG KACHECHE-CHIWETA ROAD PROJECT**

**1. Instruction**

In accordance with your request and instruction given to us verbally to assess the value payable to the people affected by Kacheche-Chiweta road project, I confirm that inspections were carried out, and obtained such further information as we deemed necessary to derive opinion as to the current values for compensation purposes.

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

Buildings : **MK 638,359,300.00**

Plants : **MK347,034,545.00**

The total sum is **MK 985,393,845.00 (Nine Hundred Eighty Five Million, Three Hundred Ninety Three Thousand, Eight Hundred Forty Five Hundred Kwacha Only).**

## 2. Purpose of Valuation

This valuation is for compensation purposes only.

## 3. Valuation Date

The valuation date is 3<sup>rd</sup> July, 2017.

## 4. Tenure of Land

The land is already public area.

## 5. Restrictions on Publication

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

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

## 6. Statement of Approach

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

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

Section 44(4) states that “Expropriation of property shall be permissible only when done for public utility, and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law.”

Section 28 of the Land Act (Cap 57:01) provides that any person who suffers any disturbance of, or loss or damage to any interest which he had shall be paid compensation for such disturbance, loss or damage as is reasonable.

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

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



- The value of the unexhausted improvements to the land made at the expense of the person entitled thereto since the date of his acquisition thereof; and
- Any other appreciation in the value of the land since the date of such acquisition.

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

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

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

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

.

## 7. Basis of Compensation

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

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

## 8. Valuation approach

### Methodology

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

## 9. Recommendations:

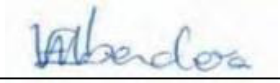
It is recommended that the claimants of buildings be allowed to salvage whatever they can from their properties before the property is destroyed. Note that any improvement on the structure or on the land made after the date of inspection cannot be considered for compensation.

It is further recommended that payment of compensation money be done before relocation. It is advisable to pay everyone at the same time. After payment, time needs to

be agreed with the village headmen and other stakeholders within which relocation will be done.

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

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

Signature:  Date: 3<sup>rd</sup> July, 2017

**EDDA MBENDERA (Valuation Officer, Dpt. Of Lands)**

For: **THE REGIONAL COMMISSIONER FOR LANDS (North)**

## **LIST OF ACRONYMS USED IN THE ASSESMENT REPORT FOR STRUCTURES**

1. CIR: Corrugated Iron Roof
2. SBD: Sun Dried Bricks
3. CFB: Complete Fried Bricks
4. HSE: House
5. KIT: Kitchen
6. PIT: Pit Latrine (Toilet)
7. BTH: Bathroom
8. BQ: Boys Quarters
9. MKT: Market


Compensation rates schedule (Balaka District Council RS" October, 2010)

Crop	Yield /ha Kg/ ha	Producer Price MK	Proposed value MK/ha
Fruit and nut trees			
Apple	300	20	6.000
	150	15	2.250
Avocado	300	25	7.500
	200	10	2.000
Banana	250	7	1.750
	180	1	180
Cashew nut	4	7.500	30.000
	2	7500	15.000
Citrus	700	9	6.300
	400	6	1.200
Grapefruit			
Lemon			
Orange			
Nectarine			
Tangerine			
Coconut	40	40	1.600
	20	20	400
Guava	700	5	3.500
	400	1	400
Loquat			200 / 800 / 2,000
Macadamia	500	475	237.500
	300	475	142.500
Mango (Boloma)	1.000	5	5.000
	800	1	800
Ividngo (grafted)	600	10	6.000
	400	10	4.000
Mango (local)	1.500	1	1.500
	1.000	0,5	500
Masuku (Uapaca kirkiana)	250	5	1.250
	150	0,5	75
Mulberry			600 / 800 / 1,000
Pawpaw	80	22	1.760
	50	10	500
Peach	800	2	1.600
Pear	300	20	6.000
Pineapple	33.000	33	1.089.000
	20.000	18	360.000
Plum	800	2	1.600
Quince	150	15	2.250
Sugarcane	10.000	17	1.700.000
	90.000	6	540.000

