



Government of Republic of Malawi

## Ministry of Agriculture

### Agricultural Sector Wide Approach Support Project II Additional Financing

#### REVISED RESETTLEMENT POLICY FRAMEWORK (RPF)

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## ACRONYMS AND ABBREVIATIONS

ADC	Area Development Committee
ADC	Area Development Committee
AEC	Area Executive Committee.
AfDB	African Development Bank
AGCOM	Malawi Agriculture Commercialization Project
AM	Aide Memoire
ARAPs	Abbreviated Resettlement Action Plans
ASWAp SP II	Agriculture Sector Wide Approach Support Project II
CBO	Community Based Organization
CBRLDP	Community Based Rural Livelihoods Development Project
CWG	Compensation Working Group
DADO	District Agriculture Development Officer.
DC	District Commissioner
DEC	District Executive Committee.
DESC	District Environmental Sub Committee
DLO	District Lands Officer
DP	Displaced Person
DPD	Director of Planning and Development
DPs	Displaced Persons
EAD	Environmental Affairs Department
EDO	Environmental District Officer.
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
EU	European Union
FUM	Farmers Union of Malawi
FY	Financial Year
GDP	Gross Domestic Product
GNI	Gross National Income
GoM	Government of Malawi
GRC	Grievance Redress Committee
GVH	Group Village Headperson
ICT	Information and Communication Technology
IDA	International Development Association
IFC	International Finance Corporation
ISO	International Standard Organization
LA	Land Act
LEP	Livelihoods Enhancement Programme
LGI	Local Government Institutions
MDGS	Malawi Development and Growth Strategy.
M&E	Monitoring and Evaluation



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M&EO	Monitoring and Evaluation Officer.
MoAIWD	Ministry of Agriculture, Irrigation and Water Development
MDGs	Millennium Development Goals
MEPD	Ministry of Economic Planning and Development.
MITC	Malawi Investment Trade Centre
MK	Malawian Kwacha
MLD	Million Litres per Day
MLGRD	Ministry of Local Government and Rural Development
MoEMNR	Ministry of Energy, Mining, and Natural Resources
MoFEPD	Ministry of Finance, Economic Planning and Development
MoGCDSW	Ministry of Gender, Children, Disability and Social Welfare
MoLHUD	Ministry of Lands, Housing and Urban Development
MoTT	Ministry of Trade and Tourism
MP	Member of Parliament
MTR	Mid-Term Review
NAP	National Agriculture Policy
NES	National Export Strategy
NGO	Non-Governmental Organisation
NSO	National Statistical Office of Malawi
NWSP	National Water Sector Policy
OP	Operational Policy
OVC	Orphaned Vulnerable Children
PAD	Project Appraisal Document
PAP	Project Affected Persons
PCU	Project Coordination Unit
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PPD	Public Private Dialogue
PPT	Project Preparation Team
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RIA	Responsible Investment in Agriculture
RPF	Resettlement Policy Framework
STI	Sexually Transmitted Infection
TA	Traditional Authorities
ToRs	Terms of Reference
UN	United Nations
US	United States
USD	United States Dollar
VDC	Village Development Committee
VGGT	Voluntary Guidelines on Responsible Governance
VH	Village Headperson



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VMGP

Vulnerable and Marginalised Groups Plan

WB

World Bank

WTO

World Trade Organization



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## DEFINITION OF SELECTED TERMS USED IN THE RESETTLEMENT POLICY FRAMEWORK.

- **Abbreviated Resettlement Action Plan (ARAP)** - may be prepared where impacts on the entire displaced population are minor, or fewer than 200 people are displaced”.
- **Census:** means a field survey carried out to identify and determined the number of project affected persons or displaced persons in accordance with procedures including criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the local chiefs.
- **Compensation:** means the payment in kind, cash or other assets given in exchange for the taking of land including fixed assets thereon, in whole or in part.
- **Cut – off – date:** means date of commencement of the census of project affected people within the project area boundaries.
- **Displaced persons:** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project result in direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons physically relocate.
- **Involuntary Resettlement:** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the displaced persons has moved to another location.
- **Involuntary Land Acquisition:** means the taking of land by government or other government agencies for compensation for purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
- **Land:** refers to agricultural and non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.
- **Land acquisition:** means the taking of or alienation of land, buildings or other assets thereon for purposes of a Project.
- **Resettlement Policy Framework:** A statement of the policy, principles, institutional arrangements and procedures that the borrower will follow in a project involving resettlement.
- **Rehabilitation Assistance:** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable displaced persons to improve their living standards, income earning capacity and production levels, or at least maintain them at pre-project levels.
- **Replacement cost:** means replacement of assets with an amount sufficient to replace lost assets and cover related transaction costs. In terms of land, this may be categorized as follows.
- **Replacement cost for land:** means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the





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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 Assistance:** means the measures to ensure that displaced persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.
- **Voluntary Land Contribution:** means a process by which an individual or communal owner agrees to provide land or property for project-related activities. Voluntary contribution is an act of informed consent, made with prior knowledge of other options available and their consequences, including the right not to contribute or transfer the land. It must be obtained without undue coercion or duress. Voluntary Land Contribution may be of two types. These are voluntary land contribution for compensation and voluntary land contribution without compensation.



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## EXECUTIVE SUMMARY

### **Project Development Objectives:**

The proposed project objective is to improve the productivity of smallholder farmers and market access of selected commodities for smallholder farmers in selected districts in Malawi.

The proposed project will address the project objectives through a community demand driven approach. The project will build on the successes of previous Agriculture Sector Wide Approach and upscale them in the selected project areas. The project will ensure that the activities promoted are technically and environmentally sound and ensure that the activities are sustained after project closure. The preliminary project structure would include the following four components. The proposed period of the AF is 18 months, from January 2022 to June 2023

### **ASWAp SP II Project Components**

The proposed Agriculture Sector Wide Approach Support Project II has four components that are aligned to the National Agriculture Policy and National Irrigation Policy. These components are (i) Sustainable agricultural productivity and diversification; (ii) Improvement of Rural Roads to enhance access to markets (iii) Institutional Development and Capacity Building for Implementation of National Irrigation Policy and National Agriculture Policy; and (v) Project Coordination and Management.

### **Resettlement Potential of ASWAp SP II**

This RPF will cover activities with a potential for resettlement under Components 2 – Improvement of Rural Roads to enhance access to markets that might lead to temporary and/or permanent acquisition of land and affect livelihoods in project sites. The framework will be used as an instrument throughout the Agriculture Sector Wide Approach Support Project II implementation. The RPF will be publicly disclosed both nationally in the Ministry of Agriculture, Irrigation and Water Development website and at the impacted 12 districts of Lilongwe, Mchinji, Kasungu, Dedza, Mzimba, Ntchisi, Phalombe, Ntcheu, Chitipa, Zomba, Mulanje and Thyolo, to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the project. The Resettlement Action Plans (“RAPs”) for the ASWAp Support Project II will be prepared consistent with the provisions of this RPF.

### **Resettlement Policy Framework for ASWAp SP II**

This Resettlement Policy Framework (RPF) therefore provides overall guidelines and procedures on how the sub-projects will avoid, minimize, manage or mitigate all these project related displacement risks. Whereas the individual sub-project will carry some risks of adverse environmental and social impacts, this report addresses the risks that might arise if an **ASWAp SP II AF** sub-project will result into acquisition of land and hence disturbing the people’s economic, social and/or physical aspects of life. Implementation of these sub-projects is expected to have a widespread positive impact on the overall socio-economic status and livelihoods of the people in the country as a whole.

This Resettlement Policy Framework (RPF) has been developed in line with (OP 4.12) to provide guidelines on how the projects will avoid, manage or mitigate potential risks and the process by which Resettlement Action Plans will be prepared and implemented during the project implementation period.



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This report addresses the risks that might arise if an **ASWAp SP II** Additional Financing sub-projects will result into acquisition of land and hence disturbing the people's economic, social and/or physical aspects of life. Implementation of these sub-projects is expected to have a widespread positive impact on the overall socio-economic status and livelihoods of the people in the country as a whole.

**The objectives of the Resettlement Policy Framework (RPF) are to:**

- i. Establish the resettlement and compensation principles and implementation arrangements; ii. Describe the legal and institutional framework underlying Malawi approaches for resettlement, compensation and rehabilitation;
- ii. Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- iii. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- iv. Provide procedures for filing grievances and resolving disputes.

**Focus Impacts of the RPF**

This resettlement policy framework focuses on direct economic and social impacts that result from the **ASWAp SP II Additional Financing** projects: -

- i. The involuntary taking of land or other resources resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood.
- ii. The involuntary restriction of access to legally designated protected areas and gazetted forests resulting in adverse impacts on the livelihoods of the displaced persons.

**Approximate Number of the PAPs by the projects**

This Resettlement Policy Framework guides the development of resettlement plans for all interventions under **ASWAp SP II AF**. These include wide upscaling of banana macro propagation and production, climate smart agriculture, integrated pest and the addition of livestock production sub component. These interventions are less likely to trigger relocation of households. The **ASWAp SP II** Project activities envisaged that 1000 PAPs of different categories including vulnerable and female headed households in 12 districts of Lilongwe, Mchinji, Kasungu, Dedza, Mzimba, Ntchisi, Phalombe, Ntcheu, Chitipa, Zomba, Mulanje and Thyolo could be affected. The additional finance envisages that 200 PAPs will be affected by the scaled up activities and the added livestock interventions.

**Legislative Framework of the RPF**

The RPF has been developed based on OP 4.12 and the Malawi Laws. Malawi laws cited in this RPF include – the Constitution of Malawi, the National Land Policy 2002, the Land Act (2016), the Customary Land Act (2016), the Land Acquisition Act (2017), the Physical Planning Act (2016), the Registered Land (Amendment) Act (2017), the Environmental Management Act (1996), the Public Roads Act (2017); the Forestry Amendment Act (2017) and other relevant Malawi Policies.

**Institutional Implementation Arrangements for the RPF Implementation**

The proposed **ASWAp SP II** Additional Financing will be implemented using existing organizational structures, incorporating lessons learned and experience gained in the implementation of the **ASWAp SP I and II**.



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Ministry of Agriculture will continue taking charge of the project implementation working jointly with stakeholders who will work with the responsible institution on land issues – the Ministry of Lands, Housing and Urban Development on implementation of the RAPs. The district councils will implement district-specific activities through the existing decentralized structures where the district councils will coordinate the implementation of subprojects under the supervision of Project Facilitation Team and Implementing Departments.

The executing agencies will prepare project (through consultants) specific ESIA/ESMPs and Resettlement Action Plans (RAPs) and all other safeguards instruments for identified investments following detailed screening. These reports will be submitted to the Ministry of Agriculture for review before submission to the World Bank for clearance.

The implementation arrangements of the RPF are based on the requirements and responsibilities for land take, resettlement and compensation as required by Malawian Legislation. The main executing and accountable agency at national level will be the Ministry of Agriculture via the Project Facilitation Team (PFT).