Plantation Crops			
Castor oil	800	10	8.000
	400	10	4.000
Cocoa	1.500	150	225.000
	1.000	150	150.000
Coffee	700	150	105.000
	500	150	75.000
Cotton	1.000	15	15.000
	700	15	10.500
Groundnuts	1.500	30	45.000
	1.000	30	30.000
Grams (Black, Green)	700	15	10.500
	400	15	6.000
Guar Beans	1.500	10	15.000
	1.000	10	10.000
Pigeon Peas	1.000	14	14.000
	600	14	8.400
SP...me	700	20	14.000
	400	20	8.000
Sisal	5.000	100	500.000
	300	100	30.000
Soya Beans	1.500	18	27.000
	700	18	12.600
Sunflower	2.500	18	45.000
	1.000	18	18.000
Tea	8.000	90	720.000
	5.000	90	450.000
Tobacco: Burley	2.000	30	60.000
	1.500	30	45.000
Tobacco: Flue cured	2.000	150	300.000
	1.500	150	225.000
Tobacco: SDF Sun Air	800	30	24.000
Noor:	500	30	15.000
Tobacco: Oriental	800	30	24.000
	600	30	18.000
Bi-annual crops			
Cassava	15.000	5	75.000
	9.000	2	18.000
Coco Yam	-	80 / 100 / 200	
Annual crops			
Beans	800	25	20.000
	400	25	10.000
Beans, Dolichos (Chimbamba)	700	10	7.000
	400	10	4.000
Beans, Ground	700	12	8.400
	400	12	4.800

Maize	4.000	12,5	50.000
	2.000	10	20.000
Millet, Finger	1.500	10	15.000
	800	10	8.000
Millet, Pearl	1.000	10	10.000
	600	10	6.000
Peas, Chick	1.000	15	15.000
	500	15	7.500
Peas, Cow	1.000	14	14.000
	500	14	7.000
Rice	5.000	15	75.000
	3.000	15	45.000
Sorghum	1.000	10	10.000
	600	10	6.000
Wheat	1.000	18	18.000
	600	18	10.800
Vegetables			
Asparagus	4.000	20	80.000
	2.000	20	40.000
Egg Plant (Aubergine)	20.000	7	140.000
	15.000	4	60.000
Beans (Zithcaba)	10.000	60	600.000
	6.000	60	360.000
Beetroot	10.000	4	40.000
	20.000	40	800.000
Broccoli	37.000	25	925.000
	25.000	18	450.000
Cabbage	10.000	0,5	5.000
	15.000	3	45.000
Cabbage, Chinese	15.000		600.000
Carrot	60.000	15	900.000
	30.000	3	90.000
Cauliflower	7.000	2	14.000
	5.000	2	10.000
Ginger	10.000	1	10.000
	7.000	1	7.000
Lettuce	6.000	0,5	3.000
Okra	8.000	1	8.000
	6.000	0,5	3.000
Onion	30.000	6	180.000
	20.000	3	60.000
Pumpkin	8.000	30	240.000
	6.000	20	120.000
Rape	10.000	0,5	5.000
Spinach (Swiss Chard)	6.000	0,5	3.000
Tomato	30.000	7	210.000
	20.000	3	60.000

FRUIT TREE INCOMES ESTIMATED IN DECEMBER 2010

Fruit tree	Year to start bearing after planting	 Average yield (kg/tree/year)	Average market price/kg (Mk)	Expected productive life span (years)
Mango	4 to 10	1.5	1.00	30
Citrus (orange, tangerine & lemon)	4 to 10	1.5	1.00	30
Bananas	2 to 3	1.0	800	10
Mexican apple (Masuku)	4 to 10	1.5	1.00	
Peach	3 to 10	1.0		
Plum	3 to 10	1.0		
Granadilla	3 to 10	1.0		
Tree tomato	4 to 10	1.0		
Loquat	3 to 10	1.0		
Pawpaw	3 to 10	1.0		
Avocado pear	5 to 10	1.0		

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## **Appendix D: Census Database**

## **Appendix E: Record of Consultations to Establish RWG and GRC**

## **E1. Establishment of Grievance Redress Committees and Resettlement Working Groups**

In order to fulfil the requirements for the preparation of the implementation of resettlement, Grievance Redress Committees (GRCs) and Resettlement Working Groups (RWGs) have to be established. To this end, during the month of June 2017, SRK Consulting (Pty) Ltd. (SRK) and Vineyard Consulting (VC) conducted consultative meetings with:

District Executive Committees (DEC) of both Mzimba and Rumphi Districts;  
the affected Traditional Authorities (TAs) in both districts;  
the affected Area Development Committees (ADC);  
the affected Village Development Committees (VDC); and,  
Project Affected People (PAP).

SRK was represented by Mr. Grant Theu and Ms. Anita Bron and VC was represented by Mr. Chris Chiumia.

The purpose of the consultative meetings were to:

Establish the GRCs and RWGs;  
Give feedback on the project following the submission of the Environmental and Social Impact Assessment (ESIA) report;  
Give information about the valuation of affected assets located in the Road Reserve Boundary by the Department of Lands in June 2017; and,  
Confirm that PAP will not be compensated for land, but only for assets.

SRK and VC commenced and closed the process of establishing the GRCs and the RWGs with meetings with the Roads Authority (RA). The main purpose of these meetings was to confirm that the GRCs and RWGs met the requirements of the RA. The minutes of these meetings are attached as Appendix E1. The attendees for the preparatory meeting held at the Grand Hotel on 12 June 2017 were:

Mr. John Ng'ambi, Social Specialist, Malawi RA;  
Ms. Edda Mbendera – Valuation Officer, Regional Lands Department;  
Ms. Anita Bron, Social Specialist, SRK; and,  
Mr. Grant Theu, Social Specialist, SRK

The attendees for the close out meeting held at the Roads Authority in Lilongwe on 29 June 2017 were:

Mr. John Ng'ambi, Social Specialist, Malawi RA;  
Mr. Allan Kaziputa, Environmental Specialist, Malawi RA;  
Ms. Anita Bron, Social Specialist, SRK; and,  
Mr. Grant Theu, Social Specialist, SRK.

### **E1.1 Preparation Meetings**

In anticipation of forming the GRCs and RWGs, SRK/VC firstly had meetings with the DEC of Mzimba and Rumphi. These meetings were followed by meetings with Themba la Mathemba (Paramount Chief) Chikulamayembe, and Nkosi (TA) Jalavikuba Munthali. The Mzimba District Administration Regional Office was also consulted. These meetings are discussed in more detail in the subsections that follow.

Ms. Bron requested Mr. Vitumbiko Nyirongo to facilitate a consultative meeting between SRK and Themba la Mathemba Chikulamayembe. Mr. Vitumbiko Nyirongo granted the request on behalf of the DC and assigned Mr. Ismael Soko, a member of the DEC, to accompany the SRK to the Themba la Mathemba.

The following questions were submitted and addressed as follows:

On a question of the time it would take to form the GRC and RWG, SRK responded that the process of elections of the GRC and RWG would take a period of one month to complete; and, Members of DEC wanted to know the synergy that existed between the proposed dam project planned on the lower South Rukuru and the road project. In response, Ms. Bron informed the DEC that SRK would refer the matter to the RA for an answer, as SRK was not party to nor informed of the details of the dam project.

### **E1.1.3 Meeting with Themba la Mathemba (Paramount Chief) Chikulamayembe**

A meeting was held with Themba la Mathemba on 13 June 2017. The following guests were present:

Mr. Ismael Soko, Rumphi District Information Officer and member of Rumphi DEC;  
Ms. Anita Bron, Social Special, SRK; and,  
Mr. Grant Theu, Social Specialist, SRK

After necessary protocols were observed, Mr. Grant Theu explained to the Themba la Mathemba that:

The ESIA process was complete and the report was made available to the public; and,  
The current stage of the work was the valuation of the affected assets located in the Road Reserve Boundary and the formation of Grievance Redress Committees and Resettlement Working Groups.

Mr. Theu, as per traditional protocol, requested permission for SRK/VC to proceed with the planned activities. The Themba la Mathemba granted permission for SRK to consult with his subjects and that the requested activities could proceed.

### **E1.1.4 Meeting with Nkosi (TA) Jalavikuba Munthali**

A meeting was held with Nkosi Jalavikuba on 13 June 2017. The following guests were present:

Ms. Anita Bron, Social Specialist, SRK;  
Mr. Grant Theu, Social Specialist SRK; and,  
Mr. Oswald Mtambo, Mzimba District Administrative Officer to the Nkosi.

After necessary protocols were observed, Mr. Theu informed the Nkosi that:

The ESIA process was complete and the report was available to the public;  
The next stage of the process was the valuation of affected assets located within the Road Reserve Boundary and the formation of GRCs and RWGs.