### **Valuation and Compensation Framework**

The legal framework provides for acquisition of land for public purposes for the different development projects and that all peoples affected by expropriation must receive fair and just compensation and that the calculation of fair and just compensation is to be made by independent valuers. The project will compensate for assets and investments, including labor, crops, buildings, and business revenues because of permanent or temporary inaccessibility to a business according to the provisions of the RAP/ARAP. Compensation rates would be market rates as of the date and time that the replacement is to be provided. For community land held under customary law, the permanent loss of any such land will be covered by community compensation. Once the calculations are done, the Ministry of Lands, Housing and Urban Development validates the values done by the independent valuer. This RPF provides for Replacement Costs as valuation basis for compensation. The replacement cost will be determined from the valuation of all losses suffered. The methods, formulae and cost for replacement entitlement are provided in the entitlement matrix of the RPF. This will ensure that OP4.12 requirements are met for valuation for all ASWAp SP II Additional Financing sub-projects.

### **Framework for Preparation and Implementation of RAP under ASWAp SP II Additional Financing**

The RAP will be prepared by a RAP Consultant who will be selected by the project using transparent and best hiring practices. This consultant will conduct the socio-economic survey which will establish PAP compensation to be paid into bank accounts based on the individual PAP compensation agreement derived from the socio-economic survey. The steps to be undertaken toward the preparation of each individual RAP under ASWAp SP II Additional Financing includes a screening process, a socioeconomic profile, census and identification of Project Affected Parties (PAPs), land asset inventory of the area and valuation of assets, public consultation among other RAP preparation process. This will be followed by the development of a Resettlement Action Plan (RAP), RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success. These steps will be the responsibility of the Project Implementation Unit (PIU) at Ministry of Agriculture

### **Framework for Grievance Redress Mechanisms**



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After preparation and approval of any individual RAP under **ASWAp SP II Additional Financing**, all affected individuals and households will have been informed on the process for expressing dissatisfaction and seeking redress. The grievance procedure will be simple, and will be administered as far as possible at the village level by the Community Leader/ Customary Land Committee and Resettlement and Compensation Committee to facilitate access by PAPs. This RPF contains principles of grievance redress and elaborates the grievance redress process. All grievances concerning dissatisfaction with compensation amounts, or seizure of assets without compensation shall be addressed to the Ministry of Agriculture and resolved in coordination with the PIU. If not satisfied the PAPs can seek legal redress in the courts.

The current GRM for ASWAp SP II will be deployed in ASWAp SP II Additional Financing where GRM committees are established at National, District and Community levels. Further the GRM has been strengthened by taking on board GBV issues and their referral pathways.

### **Disclosure of RPF/ ASWAp SP II Additional Financing**

Public disclosure of this RPF will be done nationally and in the World Bank info shop. Disclosure of **ASWAp SP II AF** individual RAPs will be made to PAPs and other stakeholders for review and comments on entitlement measures and other issues in the implementation of the RAP. The purpose of the disclosure will be to receive comments and suggestions from PAPs and incorporate appropriate suggestions. The **ASWAp SP II AF** RAPs will be disclosed in a form, manner and language comprehensible to PAPs and at a place accessible to the displaced population and other stakeholders for review and comments on entitlement measures. Except for the Entitlement Matrix other sections of the RAP will be disclosed at national level. The MoA will disclose and post any **ASWAp SP II AF** RAP in its websites and receive comments. Public disclosure of any RAP will be made in relevant local language as well as English language. This will be done through recommended local dissemination outlets of both print and electronic media. RAPs will also be disclosed for input from civil societies, academics and other relevant stakeholders.

### **Monitoring and Evaluation Framework**

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the entire **ASWAp SP II AF** program, which will fall under the overall responsibility of the PIU. At the sub-project level, the district authorities will have responsibility for ensuring monitoring and supervision is undertaken with the Resettlement and Compensation Committees coordination. Periodic evaluations will be made to determine that the PAPs have been paid in full and before implementation of the sub-project activities, economic rehabilitation measures have been implemented, and the PAPs have the same or higher standard of living. Indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be both quantitative and qualitative measuring the physical and socioeconomic status of the PAPs, to determine and guide improvement in their social economic wellbeing. In addition, an independent audit will take place at the completion of the RAP implementation.

### **Capacity Building and Training for RPF**

For the effective implementation of the Resettlement Policy Framework there will be capacity enhancement by MoA for **ASWAp SP II AF** implementing institutions and other stakeholders in the form of stakeholder trainings, awareness and sensitization workshops and consultation forums on resettlement issues.



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## CHAPTER 1: INTRODUCTION AND BACKGROUND TO THE PROJECT

### 1.1 Background and Brief Overview of the Project

Agriculture remains the mainstay of Malawi’s economy. Agriculture accounts for 26.7 percent of Gross Domestic Product (GDP) and generates over 80 percent of national export earnings. Agriculture employs 64.1 percent of the country’s workforce comprising mostly the smallholder subsistence farmers. Agriculture is also the main contributor to the national and household food security and nutrition. Agricultural production and productivity remain low. Although Malawi has allocated considerable resources to agriculture over years, production and productivity of the sector has generally been below the country’s potential and not sufficient to match growing domestic demand and export markets. This has been attributed to low adoption of agricultural technologies, low access to farm inputs, low mechanization, low technical labour skills, poor access to finance, weak linkages to markets, recurrent outbreaks of pests and diseases, progressive depletion of soil fertility and increasing soil acidification and limited irrigation among smallholder farmers.

The livestock industry is an important part of the agriculture sector and accounts for about eight percent (8%) of Malawi’s GDP. Livestock production, mainly cattle, goats, pigs, and poultry, is essential for food security and income generation. It complements the production of crops through the expanded use of manure to increase soil fertility. In recent years, this sub-sector has been the focus of multiple interventions carried out by the Government as well as NGOs, with the important engagement of development partners, such as IFAD through the SAPP project, UKAID, and USAID. Despite these efforts, the sub-sector is lagging behind other areas and faces many challenges, ranging from the lack of infrastructure to inadequate breeding stock to the lack of veterinary services.

This document serves as a Resettlement Policy Framework (RPF) for the Additional Financing of the Malawi Agriculture Sector - wide Approach Support Project II (ASWAp SP II). The proponent is Ministry of Agriculture, Irrigation and Water Development. Government of Malawi is seeking a grant of US\$15 million to be financed through the existing Multi-Donor Trust Fund (MDTF) established to pool contributions from various donors as a joint effort to improve harmonization, alignment and donor coordination in the agricultural sector in Malawi. The aim of the project is to improve production and productivity of other agricultural commodities in the intervention areas thereby promoting diversification of the agriculture sector in project impact sites through among others up-scaling successful interventions under the first and second ASWAp-SP.

The Malawi Agricultural Sector Wide Approach Support Project II (ASWAp-SP II) Additional Financing is consistent with the World Bank’s Malawi Country Assistance Strategy (2013-16) approved by the Board in January 2013. In particular, the project will be an integral part of the Bank’s strategy to achieve the outcome 1.3 on “increased productivity and commercialization of agriculture and sustainable management of water resources for multiple uses” and outcome 1.2 on “promoting supportive environment that will enhance inclusive private sector growth and competitiveness”, all falling under Thematic Area 1 of “Promoting sustainable, diversified and inclusive growth”. In turn, the Project links with the country’s development policies in particularly the MGDS II (2017-2022), under key priority 1 (Agriculture, Water Development and Climate Change Management) National Exports Strategy (2013-2018), National Agriculture Policy (2016-2020), National Agriculture Investment Plan (2017-2023), ASWAp (2010-2015) and Malawi Vision 2063 of creating an inclusively wealth and self-reliant Nation.





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## 1.2 Brief Overview of the Project

### 1.2.1 Project Development Objectives of ASWAp SP II

The parent project provided a coordinated development and investment strategy in the agriculture sector in Malawi. The proposed AF will maintain the same Project Development Objective (PDO) of the parent project which is to improve the productivity of small-holder farmers and market access of selected commodities for small-holder farmers in Selected Districts in Malawi.

The specific objectives of the project are:

- i. To increase the yield of selected commodities
- ii. Percentage of farmers diversifying their production (using Simpson index)
- iii. To increase the number of farmers adopting improved soil fertility management technologies
- iv. To increase percentage change in motorized volume on targeted rural roads
- v. To increase the number of farmers accessing market/volume of produce sold to markets

The parent project has four components that are aligned to the National Agriculture Policy (NAP) and National Irrigation Policy (NIP). These components are (i) Sustainable agricultural productivity and diversification; (ii) Improvement of Rural Roads to enhance access to markets (iii) Institutional Development and Capacity Building for Implementation of National Irrigation Policy and National Agriculture Policy; and (v) Project Coordination and Management. However, the AF has maintained all components except component two. Brief descriptions of the scope of components are as follows:

#### Component 1: Sustainable Agricultural Productivity and Diversification

This component will address constraints related to limited agricultural productivity and diversification which has been adversely affected by climate change, thereby limiting agricultural growth and food security. Key constraints include: (i) weak agricultural extension services, leading to low adoption of improved agricultural technologies; (ii) inadequate utilization of productive assets such as land and water – leading to unsustainable agricultural practices; (iii) limited access to finance, compounding to limited input use; (iv) low soil fertility and its continuous depletion; (v) pests and disease outbreaks combined with limited skills of farmers and extension workers to use integrated pest and disease management (IPDM) practices; and (vi) climate change. This component will have three sub components: i) Promotion of diversified and integrated crop production and management systems (including IPDM practices), ii) Promotion of Integrated Soil Fertility Management and ii) Promotion of livestock production and productivity.

##### **Sub-Component 1.1: Promotion of diversified integrated crop production and management systems**

The sub-component will support crop diversification and strengthening crop production and management systems through (a) support to diversified seed systems, (b) support to FISP by promoting access to improved inputs including high yielding maize varieties, other cereals and legume seeds, (c) strengthening crop protection through promotion of IPDM for pests and diseases control and reduction of post-harvest losses, and (d) Strengthening innovative agricultural extension and advisory services as a key driver to enhance sustainable crop diversification, production and management systems.



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*Under diversified seed systems* the project will support (i) micro propagation, macro-propagation and establishment of communal nurseries for mass production of clean banana planting materials, in response to the banana bunchy top virus (BBTV) disease and ensuring that smallholder farmers access clean banana planting materials of different varieties and are skilled to manage them in a sustainable manner, (ii) production of breeder and foundation legumes seeds (in response to existing demand), while ensuring that the legumes seed revolving fund that was established under previous ASWAp SP is functional to sustain future basic legume seed demands, and (iii) farmers' access to clean planting materials for vitamin A enriched and high quality cassava varieties and sweet potatoes (highly productive and drought resilient) through rapid multiplication and decentralized multipliers.

The project will work with the following institutions to deliver on these activities: i) the Department of Agriculture Research Services (DARS), Department of Crop Development (DCD), Department of Agriculture Extension Services (DAES) and Lilongwe University of Agriculture and Natural Resources (LUANAR) on micro and macro propagation, ii) Consultative Group on International Agriculture Research (CGIAR) centres (including the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT), International Centre for Potato (CIP), International Institute for Tropical Agriculture (IITA) and International Centre for Tropical Agriculture (CIAT)) and DARS on the production of the breeder seed for legumes and roots and tubers, and iii) DARS on farmers' access to clean planting materials on root and tubers.