The Nkosi welcomed the project and informed SRK that the planned processes could proceed as required. He offered his assistance whenever required.

### **E1.1.5 Meeting with TA Njikula**

A meeting was held with TA Njikula on 13 June 2017. The following guests were present:

Mr. Grant Theu, Social Specialist SRK; and,  
Mr. Frank Mkandawire, DPD.

After necessary protocols were observed, Mr. Theu informed the Nkosi that:

The ESIA process was complete and the report was available to the public; and,

The next stage of the process was the valuation of affected assets located within the Road Reserve Boundary and the formation of GRCs and RWGs; and,

The TA welcomed the project and informed SRK that the planned processes could proceed as required. He offered his assistance whenever required. He also confirmed the boundaries of his chiefdom.

### **E1.1.6 Meeting with the Mzimba District Administration Regional Office**

A meeting was held at the Mzimba District Administration Regional Office on 27 June 2017. The following were present:

Ms. Anita Bron, Social Specialist, SRK;

Mr. Grant Theu, Social Specialist, SRK; and,

Mrs. Nyirongo, Mzimba District Administration.

The meeting was a follow up on the meeting held with Mzimba District DEC on 6 June 2017. During the DEC meeting, the Mzimba District Director of Planning and Development, Mr. Kamsisi requested that owing to the distance from Mzimba to the project site, SRK should rather deal with the district representative located at the regional office in Mzuzu, which is located closer to the project.

During the consultative meeting, Mr. Theu briefed the meeting that:

The ESIA process was now complete and that the report is available to the public; and,

The following activities were planned for the month of June 2017.

- Valuation of affected assets located in the Road Reserve Boundary
- Formation of the Grievance Redress Committees and Resettlement Working Groups

Mr. Theu requested that the District Commission should provide a representative during these processes.

Mrs. Nyirongo provided the name of Mr Oswell Mtambo, Administration Officer to Nkosi Jalavikuba Munthali to represent the Mzimba District Commissioner during the processes of valuation and the formation of Grievance Redress Committees and Resettlement Working Groups. She requested that her office should be kept updated on the progress of the project.

## **E1.2 Meetings for the Formation of GRCs**

The composition and locations of the GRCs in both districts were in line with the agreements reached between the RA and SRK/VC (refer to Appendix E1). As per agreement, one GRC is required for each affected Traditional Authority, consisting of the following:

- One member from each RWG;
- One member from each major Trading Centre;
- Two members from each affected Group Village Headman consisting of one male and one female; and,
- One Traditional Authority representative.

Meetings were held in the following four Traditional Authorities:

- Rumphu District: Mwankhinikira, Njikula and Mwalweni/Mwamlowe; and,
- Mzimba District: Jalavikaba Munthali.

The agenda of these meetings was as follows:

- Project background;
- Composition of a GRC;
- Election of the GRC;
- Brief description of the role of the GRC;
- Question and Answer session; and,
- Closing remarks.

The election of members was done by elimination: attendees proposed persons, whereafter members were elected from the list of proposed members. The main concerns raised by elected members were the training of committee members, and the consistent interaction of the RA with the GRCs regarding progress with the implementation of the Resettlement Action Plan.

The issues raised by attendees were similar across the board. These were:

- The training of the GRC and RWG members by the RA should commence as soon as possible.
- Should training not commence soon, members should be updated about progress with the project;
- Attendees wanted to know about the synergy that existed between the proposed dam project planned on the lower South Rukuru and the road project. SRK referred the matter to the RA to address when they meet with the committees;
- Attendees queried whether it would be possible to salvage materials from their buildings that would be demolished. SRK confirmed that this would be possible; and,
- Attendees queried whether they could have a replacement structure instead of money to replace the structures. Not all PAP have the energy and the resources to build a new house. SRK referred the matter to the RA to address when they meet with the committees.

### **E1.2.1 Election of the Mwankhunikira GRC**

A meeting was held in Chinyolo Community on 21 June 2017 to form the GRC. See Table 1.2.1 showing attendance register, and refer to Appendix D3.



**DRAFT**

**Appendix E 1**

## Kacheche-Chiweta RAP (490005)

### Minutes for the Meeting: Roads Authority & SRK Consulting

Held: Roads Authority, Lilongwe, Malawi; 30 June 2017 at 09h00

**Distribution:** John Ng'ambi  
Edda Mbendera  
Grant Theu  
Chris Mazuwa Chiumia  
Kilian, Darryll  
Candy, Beth  
Allan Kaziputa

### Action

#### 1 Present and apologies

In attendance:

The Roads Authority (RA): Mr. John Ng'ambi (JN), Social Specialist  
The Roads Authority (RA): Mr. Allan Kaziputa (AK), Environmental Specialist  
SRK Consulting (SRK): Ms. Anita Bron (AB), Social Specialist  
SRK Consulting (SRK): Mr. Grant Theu (GT) Social Specialist

#### 2 Main purpose of meeting

Feedback regarding fieldwork for Kacheche-Chiweta RAP conducted in June 2017.

#### 3 Feedback

##### 3.1 AB gives feedback about the fieldwork:

Trees asset inventory and structures asset inventory have been completed in accordance with the Karonga-Songwe RAP by the Lands Department.

The structures asset inventory has to be updated to meet SRK minimum requirements, i.e. the inventory has to show the area covered by each structure and the valuation category the structure has been allocated to. These two components are key to the calculation of the compensation amount. Without this information it will not be possible for an auditor to confirm the accuracy of the final compensation amount of a structure, as reflected in the asset inventory. The Department of Lands will complete this by Monday 3 July.

The trees asset inventory has to show every chainage, i.e. every 50m. The Department of Lands will complete this by Monday 3 July.

The Department of Lands will submit the Draft Valuation report to SRK by Monday 3 July. SRK will review it, the Department will address SRK's comments, where after the report will be submitted to the Roads Authority for comment.

## Action

SRK is still concerned that the trees identified have not been marked, and the linkage between the trees and the owners have not been made. SRK foresees that grievances in this regard might be numerous as a result.

JN responds to ABs feedback

SRK should not be concerned about the trees and the fact that they have not been marked.

He thanks SRK for the census (of trees and assets) and the valuation report, and for double checking that the valuations are correct.

He requested that SRK gives the Roads Authority time to reflect on the valuation report and comment on it.

The submission of the RAP is 30 July 2017.

The Roads Authority will respond to SRKs letter.

He agrees with the minutes of the meeting held on 12 June and requests that it be put in a template for minutes of a meeting.

### 3.2 AK gives feedback that

He met with the Department of Lands on 16 June, whilst they were doing fieldwork.

Upon AB's query whether anything was shared with the team, which SRK should know about, AK shared that the gazetted tree values were given to the team.

According to JN the list was also provided to AB. AB does not recall receiving it.

### 3.3 GT gives feedback regarding the formation of Resettlement Working Groups (RWGs) and Grievances redress Committees (GRC)

GT explains that there is only one Traditional Authority (TA) in Mzimba District (Jalavikuba Munthali) and three (Mwankhunikira, Njikula and Mwalweni) in Rumphidistrict affected.

GT requests that the Roads Authority confirms in this meeting that the groups are correctly compiled. JN gives confirmation that the groups are correctly compiled, as per discussions at the meeting at the Grand Hotel. He states that consultations are inclusive and evidence based.

The Roads Authority requests that attendance registers be included in the final report (names and contact details), as well as the process followed and issues raised. JN states that the RAP will be audited and that government will verify that people did attend the meetings.

GT states that the committees requested that the Roads Authority trained them soon. GT states the risk that committees would dissolve should the Roads Authority not involve the committees on a regular basis. JN responds that the project does not have funding yet, and that the mobilisation of the committees depends on the funding. The potential funders ask whether these committees have been established and are awaiting evidence that they have been established. It is therefore crucial that the report be delivered by 30 July. AB states that this is possible, provided the Department of Lands stick to their delivery date of the valuation report for Monday 3 July. The Draft RAP will then be delivered to the Roads Authority mid July, in order for the report to be finally submitted by 30 July 2017.