*Under the FISP*, the project will support: (i) the seed component of the FISP as a vehicle to improve crop productivity and diversification. The seed component traditionally comprises of certified maize seed (hybrid or open pollinated varieties) and certified legume seeds (soybean, beans, pigeon peas, groundnuts) to selected farmers. The project will support recent reforms by the MoA to include other cereals seed such as sorghum and rice; (ii) operations of the Logistics Unit, an independent entity responsible for farm family updating, beneficiary registry, input monitoring and verification of FISP payments; (iii) implementation of FISP reforms, aimed at improving programme efficiency and effectiveness; and (iv) independent monitoring/evaluation as well as improving coupon security and innovativeness, in line with the FISP reforms and including monitoring of seed quality for FISP in selling points. The project will further explore to pilot the use of electronic vouchers as part of the FISP reforms, within the current context of integrating digital and electronic solutions to the agricultural sector.

*Under crop protection*: The project will promote IPDM practices including both preventive and curative measures to anticipate and/or respond to emerging pests and diseases that greatly affect agricultural production, in line with the value chains supported. Specific support will be provided in the following areas: (i) awareness and surveillance of pests and disease outbreak, (ii) educate staff and beneficiaries in IPDM principles as part of good practices to prevent and/or control pests and diseases, (iii) support operations of plant clinics, while linking such efforts to the district agricultural extension service system, (iv) support knowledge sharing and learning, and (v) post-harvest losses. The project will work with the following institutions to deliver on these activities: i) DCD, DARS and DAES on awareness support and surveillance of pests and disease outbreak, ii) DCD, DAES and DARS on education to staff and





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beneficiaries on IPDM principles, iii) DAES on operations of plant clinics, iv) DARS and DCD on post-harvest losses and v) DARS, and DCD on institutional support for pest control.

*Under strengthening and implementation of innovative agricultural extension and advisory services:* The project will support i) Improved coordination, regulation and the coverage of agriculture extension and advisory service delivery among extension service providers. This will be done through strengthening and roll-out of the Agriculture Extension and Advisory Services strategy under development that was supported under the previous ASWAp SP project; ii) implement innovative extension delivery approaches, methods and tools to enhance sustainable productivity and reach out to all categories of farmers including women and youth; iii) development and capacity building for farmer organizations, iv) nutrition education, diversification and utilization; and v) gender mainstreaming using approaches and tools that encourage improved gender relations at household level such as the household economy approach. The project will work with the following institutions to deliver on these activities: i) DAES on improved coordination, regulation and coverage of agriculture extension and advisory service delivery, ii) DAES, DCD, DLRC and DARS on implementation of innovative extension delivery approaches, methods and tools, iii) DAES, DARS on development and capacity building of farmer organizations and nutrition education, diversification and utilization and iv) DAES and UN Women on gender mainstreaming and facilitate implementation of interventions that help in closing the gender gaps in the agriculture sector in Malawi.

### Sub-Component 1.2: Integrated Soil Fertility Management

Subcomponent 1.2 was designed to address two critical areas: (i) adoption of climate smart agricultural practices among the smallholder farmers in order to increase soil organic matter content and reduce soil water loss as a way of enhancing the resilience of agricultural production systems to climatic change shocks; and (ii) support implementation of area specific fertilizer recommendations and other good agronomic practices based on soil testing/analysis. The Department of Land Resource Conservation (DLRC) has led the subcomponent, with the strong engagement of DAES and DARS. By December 2021, the Project will have achieved the following targets:

- i. 60,000 farmers with CSA technologies (to date 41,984 farmers achieved, with 21,837 women);
- ii. 18,000 ha using CSA practices (to date 14,464.60 ha achieved), this included manure making and application (7,682.6ha out of 10,000ha), agroforestry (2,075.4ha out of 3,000ha) and soil and water conservation (4,706.6ha out of 5.000ha) and
- iii. 5 new recommended fertilizer blends released on the market, based on the knowledge gained through mapping and analysis of soil samples of over 500 sites across the country<sup>1</sup>.

In the AF, the project intends to scale up the promotion of CSA technologies. This activity continues to be highly justified in Malawi’s agriculture as a pathway to enhance soil fertility and resilience to extreme weather events. The long-term contribution of CSA technologies to increasing productivity and resilience

<sup>1</sup> In the current 20/21 growing season, the Department is carrying out the last round of trials to propose site-specific blends for the private sector to produce and disseminate. In the additional financing phase, the MoA would focus on sensitizing staff and farmers on the blends produced.



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are well-documented<sup>2</sup>. The additional resources would help MoA ramp up the adoption of these technologies and achieve the following targets:

- i. 48,000 farmers (of which 26,400 are women) adopting CSA technologies;
- ii. 12,000 ha under CSA practices, including packages of at least three practices.
- iii. 108,000 farmers (59,400 women) reached with information of the released fertilizer blends

Based on the lessons learned during the implementation of ASWAp SPII, DLRC would build packages of at least three technologies (for instance, use of manure, agroforestry and mulching) that would match the local needs of the model villages and catchments covered. The agroforestry trees are to be selected carefully to meet specific farmers' needs regarding fertilizer, fodder, fruits and fuel, paying special attention to the interests of the women as these activities directly respond to their gender roles and responsibilities. The Sub-component would continue financing CSA partners that implement activities alongside DLRC. In addition, the AF would finance the procurement of critical inputs, such as agroforestry trees and operational costs.

Further CSA will be integrated with other elements such as Integrated Pest and Disease Management, diversified seed systems, areas specific fertilizer awareness demonstrations among others. This will enable the project to come up with a complete package. The integration will be achieved by coming up with clear beneficiary identification criteria and that the model villages will be an entry point within a catchment. The project will partner with climate smart agriculture alliance (CSAA) members to enhance adoption of CSA among small holder farmers.

The MoA will continue Implementation of area specific fertilizer recommendations and other good agronomic practices based on soil testing/analysis will be supported in order to ensure dissemination of the messages and piloting the recommendations in specific districts through on-farm demonstrations and willing farmer try-outs, and in line with findings from the soil maps. The project has validated five fertilizer blends that have been developed and these will be approved by the end of 2021. For additional financing the work will mainly involve increasing staff and farmer knowledge of blended fertilizers. Farmers need sensitization to blended fertilizers, to enhance adoption of nutrient efficient options to address the soil nutrient deficiencies through the new fertilizer blends. The awareness fertilizer demonstrations will integrate CSA to make sure that the implementation is a complete package.

### **Sub-Component 1.3: Promotion of Livestock Production and Productivity**

The MoA is proposing a new subcomponent on livestock sub-sector under Component 1. The purpose is to lay the foundations for a multi-year program, both in terms of knowledge generation and gaining hands-on experience through a pilot. Ultimately the MoA intends to expand market access for organized farmers. The proposed focus would be on goats and pigs, because both species have a growing and unoccupied market niche in the country and can create opportunities for farmers to connect with value chains.

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<sup>2</sup> Amadu et al found a 53% increase in maize yield among CSA adopters in the drought year of 2016, compared to farmers using regular practices, in southern Malawi (*Yield effects of climate-smart agriculture aid investment in southern Malawi, Food Policy 92, April 2020, 101869*).



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Goats generally survive harsh conditions as compared to other livestock species and have shorter gestation cycle (5 months) and have twinning ability. It is anticipated that when a farmer is given one buck and four does within 12 months is able to build a flock of 9 with single kidding or 15 with twinning per beneficiary. This flock by the project shall be integrated with the existing farmer groups in forming cooperatives for increased quality and volume to meet specific buyer's requirements

To promote climate smart goat production, farmers will be trained in good husbandry practices that will minimize such shocks and the use of ethno veterinary medicines (traditional) will be encouraged in order to minimize the use of conventional remedies which are causing Antimicrobial resistance worldwide. Use of manure will be promoted to assist in crop production. At each khola, there will be a manure collection pit for compost manure making using the recommended raised kholas for optimal manure collection.

The selected goat farmers will be organised into groups which will eventually mature into goat farmer cooperatives with collaborative support from Ministry of Trade. Marketing of the goats will be done collectively as a corporative with proper market intelligence so that the consumer is supplied with the quality of the goats or goat products that they are looking for. Apart from the goat business, the subcomponent will endeavour to include dairy business using the already existing dairy cooperatives through dairy farmers organisation, trainings in dairy management and pasture establishment. Finally, it shall link the dairy farmers to existing milk bulking groups and dairy markets.

Before each farmer receives the goats, they shall be trained in goat management; pass-on programmes techniques and group dynamics. Each farmer group will be required to have a binding constitution, establish a pasture field, and all farmers work in a group to ensure sustainability of the programme. Extension staff from the Department of Animal Health and Livestock Development will provide husbandry and disease control advisory services Further, to ensure good management and high survival rate of goats, the programme will deliberately identify well in advance secondary and tertiary beneficiaries for each group. After fulfilling these criteria, the selected farmers shall now receive the goats from the project.

The selected farmers shall be required to feed the goats within the already existing communal grazing areas without displacing other people. Additionally, the beneficiaries shall be required to provide supplementary feeds to the goats and have adequate feed in times of scarcity through establishment of pastures within their own fields

The sub component will assist in strategizing to market other products emanating from the goat business like manure and skins to add value to the goat business. In order to instil a sense of ownership in the farmer beneficiaries, each farmer shall be required to construct housing infrastructure and feed the animals with their own resources as their contribution to the programme. Additionally, farmers shall be required to plant a minimum of 20 trees to replace the trees lost in khola construction.

The AF will support implementation of the following activities under the sub-component:

- i. a market assessment to map the critical value chain actors, demand needs, quantity/quality requirements, and bottlenecks to ensure inclusion of smallholder farmers;



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- ii. a 12-month pilot pass-on program oriented towards meeting specific market needs;
- iii. establishing a scheme of provision of drugs and vaccines on a cost-recovery basis (e.g. revolving fund) that complements the pilot and serves as the basis for sustainable service delivery; and
- iv. further analytical work that helps the MoA develop this market and value chain approach further and lay the foundations for future multi-year investments and policy reforms that can be implemented after ASWAp SPII phases out.

The pilot pass-on program would include the following building blocks:

- i. building and training farmer livestock groups in the model villages, including 2,000 farmers;
- ii. training farmers in productive and sanitary aspects, such as building animal houses, pasture establishment and management, and disease detection and control;
- iii. Training farmers in marketing and link them to reliable markets.
- iv. Organize farmers into cooperatives for better market access
- v. connecting the farmer groups with buyers, such as abattoirs, and assisting them in planning the production to meet specific buyer requirements regarding timing of delivery, quality, and volume, among other aspects; and
- vi. providing the farmer groups with an initial stock of animals and sanitary services, based on the good practices of other pass-on programs.
- vii. Analysis of the current goat and dairy market in form of a consultancy to fully understand the dynamics and challenges involved. The results of this analysis will guide on developing marketing strategies together with the cooperatives for viable and sustainable Farmer linkages to the existing markets

The selected goat farmers will be linked to existing goat farmer cooperatives with collaborative support from Ministry of Trade. Marketing of the goats will be done collectively as a corporative with proper market intelligence so that the consumer is supplied with the quality of the goats or goat products that they are looking for. Strategize to market other products emanating from the goat business like manure and skins will be developed to add value to the business. In addition to the goat business, the project will include dairy business using the already existing dairy cooperatives using the same approach. Organize non participating farmers into groups and link them to existing Bulking Groups. The SHEP approach championed by DAES will be introduced in some livestock groups to ensure proper commercialization.

The Department of Animal Health and Livestock Development will lead the implementation of the new subcomponent.

The AF will support capacity building of farmers on curing of manure to mitigate greenhouse gas emission from livestock. The farmers will be encouraged to use the manure in their fields to improve soil fertility.

## **Component 2: Improvement of Rural Roads Infrastructure for Market Access**

The objective of this component is to facilitate market access for farmers through improvement of road and bridge infrastructure. There are notable challenges in rural areas for farmers to bring their produce



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to markets due to poor conditions of the rural unpaved roads. Most linkages are cut-off and drainage structures heavily damaged and/or washed away. Transporters avoid using these roads due to their poor condition and potential damage to their vehicles, which leads to high maintenance costs. Due to less supply of motorized transport, the transportation costs are very high and the farmers are left with no choice but to carry average headloads to the nearest markets. This compromises on both volumes of farm produces to the markets and bargaining price with buyers. Similarly farm inputs do not easily reach the farmers in a timely manner. Support under this project will be provided in form of two main areas of interventions: (i) improvement of the unpaved rural roads through labour-intensive rehabilitation and upgrading works using Low Volume Sealing Methods in 12 selected districts, and where the activities under Component 1 will take place, and (ii) implementation support to the District Councils to carry out the works. The AF however will not support road component.

### **Component 3: Institutional Capacity Development for NAIP**

The component will build capacity of the MoA to fully operationalize the NAIP. This follows key achievements made from the previous ASWAp SP which supported ASWAp Secretariat and associated ASWAp processes that improved coordination, dialogue and harmonization of investments in the agriculture sector. Based on lessons learned, capacity gaps persist for a fully functional NAIP. Additionally, and in line with the results of the Core Function Analysis (CFA) which was conducted before closure of previous ASWAp SP, the project will support prioritized critical capacity gaps to effectively propel NAIP functionality. The NAIP Secretariat will continue to play a coordination role of various NAIP processes.

#### **Sub-Component 3.1: Institutional Capacity Building**

There still remains an institutional capacity development gap for a fully functional NAIP in the MoA. For this reason, a CFA was conducted to inform capacity building needs for the Ministry. The CFA results will be used as a basis to prioritize capacity building interventions. In line with this, the project will support training officers at Masters and Diploma levels at LUANAR's (Bunda and Natural Resources College (NRC) campuses respectively).

The DAPS, which has a very critical role in leading and operationalizing the NAIP processes, will particularly be supported to improve planning and alignment of the Ministry's budgeting to the NAIP framework. The key NAIP institutional mechanisms i.e. the Joint Sector Review, Agriculture Sector Working Groups and Technical Working Groups, will continue to be supported (and strengthened) with the view to deepen coordination efforts and dialogue among stakeholders in the agriculture sector. Based on the capacity gaps in the NAIP secretariat, the project will support recruitment of technical assistants. The implementation of NAIP Secretariat activities will be facilitated by the NAIP Secretariat headed by Head of NAIP, Deputy Head of NAIP, NAIP Coordination Assistant, NAIP M&E Officer and Technical Working Group Coordinator. The project will further support sector coordination in line with CAADP and Malabo Declaration Agenda.

To ensure continuation and effective completion of some of the key activities that were already commissioned at the closure of ASWAP SP I, the project will retroactively finance these based on the



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agreements reached at that time. The appropriate Bank policy on retroactive financing will be adhered to, in consultation with the disbursement and legal units of the World Bank Group.

### **Sub-Component 3.2: Strengthening M&E and Statistics**

This sub-component will strengthen the capacity of the DAPS to enhance strategic planning, monitoring and evaluation functions of the MoA at all levels. The M&E system will equally install an internal learning process and move beyond reporting of project outputs.

The project will: (i) strengthen the M&E system through web based management information systems to track progress of NAIP indicators at various levels, (ii) support improvement of the agricultural production estimates methodology, with particular focus on implementation of the recommendations from the pilot studies to improve agricultural production estimates that were undertaken in the previous project, (iii) carry out food security monitoring and reporting. These activities are key elements of the National Statistics and Strategic Masterplan (NSSM) that was developed under the ASWAp SP I. Such efforts will ensure timely, accurate agricultural statistics that is critical for planning in the sector.

The project will also put in place mechanisms of providing opportunities to participating communities to provide feedback through an independent service provider.

### **Component 4: Project Coordination and Management**

This component finances Project management activities, including the Project Facilitation Team (PFT), following the model successfully adopted under ASWAp SP I and II. This component has also supported: (i) baseline, mid-term review, end line and other lessons learning studies, and (ii) putting in place of a citizen engagement and social accountability mechanism, including grievance redress mechanisms.

In the AF period, the Component would continue financing these activities to ensure that Project development objectives are achieved, and all activities are in compliance with the World Bank policies regarding procurement and finance management. It will also finance yield assessment and outcomes surveys under the component as well as Implementation Completion and Results Assessment. Furthermore, the component also is expected to finance Environmental and Social Safeguards to ensure that sub projects undergo the necessary assessments to identify, evaluate and manage the associated environment and social risks and impacts in a manner consistent with the Environmental and Social Safeguards.

#### **1.3 Rationale and Justification of the RPF**

During the implementation of ASWAp SPII, there are activities with potential to have an impact on land, assets, and livelihoods hence the necessity to provide guidelines for ensuring that any possible adverse impacts are addressed through appropriate mitigation measures, and against potential impoverishment risks. The need for Resettlement Policy Framework emanates from indications that some sub-projects (rural access roads subprojects, new seed multiplication farms, construction of fish ponds and fish processing facilities and construction of market infrastructure) would trigger resettlement in one form or other:

- i. Rural road improvement works under the ASWAp – SP II would be in rural community settings of 12 districts. Rehabilitation works may involve land uptake (from local farms/customary lands)





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along the road corridors. Gravel pits for road improvement works may also require formal land acquisition processes. Acquisition of land for these pits will entail land tenure and access changes within the areas of location;

- ii. The specific locations of projects within the districts are not known at the moment as the sites would be selected at a later stage by districts councils. However, based from previous experiences of road works under ASWAp SP I, the locations of rural roads are within or in proximity of the communities. In this context, the implementation of the roads works may displace some households from parts of their homesteads and may also disturb livelihood bases.
- iii. Construction of market infrastructure for cattle may require land acquisition – entailing land tenure and land access changes within community settings;

#### **1.4 Purpose and Objectives of the Resettlement Policy Framework (RPF)**

The purpose of this RPF is to establish the mechanisms, procedures and principles for compensation and livelihood restoration for all potentially affected people and households under ASWAp SP II Additional Financing and guide the preparation of the RAPs for individual investments under ASWAp SP II AF.

The overall objective of this RPF is to provide a process for ASWAp SP II AF activities, to ensure that where land acquisition and acquisition of other assets, or impact on livelihoods arising from the project activities is inevitable, resettlement and compensation activities for lost resources are conceived and executed in a sustainable manner. The specific objectives of the Resettlement Policy Framework (RPF) are to:

- i. Establish ASWAP SP II AF resettlement and compensation principles and implementation arrangements;
- ii. Describe the legal and institutional framework underlying Malawian approaches for resettlement, compensation and rehabilitation;
- iii. Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- iv. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- v. Provide procedures for filing grievances and resolving disputes.

#### **1.5 Principles of the Resettlement Policy Framework**

This RPF will apply to all project components and activities that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources, whether permanent or temporary. The procedures outlined in this RPF will be carried out throughout the preparation and implementation of the project and different project components, and impacts of any potential resettlement will be included in Monitoring and Evaluation.

When RAPs/ARAPs will be required for implementation of the project in different districts, the RAPs/ARAPs will be prepared in accordance with the guidance of this RPF. Preparation of this RPF has been guided by provisions of the Malawi legislation and international policies and regulations such as the World Bank Operational Policy on Involuntary Resettlement OP 4.12. This RPF seeks to ensure that any possible adverse impacts of the proposed project activities to people's livelihoods are addressed through



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appropriate mitigation measures, in particular, against potential impoverishment risks. These risks will be minimized by:

- i. Avoiding displacement of people as much as possible, ensuring that involuntary resettlement and land acquisition is avoided where feasible or minimized where it cannot be eliminated;
- ii. In the event that displacement is inevitable, having a well-designed compensation and relocation process in place because this RPF applies to all PAPs regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles;
- iii. Minimizing the number of PAPs, to the extent possible;
- iv. Compensating for losses incurred and displaced incomes and livelihoods where involuntary resettlement and land acquisition are unavoidable;
- v. Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs and their well-being and restore livelihoods. PAPs will be meaningfully consulted and will participate in planning and implementation of resettlement activities;
- vi. PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher;
- vii. Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments;
- viii. Projected affected persons if resettled will be supported to integrate economically and socially into host communities so that adverse impacts on host communities and vice versa are minimized. To this end, appropriate patterns of social organization will be promoted and existing social and cultural institutions of PAPs will be supported to the greatest extent possible;
- ix. All PAPs will be identified and recorded as early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit;
- x. Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, persons with disabilities marginalized groups and or other displaced persons who may not be protected through the Malawian law. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards; and





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- xii. The implementation of individual RAPs/ARAPs must be completed prior to the implementation of the investments under ASWAp SP II AF.

Furthermore, this RPF applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank and Government of Malawi are:

- a. directly and significantly related to ASWAp SP II AF investments;
- b. necessary to achieve its objectives as set forth in the project documents; and
- c. carried out, or planned to be carried out, at the same time as the project.

As noted above, investments under Additional Financing ASWAP SP II AF will avoid or at least minimize involuntary resettlement to the extent possible. However, where it is unavoidable, appropriate measures to mitigate adverse impacts will be carefully planned and implemented following the general framework outlined in this document.

## 1.6 Methodology for RPF Preparation

This Resettlement Policy Framework (RPF) was prepared using the following approaches and methodologies, mostly updating what was already done under the ASWAp SP II since, to a large extent, the processes remain the same. The results of the ESIA will determine if OP 4.12 would be triggered by the project activities.

### 1.6.1 Literature review

Existing baseline information and literature was reviewed in preparing this RPF.

Documents reviewed include:

- i. the Constitution of Malawi
- ii. the National Land Policy 2002
- iii. the Land Act (2016)
- iv. the Customary Land Act (2016)
- v. the Land Acquisition Act (2017)
- vi. the Physical Planning Act (2016)
- vii. the Environmental Management Act (1996)
- viii. the Public Roads Amendment Act (2017)
- ix. the Forestry Amendment Act (2017)
- x. other relevant Malawi Policies

Besides, a number of Socio-Economic profiles for the different districts were also reviewed. Examples of the information obtained from the different documents included project design, planned project activities and description, data on rainfall, flora and fauna, population statistics and socioeconomic data.