Minutes taken by: Anita Bron

30/06/2017



Signed by:

Date:

Meeting facilitator

## Kacheche-Chiweta RAP (490005)

### Minutes for the Meeting: Roads Authority & SRK Consulting

Held: Grand Hotel, Mzuzu, Malawi; 12 June 2017 at 20h00

**Distribution:** John Ng'ambi  
Edda Mbendera  
Grant Theu  
Chris Mazuwa Chiumia  
Kilian, Darryll  
Candy, Beth  
Allen Kaziputa

### Action

#### 1 Present and apologies

In attendance:

The Roads Authority (RA): Mr. John Ng'ambi (JN), Social Specialist

The Department of Lands: Ms. Edda Mbendera (EM), Valuation Officer

SRK Consulting (SRK): Ms. Anita Bron (AB), Social Specialist

SRK Consulting (SRK): Mr. Grant Theu (GT) Social Specialist

Vineyard Consulting (VC): Mr. Chris Chiumia (CC) (via WhatsApp call, intermittent connection)

#### 2 Main purpose of meeting

Agree on Kacheche-Chiweta RAP fieldwork, following a meeting between AB, GT and EM and a telephonic discussion between AB and JM in the morning of 12 June 2017.

#### 3 Key points

JN listed the key points, as he recalled them, which were agreed upon during a teleconference between SRK, VC and the RA on 29 May 2017:

SRK to write a letter of commitment to the RA

A full census of the properties and trees within the Road Reserve Boundary (RRB) had to be completed. The RA advised SRK to contact the Department of Lands regarding the census data collection.

Resettlement Working Groups (RWGs) had to be established in all the major trading centres. Grievances Redress Committees (GRC) had to be established in each Traditional Authority impacted.

#### 4 Feedback / progress on the key points

JN stated that the only thing missing in the letter of commitment SRK sent to the RA was that the extension of the contract was a “no cost” extension. JN agreed to respond to SRK’s letter, stating the RA’s acceptance of the letter with the understanding that the extension was a no cost extension.

AB stated that the roles and responsibilities of SRK/VC and the Department of Lands to complete the full census of properties and trees for the Kacheche-Chiweta RAP needed to be clarified, following discussions that morning during which a misunderstanding of roles and responsibilities was identified. She further concluded that there was no value in belabouring the point, and that the focus should be on the way forward. The discussion was concluded with agreement that:

SRK would not sign-off on the valuation report of the Department of Lands, but SRK would review the work against international standards and would expect certain conditions to be met. This will be agreed on in a meeting with EM. Fieldworkers will have to meet with the SRK team for "training" (establish common ground going forward).

It was agreed that a meeting between SRK and EM would be convened to discuss the approach to the survey and SRKs conditions; SRK would pay the Department of Lands allowances as per the quotation to be provided to AB. JN re-iterated that the census and valuation should be done in accordance with the Karonga-Songwe RAP.

JN explained the grievances procedure: the RWG will validate the grievance. It is certified to be valid, it will be submitted to the GRC. Each TA has to have its own GRC. If a grievance cannot be resolved, it goes to the DC. JN will email a document explaining the linkage between the RWG and the GRC. The compilation of the GRC should be as follows:

One from the TA

JN suggests that a sub-chief from Mwalweni is considered

20/06/2017

Meeting facilitator

Date:



**DRAFT**

## **Appendix E 2**

## **Appendix F: Code of Conduct for all Contractors Employees**



**CODE OF CONDUCT FOR ALL CONTRACTORS EMPLOYEES**  
**Employer's Child Protection Code of Conduct**

**To Be Signed by All Employees, Sub-contractors, Sub-consultants, and Any Personnel  
thereof**

I, **insert name** agree that in the course of my association with the Employer, I must:

- treat children with respect regardless of race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
- not use language or behaviour towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate;
- not engage children under the age of 18 in any form of sexual intercourse or sexual activity, including paying for sexual services or acts;
- wherever possible, ensure that another adult is present when working in the proximity of children;
- not invite unaccompanied children into my place of residence, unless they are at immediate risk of injury or in physical danger;
- not sleep close to unsupervised children unless absolutely necessary, in which case I must obtain my supervisor's permission, and ensure that another adult is present if possible;
- use any computers, mobile phones, video cameras, cameras or social media appropriately, and never to exploit or harass children or access child exploitation material through any medium;
- not use physical punishment on children;
- not hire children for domestic or other labor which is inappropriate given their age or developmental stage, which interferes with their time available for education and recreational activities, or which places them at significant risk of injury;
- comply with all relevant local legislation, including labor laws in relation to child labor;
- immediately report concerns or allegations of child exploitation and abuse and policy non-compliance in accordance with appropriate procedures;
- immediately disclose all charges, convictions and other outcomes of an offence, which occurred before or occurs during my association with the Employer that relate to child exploitation and abuse.