### 1.6.2 Stakeholder Consultations and discussions with implementing agencies

Stakeholder consultation meetings were held with various stakeholders at national level as well as at district and community levels in sampled districts of selected districts targeting the District Executive Committee (DEC) members and the farming communities respectively in different districts. Stakeholder consultations help to identify and promptly address the concerns of different stakeholders and the PAPs regarding their rights and interests. Stakeholder consultation meetings help to:-



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- i. inform the stakeholders about the project;
- ii. identify concerns from different stakeholders concerning the project;
- iii. address different concerns of stakeholders about the project; and document the concerns from stakeholders about the project with a view to minimizing potential conflicts that could arise during project implementation.

Field investigations and public consultations have revealed that there are some land acquisition and resettlement activities managed mostly by the Ministry of Lands, Housing and Urban Development. A number of inconsistencies have been identified in the way these activities are managed, particularly with respect to resettlement and compensation. It was noted during the stakeholder consultations that cash compensation has been preferred for houses, buildings and secondary structures. The consultations also revealed that the prices used in the determination of compensation values have, in some cases not been regularly updated. This has resulted in project affected persons (PAPs) receiving inadequate compensation for them to maintain their livelihoods to the same or better levels, compared with pre-project conditions.

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

### 1.6.3 Site visits

A number of visits to the different districts and likely project sites were carried out as part of the screening process. The site visits served as an opportunity for the familiarization with the proposed project areas and the team used this opportunity to brief staff from different District Councils and farming communities in different districts of the coming of the project.

During the site visits, different surveys were carried out. The surveys focused on the existing physical environment (topography, soils, water resources, etc.), biological environment (flora and fauna), cultural and socio-economic environment (data on existing human population, settlement pattern, economic activities, cultural sites such as grave yards and land use patterns). Data generated through this baseline study was used in the description of existing socio-economic environment for the project.

The Environment Management Act and the World Bank Operational Policies require that, for projects of this nature, an environmental impact assessment should be conducted. This is not possible for the rural roads component of the ASWAp SP II AF at this time since the precise types and locations of the roads to be improved are not yet known. However, to ensure that the environmental and social considerations of the project are addressed, the ASWAp SP II AF has prepared an Environmental and Social Management Framework (ESMF). The ESMF will facilitate identification of potential environmental and social impacts and development of appropriate mitigation measures for the negative impacts.



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## CHAPTER 2: PROJECT DESCRIPTION AND OVERVIEW OF IMPACTS

### 2.1 Project Purpose, Objectives, Location and Areas

#### 2.1.1 Project Purpose and Objectives

The focus of most huge investments on agricultural production and productivity has been on maize. Only a few investments have focused on other commodities. Consequently, there have been no significant improvements in production as well as productivity of other agricultural enterprises of equal importance. This has resulted in increased risks of smallholder farmers as well as the economy at large to both weather related as well as price risks.

The proposed project therefore seeks to address the gap that has been created by over emphasis on improving maize productivity and production. It intends to improve production and productivity of other agricultural commodities in the intervention areas thereby promoting diversification of the agriculture sector in project impact sites through among others up-scaling successful interventions under the ASWAp-SP.

The project development objective is to improve the productivity and diversification of selected agriculture commodities in the project targeted areas in a sustainable manner. The proposed project will address the PDO through a community demand driven approach, rather than a Government-centric one. The project will build on the successes of the first and second ASWAp SP and upscale them in the selected project areas. The project will ensure that the activities promoted are technically and environmentally sound and ensure that the activities are sustained after project closure. The proposed project will have four components that are aligned to the NAP and NAIP.

#### 2.1.2 Location and Areas

The ASWAp SP II AF will be implemented in the same districts like that of ASWAp SP II. Selection of district and roads has been done using criteria agreed between the Government and the Trust Fund Donors, targeting districts of good agricultural productivity where initiatives to increase agricultural production are evident. A total of 12 districts (Lilongwe, Mchinji, Kasungu, Dedza, Mzimba, Ntchisi, Phalombe, Ntcheu, Chitipa, Zomba, Mulanje and Thyolo) have therefore been identified as the location of the project with the objective to improve market access to facilitate commercialization of agricultural production.

### 2.2 Project Proponent and Implementing Agencies

The proponent of the proposed Malawi Agriculture Sector wide Approach Project II AF is Government of Republic of Malawi. Contact details and addresses of the proponent are as follows:

Proponent Name:	Secretary for Agriculture, Ministry of Agriculture
Postal address:	P.O. Box 30134, Capital City, Capital Hill, Lilongwe 3, Malawi.
Telephone:	265-01-789 033
Facsimile :	265-01-789 390



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E-mail : [agric@gov.mw.net](mailto:agric@gov.mw.net)

A central project implementation unit based in Lilongwe will coordinate the overall implementation of the Malawi Agriculture sector wide Approach Support Project II AF. The unit will be supported by sectoral ministries and these will include: Ministry of Agriculture, Ministry of Lands, Housing and Urban Development, Ministry of Trade, Industry and Tourism. There will be a number of consultants and contractors who will be hired in the design and implementation of civil works to enhance good quality and timely completion of activities.

### **2.3 Resettlement Impacts and Investments with Resettlement Potential**

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

- i. Disruption of production and income generating systems;
- ii. Affected persons' skills being rendered inapplicable in new environments;
- iii. Increased competition for resources;
- iv. Weakening of community and social fabric and networks;
- v. Dispersion of kin groups;
- vi. Loss of cultural identity and traditional authority; and
- vii. Loss of mutual help.

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

The Additional Financing will continue supporting upscaling of banana macro propagation and production, climate smart agriculture, integrated pest and the addition of livestock production sub component. More important for this RPF, activities whose location and technical specifications are not known at the moment, are planned for future implementation. Given the nature of AF, specific project locations and scope of activities have not been defined and identified hence the preparation of the RPF as the basis for preparing the project investment specific Resettlement Action Plans (RAPs). The RPF will set out the procedures for the development of more detailed RAPs for those investments/projects and associated facilities that have an impact on land, assets, and livelihoods.



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## CHAPTER 3: RELEVANT POLICY, LEGAL AND REGULATORY FRAMEWORK

### 3.1 Review of Policies and Laws on Resettlement in Malawi

Malawi has a policy and legal framework on resettlement. The basis of legislation on resettlement is the Constitution. However, there is also legislation which deals specifically with land. Between 2016 and 2017 Malawi passed several Bills which either repealed legislation on land issues or amended it. Key Government policies and legislation relevant to issues of resettlement in Malawi include; the Malawi National Land Policy of 2002, Land Act No.16 of 2016, the Customary Lands Act No.19 of 2016, the Lands Acquisition Act and the Lands Acquisition (Amendment) Act No. 9 of 2017, the Physical Planning Act No.17 of 2016, the Public Roads Act and the Public Roads (Amendment) Act No of 2016, the Forestry Act 1997 and the Forestry (Amendment) Act No.5 of 2017. In addition to these Acts, there are other laws which have provisions pertaining to resettlement.

The chapter sets out the policy and legal operating environment for acquisition of land in the implementation of the ASWAp SP II AF. The Policy and legal framework on resettlement in Malawi is drawn from various government policies and pieces of legislation.

#### 3.1.1 The Constitution of Republic of Malawi (1995)

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

#### 3.1.2 The Malawi National Land Policy (2002)

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

#### 3.1.3 Land and Land Acquisition Act (2016)

Land Act (2016) covers land tenure and land use quite comprehensively. Section 27 and 28 of the act guarantees landholders for appropriate compensation in event of disturbance of or loss or damage to assets and interests on land Act also provides procedures of acquisition of one class of land to another. The process begins with appropriate notice the existing lessee of the land. The Land Acquisition act makes



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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 compensation to the displaced people. Section 11 to 14 outlines the necessary steps for land surveying and land transfer following notices in government gazette.

#### 3.1.4 Physical Planning Act (2016)

Physical Planning Act (2016) 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 promote orderly physical planning in order to enhance optimum use of land and service infrastructures, protect and conserve fragile environmental systems in space. These objectives are achieved by guiding physical developments, and controlling building uses in designated zones with regulated planning permissions. Section 40 basically prescribes environmental and socio-economic screening for medium to large scale development projects before they can be granted planning permissions under this act. Normally this screening is undertaken by local assemblies and developers of proposed large projects before they can be sanctioned under this act. Sections 63 - 65 recognize the need of appropriate compensation to land owners in case of compulsory acquisition of land for public interest.

#### 3.1.5 Public Roads Act

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 compensation which can be paid under this act. The compensation covers 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 compensation provided for in this act.

#### 3.1.7 Forest Act (2016)

The Forestry Act (2016) affirms the role of Department of Forestry on control, protection and management of forest reserves and protected forest areas. In addition, the act recognizes the need to promote participatory social forestry and empowerment of communities for conservation and management of trees within the country. In this regard the act encourages community involvement in woodlots and management of forest reserves through co-management approaches. Section 86 of Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees. These rates are gazetted, and are reviewed from time to time by senior government officials. The values are used so that those who are involved in forestry are paid reasonable compensation 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 compensation. 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.





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### 3.1.10 The Public Roads Act No.11 of 1962 as amended and the Public Roads Amendment Act No.8 of 2017

The Public Roads Act of 1962 as amended was enacted to consolidate and amend the law relating to Public Roads. In this Act the highway authority is assigned responsibilities for the construction, care and maintenance of any road or class of road in accordance with the Act.

The Public Roads Act provides for various instances when compensation may or may not be paid. Sections 44-50 of the Act provide for issues relating to compensation including assessment of compensation generally and for surface rights, compensation for land which becomes public land, matters to be taken into consideration in assessing compensation for alienated land and claims for compensation. The part also provides for procedures to be followed before a Land Tribunal and the right to apply to the High Court for judicial review if the claimant of highway authority is unhappy with a decision of the Land Tribunal. However, under the Additional financing project, this act will not be applicable.

### 3.2 Land Tenure Regimes in Malawi

The Land Act 2016 is the principal legislation dealing with land tenure and land use. It repealed the Land Act 1965. Sections 6 and 8 of the Land Act reiterate the Constitutional provisions that all land is vested in perpetuity in the Republic. The Act provides that all land is administered by the Commissioner of Lands on behalf of the Republic and the Minister responsible for Land Matters may delegate any of the powers and duties conferred on him to the Commissioner.

Section 7 of the Act recognizes two categories of land namely; public land and private land.

#### **Public Land**

The Act defines public land as held in trust for the people of Malawi and managed by Government, a local government authority and a Traditional Authority. Public land includes;

- a) Any land held by Government or a local government authority consequent upon a reversion thereof to the Government or local government authority, as the case may be, on the termination, surrender or falling in of any freehold or leasehold estate therein pursuant to any covenant or by operation of law;
- b) Land acquired and privately owned by Government or a local government authority used for dedicated purposes such as Government buildings, schools, hospitals and public infrastructure;
- c) Land gazetted for national parks, recreation areas, forest reserves, conservation areas, historic and cultural sites;
- d) Land vested in Government as a result of uncertain ownership, abandonment or land that cannot be used for any purposes; and
- e) Unallocated and communal land within the boundaries of a Traditional Land Management Area.