When photographing or filming a child or using children's images for work-related purposes, I must:

- assess and endeavour to comply with local traditions or restrictions for reproducing personal images before photographing or filming a child;
- Obtain informed consent from the child and parent or guardian of the child before photographing or filming a child. As part of this I must explain how the photograph or film will be used;
- ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive;
- ensure images are honest representations of the context and the facts;
- ensure file labels, meta data or text descriptions do not reveal identifying information about a child when sending images electronically or publishing images in any form;

I understand that the onus is on me, as a person associated with the Employer, to use common sense and avoid actions or behaviours that could be construed as child exploitation and abuse.

Signed:

Date:

## **Appendix G: Labour Influx Management Plan**

## LABOUR INFLUX MANAGEMENT PLAN

No.	Expected Adverse Impact	Potential Mitigation Measures	Broader Enabling Environment	Responsibility
<b>Social Impacts</b>				
1	All	<ul style="list-style-type: none"> <li>i. Establishment and operation of an effective GRM accessible to community members—ideally with involvement of NGOs—to facilitate early identification of problems and targeted mitigating interventions by Borrower;</li> <li>ii. Provision of information to communities on how to use the GRM to report issues;</li> <li>iii. Monitoring and taking appropriate actions to ensure CESMP provisions are met;</li> <li>iv. Inclusion of relevant provisions in the ESMP</li> <li>v. Inclusion of relevant provisions in the contract</li> </ul>		Roads Authority/ Project Engineer/ Social Specialist
2	Risk of social conflict	<ul style="list-style-type: none"> <li>i. Consultations with and involvement of local communities in project planning and implementation;</li> <li>ii. Awareness-raising among local community and workers;</li> <li>iii. Provision of information regarding Worker Code of Conduct in local language(s);</li> <li>iv. Provision of cultural sensitization training for workers regarding engagement with local community</li> </ul>		Roads Authority/Social Specialist/ Project Engineer
3	Increased risk of illicit behaviours and crime (including prostitution, theft and substance abuse)	<ul style="list-style-type: none"> <li>i. Police monitoring to prevent drugs trafficking;</li> <li>ii. Sensitization campaigns both for workers and local communities</li> </ul>		
		<ul style="list-style-type: none"> <li>i. Sourcing of local workforce;</li> <li>ii. Creation of supervised leisure areas in workers' camp;</li> <li>iii. Cooperation with local law enforcement;</li> <li>iv. Introduction of sanctions (e.g., dismissal) for workers involved in criminal activities;</li> <li>v. Provision of substance abuse prevention and management programs</li> </ul>		Contractor

No.	Expected Adverse Impact	Potential Mitigation Measures	Broader Enabling Environment	Responsibility
4	Adverse impacts on community dynamics	<ul style="list-style-type: none"> <li>i. Liaison with civil society organizations to create integrative action plans;</li> <li>ii. Provision of upfront information on potentially detrimental impacts on local communities.</li> </ul>		Roads Authority
		<ul style="list-style-type: none"> <li>i. Provision of services in the workers' camp to reduce the need for workers to use local community facilities (internet, sports);</li> <li>ii. Provision of entertainment and events for workers within camp to reduce incentives for mixing with local community</li> </ul>		Contractor
5	Influx of Additional Population ("Followers")	<ul style="list-style-type: none"> <li>i. Communications campaign to manage expectations and discourage spontaneous influx of job seekers;</li> <li>ii. Local government to address this additional influx of the "followers" to ensure that no illegal and unsafe settlements develop;</li> <li>iii. Explore options for orderly accommodation on open space that can be monitored by law enforcement. Contractor to hire workers through labour/ recruitment offices and avoid hiring "at the gate" to discourage spontaneous influx of job seekers</li> </ul>		District Commissioners' Office
6	Increased burden on public service Provision	<ul style="list-style-type: none"> <li>i. Workers' camp to include wastewater disposal and septic systems;</li> <li>ii. Identification of authorized water supply source and prohibition of use from other community sources;</li> <li>iii. Separate service providers for community and workers' camp/construction site;</li> <li>iv. Worker Code of Conduct on water and electricity consumption</li> </ul>		Contract
7	Increased risk of communicable diseases (including STDs and HIV/AIDS)	<ul style="list-style-type: none"> <li>i. Contracting of an HIV service provider to be available on-site;</li> <li>ii. Implementation of HIV/AIDS education program;</li> <li>iii. Information campaigns on STIs among the workers and local community;</li> <li>iv. Education about the transmission of diseases;</li> <li>v. Provision of condoms;</li> <li>vi. Monitoring of local population health data, in particular for transmissible diseases.</li> </ul>	Awareness raising about public health impacts from labor influx	Contractor/ Service Providers Ministry of Health