#### **Private Land**

Private land is defined as all land which is owned, held or occupied under a freehold title, leasehold title or as a customary estate or which is registered as private land under the Registered Land Act.

Customary estate means any customary land which is owned, held or occupied as private land within a traditional land management area and which is registered as private land under the Registered Land Act. Customary land means all land used for the benefit of the community and includes unallocated customary land within the boundaries of a traditional land management area. Freehold is defined as an estate which is held in perpetuity and a lease includes an agreement for lease. .



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### **Relevant Provisions**

The Act places restrictions on body corporates from holding land unless under a licence granted by the Minister responsible for Land Matters in consultation with the President. Section 11 provides that land designated for investment purposes shall be identified and published in a gazette and thereafter allocated to the Malawi Investment and Trade Centre Limited which shall create derivative rights to investors in accordance with the Investment and Export Promotion Act.

Section 12 of the Act empowers the Minister responsible for Land Matters to make and execute grants, leases or other dispositions of public land classified as Government land for any such estates, interests or terms and for such purposes and on such terms as and conditions as he may think fit.

Section 21 of the Act enables the Minister, upon application by any person in a prescribed manner, to grant or allocate leasehold or customary estate on terms and conditions as he may determine, however according to section 22 he cannot grant freehold title. Section 36 places restrictions on a person to sell or otherwise to convey, lease, transfer or assign any private land without prior written consent of the Minister or local government authority to sell, convey, lease, transfer or assign the land. The granting or refusal of consent must be communicated to the person who intends to sell within 30 days of receipt of the written notice. The provisions of this section do not apply to sale, conveyance, lease, transfer or assignment by or direct to the Government, any agreement to lease for a non-renewable term of not more than 3 years, a sale pursuant to an order of court by any officer in the public service acting in his official capacity and pursuant to any written law and any mortgage or other hypothecation for repayment of money lent in good faith.

The section also provides restrictions on grants and sale of private land to persons who are not citizens of Malawi. Section 37 provides that any grant of private land to a person who is not a citizen by way of sale, conveyance, lease, transfer, assignment or other transaction shall not be for an estate greater than a lease of fifty years unless a greater estate is required for the realization of investment. Section 38 provides that a person shall not sell, by private transaction, tender, auction or other means, any private land to a person that is not a citizen of Malawi before offering such land for sale to citizens. For such a sale to take place a number of administrative steps have to be taken including publication of the intention to sell the land in a national newspaper and if no offer has been made to buy the land by a citizen of Malawi then the land can be sold to a non-citizen. A purchaser that is not a citizen of Malawi cannot buy the land at a lower price than the published one. The Act prohibits transfer of title to private land between non-citizens by way of gift or transfers between the living.

Section 39 provides that where a holder of private land under freehold title has not developed the land and not shown his intention to develop or dispose of it within 2 years from the date of registration the Minister may in writing demand voluntary surrender of that land to the Government and if there is no voluntary surrender the Minister may acquire the land under the Lands Acquisition Act and its 2016 Amendment or exercise powers under section 64 of the Physical Planning Act 2016.

Part VII deals with trespass or encroachment upon, or unlawful occupation of, land. Section 45 enables a magistrate with relevant jurisdiction, upon complaint by a person claiming to have lawful title to the land, to issue summons against an alleged trespasser, encroacher, or unlawful user or occupier (defendant) requiring him to attend court. If the magistrate is satisfied the defendant has trespassed, encroached or





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unlawfully occupied the magistrate may make an order requiring the defendant to vacate land within 7 days or longer. The number of days to vacate land depends on a on several factors including; how long it would take the defendant to take down or remove structures, buildings, fences or improvements of any kind erected on the land; how long it will take the defendant to harvest, collect, take in or remove crops, plants, trees and shrubs and to how long it will take the defendant to remove any chattels belonging to him. Failure to comply with the Court order could lead to forced removal from the land by an authorized officer, police officer or officer of the court. The Land Act emphasizes the fact that procedures under Part VII must be in accordance with the Courts Act.

Section 17 enables the Minister to acquire unallocated customary land for public utility purposes. The section provides that where it appears to the Minister that unallocated customary land is needed for public utility, the Minister shall serve notice upon the Traditional Authority within whose traditional land management area the customary land is situated. Section 18 provides that any person who suffers disturbance of, or loss or damage to any interest which he may have or may have had in such land because of the land being acquired for public utility purposes, under section 17, should be paid such compensation for such disturbance, loss or damage as is reasonable.

### **3.3 Policies of the World Bank on Land Acquisition and Resettlement**

World Bank Policy on resettlement is OP/BP 4.12 Involuntary resettlement.

#### **OP/BP 4.12 Involuntary Resettlement**

The overall objective of this safeguard is to avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs. Further the policy advocates encourage community participation in planning and implementing resettlement. More specifically, where resettlement is unavoidable, the policy stipulates criteria for eligibility to compensation, resettlement assistance and rehabilitation assistance measures to displaced persons on the following conditions:

- i. 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.
- ii. 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 laws of Malawi. This class of people includes foreigners and those that come from outside and given land by the local chief to settle.
- iii. Those who have no legal right or claim to the land they are occupying to the land they are occupying. This class of people includes squatters, pirates and those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

Displaced persons classified under paragraph 3.2(a) and 3.2 (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 3.2 (c) shall be eligible for compensation for the assets but not land.



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In addition, the World Bank policy on resettlement stipulate those displaced persons who encroach on the project area after the cut-off date shall not be entitled to compensation, or any resettlement assistance or any other form of rehabilitation assistance.

### **3.4 Comparison and Gaps between Policies of World Bank and Malawi on Resettlement.**

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

- i. On aspect of compensation on assets to project affected people, the policies of World Bank on resettlement include illegally built structures of squatters and pirates as eligible for compensation on their assets. In case of Malawi, such claimants are not entitled to compensation.
- ii. On aspects on compensation 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.
- iii. In cases on compensation of loss of land by project affected people, the World Bank policies prefer land for land compensation. In Malawi, an option of land for land compensation is normally preferred in customary land transaction while option of land for money compensation is the preferred options in urban areas.
- iv. World Bank policies 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. The policies do not clearly spell out this approach and in practice; resettlement is treated as a separate exercise outside project planning and implementation process.
- v. World Bank Policies 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 f resettlement assistance to relocated people. Much of available support is normally left in hands of District Commissioner and local chiefs within the district and area of relocation of the project affected people.

### **3.5 Measures for addressing the Gaps in the Policies in implementation of Infrastructural Works under Malawi Agriculture Sector Wide Approach Support Project II.**

The approach in addressing the discrepancies between policies of the two institutions is to focus implementation of policy aspects which positively favour the project affected persons, and leave out those which negatively impact on the project affected persons. In this regard, where there are gaps, the policy that carries the higher standard will be applied and based on the comparative analysis and in all cases where the Malawi regulation appears less stringent that OP 4.12, it is recommended that Bank procedures will apply to this RPF. This recommendation is on the observation that a common position



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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 project affected person. In this regard, suitable options to be adopted are as follows:

- i. Compensation in form of land for land loss to acquisition from those who have been displaced be made as a top priority. The option could come out as cost effective as the land acquisition process (which involves the project affected persons) may be much cheaper compared to acquisition of the same land by the government;
- ii. Compensation related to customary land acquisition to be made on real replacement values 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 bank will prevail;
- iii. Compensation should be paid to categories of project affected people so long they are covered within the cut-off date. Some special project affected persons to be included are the squatters, pirates, vendors' stalls/hawkers;
- iv. Compensation should be paid in relations to labour inputs into gardens and maintenance of trees and crops within the immediate past year; and
- v. Provisions of basic and social services (such as potable water, graded access roads, sanitation facilities, subsidised fertilizer, income generating activities) to project affected people within the new area of relocations. Such support would enhance the restoration of standards of living of the project affected people.

**Table 1: Summary of differences between World Bank Policy on Resettlement (OP 4.12) and the Laws of Malawi**

Theme	WB: OP4-12	Malawi Legislation	Gap Identification	Recommendation to address gap
Policy objective	<p>The overall objectives of the Bank’s policy on involuntary resettlement are the following:</p> <p>Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.</p> <p>Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.</p> <p>Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.</p> <p>Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>	<p>The Bill of Rights contained in Part IV of the Malawi Constitution entrenches several rights relevant to the objectives of WB: OP412</p> <p>For instance:</p> <ul style="list-style-type: none"> <li>(i) The right to property in ss. 28 and 44(4) which provide protection against arbitrary acquisitions of property and for acquisition with adequate notification, and appropriate compensation.</li> <li>(ii) The right to development in ss.13 and 30 which accord the people right social, economic and political development and places the duty on the government. This accords with the project objective improving livelihoods and living standards</li> </ul> <p>The right to due process in s.43 which accords with the objectives against forced eviction</p>	<p>The overall shared picture and objectives of WB: OP4-12 are similar with the Malawi Constitution.</p> <p>All acts of government are required to be consistent with the Constitution.</p> <p>Avoidance of impacts etc. is not specifically stated though in the Malawi constitution. Further local laws do not specify on improvements or restoration of livelihoods &amp; standards of living of displaced persons.</p>	<p>The subprojects will ensure that resettlement issues are considered at the design stage of the sub project in order to avoid or minimize resettlement.</p> <p>Implement World Bank OP 4.12 policy - displaced should be assisted in improving their livelihood to pre project status.</p>



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<p>Eligibility for compensation</p>	<p>According to paragraph 15 of the WB: OP4-12 applies to physical and/or economic displacement concerning:</p> <p>a) Those who have formal legal rights to land (including customary and</p>	<p>The entrenched identified in policy objectives column above are buttressed by s. 20 of the Constitution. It prohibits discrimination of any person in any form. The legal rights themselves are therefore</p>	<p>The WB: OP4-12 standard as to eligibility for compensation under the project can fall within the legal parameters for acquisition of land and compensation under Malawi law.</p>	<p>Ensure ALL users (including illegal squatters, labourers, rights of access) of affected lands are included in the census survey or are paid</p>
	<p>traditional rights recognized under the laws of the country);</p> <p>b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan, but have a claim to such land; and</p> <p>c) Those who do not have recognizable legal right or claim to the land</p> <p>To determine eligibility: Carry out resettlement census. Cut-off date for eligibility is the day when the census begins.</p>	<p>available to all persons affected by the project</p> <p>The understanding in item (i) is buttressed by a High Court judgment concerning the one of the former head of state where the court ruled that in spite of holding land customary land tenure, the constitutional protections were available to the claimant.</p> <p>Similarly, ss.28 and 44(4) of the Constitution accord protection against arbitrary acquisitions of property and for acquisition with adequate notification, and appropriate compensation to every person.</p>	<p>Under OP4-12, the interest of squatters, who may not have legal title in a piece of land but will have beneficial interests, or rights of use are recognized and compensated for. However, in the land act these actors may be ejected without compensation. They may be recognised as encroachers and unlawful occupants, they may enjoy the benefits of time to organise themselves to find another, to dissemble the properties on the land, but not necessarily compensation.</p>	
<p>Compensation criteria and relocation</p>	<p>WB: OP4-12 para 3(a) and 3(b), dictates that: (a) The resettlement plan or resettlement policy framework</p>	<p>Sections 28 and 44(4) of the Constitution accord protection against arbitrary acquisitions of property and provide for acquisition with adequate</p>	<p>The constitutional preconditions to expropriation of property cover items in the OP 4-12 requirements.</p>	<p>Implement World Bank OP 4.12</p>



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	<p>includes measures to ensure that the displaced persons are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.</p> <p>(b) If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are</p> <p>(i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.</p> <p>(c) Where necessary to achieve the objectives of the policy, the resettlement plan or resettlement policy framework also include measures to ensure that displaced persons are : (i) offered support after displacement, for a transition period, based on a reasonable estimate</p>	<p>notification, and appropriate compensation to every person. The full text reads:</p> <p><i>“Expropriation of property shall be permissible only when done for public utility and only when there had been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to the court of law”</i></p> <p>The community involvement and grievance mechanism requirement criteria accords s.43 and s. 44(4) Constitution -due processes.</p>	<p>The difficulty is a practical one because the Malawi Constitution does not provide the meaning of adequate compensation. They may be similar in some cases but there are marked differences in approaches between the OP4-12 and practice in Malawi with regards to the use of Replacement Cost rather than Depreciated Replacement Cost.</p> <p>While OP4-12 specifies aspects that need to be covered in the community engagement, local laws do not state the contents that would be deemed as adequate notification.</p>	
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	<p>of the time likely to be needed to restore their livelihood and standards of living; and (ii) provided with development assistance in addition to compensation measures described in paragraph 6(a) (iii), such as land preparation, credit facilities, training, or job opportunities.</p>			
<p>Support to Vulnerable Groups including poor</p>	<p>The client will consider feasible alternative project designs to avoid or minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits, paying particular attention to impacts on the poor and vulnerable.</p> <p>The OP 4-12 determines that in order to reach the objectives of the policy, particular attention should be paid to the need of vulnerable groups among those displaced especially those below the poverty line, the landless, the elderly, women and children, ethnic minorities or other displaced persons who may not be protected through national land compensation legislation</p>	<p>Under ss. 23 and 24 women and children have the right to full and equal protection by law and have the right not to be discriminated against on the basis of their gender or marital status (on the part of women) or on account of their circumstances of their birth (on the part of children).</p> <p>The National Policy on Equalization of Opportunities for Persons with Disabilities is to promote the rights of people with disabilities to enable them play a full and participatory role in society. The aim is to ensure that concrete steps are taken for people with disabilities to access the same fundamental rights and responsibilities as any other Malawian citizen. This means that there must be integration of disability issues in all government development strategies, planning and programs. Further it has objectives to Increase access to technical, vocational and entrepreneurial training opportunities for persons with disabilities and Improve access to loans</p>	<p>The OP 4-12 does define the vulnerable groups among those displaced as those below the poverty line, the landless, the elderly, women and children, ethnic minorities or other displaced persons who may not be protected through national land compensation legislation. Malawi law makes special recognition for women and children. It is to be noted that the kind of recognition does not give higher rights than the standard rights to equality or to property.</p>	<p>Implement World Bank OP 4.12 as it has a broader categorization of vulnerable groups</p>



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		<p>and credit facilities for income generating activities.</p>		
			<p>The OP 4-12 does define the vulnerable groups among those displaced as those below the poverty line, the landless, the elderly, women and children, ethnic minorities or other displaced persons who may not be protected through national land compensation legislation. Malawi law makes special recognition for women and children. It is to be noted that the kind of recognition does not give higher rights than the standard rights to equality or to property.</p>	



## CHAPTER 4: PRINCIPLES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

This RPF will apply to all project components and investments financed under the that AF ASWAP SP II that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources, whether permanent or temporary. The framework is intended for use by all proponents implementing projects under ASWAp SP II AF funds. The procedures outlined in this RPF will be carried out throughout the preparation and implementation of the project and different project components, and impacts of any potential resettlement will be included in Monitoring and Evaluation

When RAPs will be required for implementation of the project in different districts, the RAPs will be prepared in accordance with the guidance of this RPF. Preparation of this RPF has been guided by provisions of the Malawi legislation and international policies and regulations as outlined in the World Bank Operational Policy on Involuntary Resettlement (OP4.12). This RPF seeks to ensure that any possible adverse impacts of the proposed project activities to people's livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks will be managed by:

- i. Avoiding displacement of people as much as possible;
- ii. In the event that displacement is inevitable, having a well-designed compensation and relocation process in place;
- iii. Minimizing the number of PAPs, to the extent possible; iv. Compensating for losses incurred and displaced incomes and livelihoods; and
- v. Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs and their well-being and restore livelihoods.

### 4.1 RPF principles under ASWAP II AF

- ✓ *Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.*
- ✓ *This RPF applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.*
- ✓ *Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the opportunity to share project benefits.*
- ✓ *PAPs will be meaningfully consulted and will participate in planning and implementing of the resettlement activities.*
- ✓ *Compensation for losses of assets will be provided at full replacement cost The World Bank OP4.12 states that Replacement Cost as a rate of compensation for lost assets must be calculated as market value plus transaction costs. It further expects the project to compensate affected people for loss of physical assets, revenue and income resulting from economic displacement or physical relocation regardless of whether these losses are temporary or permanent.*



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- ✓ *PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.*
- ✓ *Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the project investments.*
- ✓ *Projected affected persons if resettled will be supported to integrate economically and socially into host communities so that adverse impacts on host communities and vice versa are minimized. To this end, appropriate patterns of social organization will be promoted and existing social and cultural institutions of PAPs will be supported to the greatest extent possible.*
- ✓ *All PAPs will be identified and recorded as early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.*
- ✓ *Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, or other displaced persons who may not have legal protection. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.*
- ✓ *The implementation of individual RAPs must be completed prior to the implementation of the investments under ASWAP II AF.*
- ✓ *Recommended sites for rural road improvement works under Agriculture Sector Wide Approach II AF shall be those site with no or minimal resettlement. Priority projects would be those projects where the implementation of a project would not bring about involuntary resettlement, voluntary or involuntary physical dislocation, eviction of squatters, loss of land (whether ownership is recognized by customary land tenure or land titles, impact on cultivations and property, loss of access to property, loss of access to natural resources and other economic resources.*
- ✓ *Projects proposed within a site where resettlement on the proposed site is un avoidable, government will plan and implement resettlement well in advance implementation of the rural road improvement works.*
- ✓ *A fair and equitable set of compensation options must be negotiated. In case of resettlement needs on the proposed rural roads rehabilitations government will take care of required compensation on and assets to project affected people based on open market values.*
- ✓ *Setting up of accessible grievance redress mechanisms. Government will put in place user friendly and cost-effective mechanisms for addressing complaints from project affected persons. The mechanisms will include use of local grievance redress mechanisms administered by local village*



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*heads, traditional authorities as well use of formal courts under the Judiciary. The use of local traditional courts administered by village headmen, group village headmen and traditional authorities will allow project affected people to access such services without going long distance.*

Furthermore, this RPF applies to other activities resulting in involuntary resettlement, that in the judgment of the Bank and Government of Malawi are a) directly and significantly related to ASWAP SP II AF investments; b) necessary to achieve its objectives as set forth in the project documents; and c) carried out, or planned to be carried out, at the same time as the project.

As noted above, investments under ASWAP SP II AF will avoid or at least minimize involuntary resettlement to the extent possible. However, where it is unavoidable, appropriate measures to mitigate adverse impacts will be carefully planned and implemented following the general framework outlined in this document.



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## CHAPTER 5: ELIGIBILITY CRITERIA, ENTITLEMENT, VALUATION AND COMPENSATION

This chapter is a summary description of the category of the affected groups under the ASWAP SP II AF and the potential type of impacts related to involuntary resettlement. In addition, this chapter describes entitlements for each type and category of impact, and sets out the detailed requirements for determining the value of affected assets and outlining the process by which valuation will be undertaken. It also explains entitlement and compensation measures.

In case of the need for resettlement under Agriculture Sector Wide Approach II AF, procedures for determining eligibility for compensation, resettlement assistance and the actual displaced persons shall consider the following:

- i. 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.
- ii. Those who have no formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Malawi. This class of people includes those that come from outside and given land by the local chief to settle.
- iii. Those who have no legal right or claim to the land they are occupying. This class of people includes those that settle at a place on semi-permanent basis, or those settling at a place without any formal grant or authority.

Displaced persons classified under paragraph (i) and (ii) shall be provided compensation from the community 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 (iii) shall be eligible for compensation from the community for the assets but not land. 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.

### 5.1 Approach for identifying Project Affected Persons

The RAP will be prepared by a RAP Consultant who will be selected by the project using transparent and best hiring practices. This consultant will conduct the socio-economic survey which will establish PAP compensation to be paid into bank accounts based on the individual PAP compensation agreement derived from the socio-economic survey.

The Land legislation considers all titled landowners, customary landowners, encroachers, persons affected by loss of access to sources of income and persons affected by loss of access to natural resources, as PAPs. PAP's will be identified through the census survey and the socio-economic studies for RAP that will be prepared for each sub project. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, the elderly, women and children, including orphans, marginalized groups, ethnic minorities and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Malawi land compensation legislation.



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## 5.2 Determining categories Potential Project Affected Persons

According to this RPF, Project affected people, refers to those persons, households or communities directly or indirectly affected, socially and economically as a result of: **(i)** The appropriation of land and other assets causing relocation or loss of shelter; loss of assets or access to assets; loss of income sources or means of livelihood, whether or not of the affected person; and persons must move to another location; and **(ii)** The restriction or denial of access to legally designated areas that result in adverse impacts on the livelihood of the economically or physically displaced persons.

Until the exact project investment sites are determined in terms of location, nature, scope and magnitude, it will not be possible to determine the exact number of persons who may be affected and looking at the interventions to be up scaled there are less likely that there will be households that will be relocated. However, under ASWAp SP II a conservative approximation estimated that the project would affect, in some form or other, at most **1,000 households**. The likely displaced persons were categorized into three groups as individuals; households; and vulnerable groups or people.

**Individuals.** This category refers to those people with personal property/ businesses and may be affected in form of losses of their personal assets, land, property, or access to natural and/or economical resources as a result of land acquisition for construction/rehabilitation of rural feeder roads and development of new seed schemes.

**Households:** A household is affected if one or more of its members is affected by the program activities, either by loss of property, land or access, or is otherwise affected in any way by program activities. In case of this project, some households may lose family gardens, family wells, family trees and fruit trees, family winter gardens, family houses, family livestock kraals among others. A household is affected when there is loss of source of livelihood to any member of the household.