No.	Expected Adverse Impact	Potential Mitigation Measures	Broader Enabling Environment	Responsibility
8	Gender-based violence, including sexual harassment, child abuse and exploitation	<div><div>i.</div><div>Instruction and equipping of local law enforcement to act on community complaints;</div><div>ii.</div><div>Information and awareness raising campaigns for community members, specifically women and girls;</div><div>iii.</div><div>Provision of information to host community about the contractor's policies and Worker Code of Conduct (where applicable</div><div>iv.</div><div>Training of School Management Committee and head teachers on sexual violence and protection of children particularly adolescent girls</div></div>	Increased security presence in nearby communities; Reinforcement of police force where needed; Deployment of female police officers in project area; Application of long-term community-based approaches to address the issue; Enforcement of laws on sexual violence and human trafficking	Contractor/Service Providers
9	Child labor and school drop out	<div><div>i.</div><div>Communication on hiring criteria, minimum age, and applicable laws.</div><div>ii.</div><div>Ensuring that children and minors are not employed directly or indirectly on the project.</div></div>	Enforcement of legislation on child labor	District Labour Officer Contractor
10	Increased traffic and rise in accidents	<div><div>i.</div><div>Local government engagement with contractor and communities to identify accident hotspots and formulation of solutions. Preparation and implementation of a traffic management plan to be approved by supervision engineer</div></div>	DC	
		<div><div>i.</div><div>Building additional/separate roads to project and workers' camp sites;</div><div>ii.</div><div>Organization of commute from camp to project to reduce traffic;</div><div>iii.</div><div>Road safety training and defensive driving training for staff;</div><div>iv.</div><div>Sanctions for reckless driving.</div></div>	Contractor	
Environmental Impacts				
1	Inadequate waste disposal and creation of illegal waste disposal sites	<div><div>i.</div><div>Inspection of waste disposal arrangements</div><div>ii.</div><div>Reduction of waste generation; Sound practices for waste disposal.</div></div>		Resident Engineer Contractor

No.	Expected Adverse Impact	Potential Mitigation Measures	Broader Enabling Environment	Responsibility
2	Wastewater Discharges	<ul style="list-style-type: none"> <li>i. Regular inspection to ensure proper functioning.</li> <li>ii. Ensuring workers' camp and associated facilities are connected to septic tank or other wastewater systems which are appropriate and of sufficient capacity for the number of workers and local conditions.</li> </ul>		Resident Engineer Contractor
3	Increased demand on freshwater resource	<ul style="list-style-type: none"> <li>i. Water conservation and recycling of water; Consideration of use of rainwater where feasible; Avoiding contamination of fresh water sources.</li> </ul>		Contractor
4	Camp related land use, access roads, noise and lights	<ul style="list-style-type: none"> <li>i. Placement of workers' camp away from environmentally sensitive areas to avoid impacts on the local wildlife; Routing of new access routes for workers' camp to avoid/minimize environmentally sensitive areas.</li> </ul>		RE/Contractor
5	Increased deforestation, ecosystem degradation, and species loss	<ul style="list-style-type: none"> <li>i. Cooperation with environmental organizations in the area to seek their advice and allow for early feedback on adverse impacts.</li> <li>ii. Only wood from commercial sources to be used on the project; Use of wood for fuel prohibited; Reduction in energy demand, reduced noise and light generation, reduced and safe use of dangerous chemical substances.</li> </ul>		Environmental Planner/ Contractor
6	Increased use/demand on natural resources	<ul style="list-style-type: none"> <li>i. Close monitoring of impact on natural resources with enforcement of contract or legislative options;</li> <li>ii. Minimized land use change and use of other natural resources; Avoidance of deforestation around camp area; Prompt and effective response to environmental and social issues raised by supervision engineer.</li> </ul>		Environmental and Social Planner Contractor

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