**Vulnerable groups of people:** Vulnerable groups refer to underprivileged members of the society. Most vulnerable groups are resource poor people. In implementation of project of this nature, vulnerable groups may be made worse off if they are not protected from undue negative risks. In rural areas of Malawi, vulnerable groups who may be affected by land acquisition and loss of properties may include the following:

- i) **Female-headed households:** These households are mainly dependent on male relations for a livelihood. However, there are also cases where women are the sole breadwinners for households even while the men have remained within the household. There are also situations where the land being appropriated is used by females without formal rights to it or by females who are dependent on a male other than their husband for their primary income. In addition, some female farmers are discriminated in technical support and provision of agricultural inputs in rural areas. Special considerations have to be made on land acquisition for construction/rehabilitation of rural roads to minimize displacement of female headed households during land acquisition for commercial farms.
- ii) **People living with disabilities and the elderly;** People living with disabilities and elderly persons are especially vulnerable as they are more often than not dependent on the generosity of family,



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relatives, friends, and neighbours. Land and any form of asset loss could severely affect their livelihoods.

- iii) **People living with HIV/AIDS:** Relatively high percentages of the poor are living with HIV or are terminally ill with AIDS. While many are beneficiaries of numerous health programs from government, international organizations, and NGOs, loss of assets could affect their livelihoods. These will require special attention to enable them benefit from the project.
- iv) **Orphans and Child headed households/Youth:** - Due to the impacts of the HIV/AIDS crisis in Malawi, there are a considerable number of orphaned children whose parents have died from AIDS. These children fall into three categories of care: (i) those being looked after by relatives; (ii) those being looked after by the government, local authorities, or NGOs; and (iii) those living alone and providing for themselves and other siblings. Child headed households and youth are vulnerable because most of them are voiceless. During land acquisition for land for feeder roads, children/youth may lose family houses/land to commercial farmers and may not get assistance to reclaim their properties and land.

**Squatters:** Those who have no legal right or claim to the land they are occupying. These shall be eligible for compensation from the community for the assets but not land. 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.

### 5.3 Eligibility for Vulnerability Assistance

The identification of vulnerable households will be on the following criteria:

- Predisposition to economic vulnerability;
- Age;
- Disability and Infirmary;
- Gender;

For groups identified as particularly vulnerable it will be ensured that they are included in the socioeconomic and baseline study so that: (i) they are individually consulted and given the opportunity to participate in the project activities under Agriculture Sector Wide Approach Support Project II; (ii) their resettlement/compensation are designed to improve their pre-project livelihood; (iii) they receive special attention to ensure that their pre-project livelihood is indeed improved upon; (iv) they are given technical and financial assistance if they wish to make use of the grievance mechanisms of the project; and (v) decisions concerning them are made in the shortest possible time.

### 5.4 Eligibility for Compensation

The following are some of the category of impacts eligible for compensation. The list, though, can be added to when socio-economic study and census undertaken for individual investments under ASWAP II AF, where other types of impacts could be identified.

- i. Land Property
- ii. Land and property



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- iii. Structures on land
- iv. Crops and trees
- v. Livelihoods
- vi. Grazing land
- vii. Businesses
- viii. Community assets
- ix. Landing sites

All affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the census and asset inventory of project affected persons (assessment of persons and their property) in the area is carried out for the preparation of investment specific RAPs. Table 2 below summarizes the entitlements for each group of affected persons.



**Table 2: Entitlement Matrix**

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
	Land remains economically viable.	Tenant/ lease holder	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.
	Greater than 20% of land holding lost	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice equal to replacement cost.
	Land does not become economically viable.		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.
			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
		Tenant/Lease holder	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.



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			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
Land users	Impact on livelihood	Land less, encroachers	Compensation to restore livelihood and ensure they will not be worse off as a result of the investments' activities.
Commercial Land	Land used for business partially affected  Limited loss	Title holder/ business owner	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).
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Assets used for business severely affected  If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	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.  Transfer of the land to the PAP shall be free of taxes, registration, and other costs.  Relocation assistance (costs of shifting + allowance)  Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)



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		Business person is lease holder	<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> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.</p>
	loss of revenues related to the loss of commercial land or business	Title holder/business owner	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).
Residential Land	Land used for residence partially affected, limited loss	Title holder	Cash compensation for affected land
	Remaining land viable for present use.	Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)



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	<p>Land and assets used for residence severely affected</p> <p>Remaining area insufficient for continuing use or become smaller than minimally accepted under zoning laws</p>	Title holder	<p>Land for land replacement or compensation in cash according to PAP's choice, based on the replacement cost.</p> <p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p>
	loss of any structures		<p>Replacement of structures in either the community or a nearby resettlement area with adequate physical and social infrastructure systems, with a secured tenure status at an available location which is acceptable to the PAP. or Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p>
			Transfer of the land to the PAP shall be free of taxes, registration, and other costs.
	<p>Land and assets used for residence severely affected</p> <p>Remaining area insufficient for continued use or becomes</p>	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p>



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	smaller than minimally accepted under zoning laws		Assistance in rental/ lease of alternative land/ property  Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected  Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets  Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months' rental costs
	Entire structures are affected or partially affected  Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation equal to replacement cost, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.  Right to salvage materials without deduction from compensation  Relocation assistance (costs of shifting + allowance)  Rehabilitation assistance if required (assistance with job placement, skills training)



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		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months' rental costs)</p> <p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Squatter/informal dweller	<p>Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p>
			<p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<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> <p>Relocation assistance (costs of shifting)</p>



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			Assistance to obtain alternative site to re- establish the business.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, plus the labour costs and transportation.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees
Loss of access to grazing	On livelihood	Households undertaking grazing activities in the affected areas.	<p><i>Alternate Arrangements:</i> Encourage adoption of zero-grazing techniques,</p> <p><i>Economic rehabilitation assistance:</i> Provide assistance to facilitate this transition. For example, assistance with and payment for construction of new zero-grazing structures on alternative lands; provision of buffer lands for growth of cattle fodder; assistance with cultivation of fodder, provision of cattle fodder for lag period until cultivated cattle fodder becomes available.</p> <p>Ensure that the livestock owners have access to land for grazing or ways to sustain their livelihoods.</p>
Loss of access to water sources	Loss of access to water for household use, for household plots, etc.	Affected households	<i>Replace water access:</i> Provide alternate access to water sources in the interim period. Ensure that the investments' design take into consideration different use and need for water and accommodate the users accordingly.
Loss of communal properties such as burial grounds and	Loss of access to these sites, temporarily or permanently, loss of investment made.	Communities affected	<i>Consultation:</i> Undertake consultation with affected households to determine appropriate arrangements and compensation if suitable. Replacing the social building such as schools and dispensaries.





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places of worship, community centres, and social buildings			
Loss of livelihoods (losing commercial unit, working/using agricultural/other land including rented land)	Loss of means of livelihoods such as a trade, small production, such as collection of forest product, fishery, bee keeping, small dependent jobs on affected assets, such as sand, forest, inaccessible water bodies and forest	Wage earners (workers employees within shop/business/ industries) and persons engaging in non-farming livelihoods such as hunters and gatherers, fisher folk, beekeeper.	Livelihood restoration measures- land or non-land based: Undertaken to help the affected persons restore their livelihood.
	Loss of employment	Wage earners	Cash compensation for loss of wages equivalent to a maximum of 6 months
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation or reinstatement for any assets affected (e. g. boundary wall demolished, driveways, trees removed)
Additional support to vulnerable people		PAP or PAH	An additional financial assistance of 20% on the base compensation amount payable. Provision of livelihood support if eligible as per criteria. Provision of financial literacy training as given to all PAPs This amount will be in addition to other compensation and assistance amounts given above per type of loss



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## 5.5 Establishment of Resettlement and Compensation Committees

For the purpose of RAPs to be prepared, at each district level where most sub-project investments are likely to be, an ad hoc Resettlement and Compensation Committee will be established to help ensure that all legal processes involving valuation, compensation and grievance management are followed in a just and transparent manner. This committee is proposed to ensure participation and inclusion of stakeholders.

The Resettlement and Compensation Committee will ensure effective communication among between affected persons, the district and implementing agency. The Resettlement and Compensation Committee will include representative of Lands department, representative of the implementing agency, district and village administration, social services department, representative of an NGO, representative of the PAPs among other members. The Resettlement and Compensation Committee will be the liaison between the PAPs at the lower levels with the implementing agency and district administration.

## 5.6 Method to Determine Cut-Off Dates

The entitlement cut-off date refers to the time when the assessment of persons and their property in particular project areas is carried out, which is the time when the census or economic survey is initiated. The establishment of a cut-off date, that is publicly disclosed and published, is required to prevent opportunistic invasions/rush migration into the area.

Where there are clearly no identified owners or users of land or assets, the respective district administration will notify the TAs to help to identify and locate the land users and owners. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The PAPs will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

## 5.8 Valuation Process of Assets

### *Development of Standard Valuation Table*

Due to the expected investments under ASWAP SP II and the localized nature of most project interventions, it is not anticipated that large number of small-scale asset valuations will need to be carried out during the course of the implementation of ASWAP II AF.

### *Field Preparation of asset inventory*

The first step will be to carry out an asset valuation survey as part of the RAP preparation. The team will include the consultant contracted by the implementing agency to carry out the RAP and the district and/or registered land valuer who will work closely with Resettlement and Compensation Committee, which will be established for the implementation of the RAP in a given project area. Each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism. The information collected, including census, will have been compiled in electronic and hard copy form, with a separate file for each affected household, including:



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- i. Census results;
- ii. Asset inventory and valuation;
- iii. Photographs; and
- iv. Any other relevant information.

The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets. **Table 3** below describes the forms of compensation.

**Table 3: Forms of Compensation**

FORMS OF COMPENSATION	
Cash Payments	Compensation will be calculated in Malawi Kwacha, based on the replacement cost. Rates will be adjusted for inflation.
In-kind Compensation	Compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Resettlement and Economic Rehabilitation Assistance	Assistance may include livelihood restoration measures, moving allowance, transportation and labour

One purpose of using in-kind compensation will be to reduce inflationary pressure on the cost of goods and services. Local inflation may still occur and thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The issue of security, especially for people who will be receiving cash compensation payments will be addressed by the local administration. The timing and venue for in-kind compensation will be decided by each implementing agency in charge of specific investment with consultation with the PAPs and with the assistance of Resettlement and Compensation Committee

**5.9 Methods of Assets Valuation**

In Malawi methods of valuation of assets (such as buildings, trees, fruit trees, crops, vegetables) for purpose of compensation are based on various pieces of legislations. These include Land Acquisition Act (2016), Public Roads Act and Physical Planning Act. Generally, Ministry of Lands, Housing and Urban Development (MLNR) will provide technical support and leadership on these issues. The ministry will provide benchmark on compensation schedules to determine values for loss of assets due to implementation of projects on construction of roads, health centres, earth dams, water schemes and other infrastructure. Currently there three types of compensation schedules based on type of assets affected. These schedules are used to determine compensation for the following groups of assets:

Physical assets such as buildings, bare land and other structures; Agriculture produce such as crops fruit trees, plantation crops, flowers; Trees such as indigenous and exotic trees. Each category of the assets has its own methods of valuation, and the exercises of valuation are based on market rates. The following paragraphs highlight the approaches to valuation of the assets.



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#### 5.9.1 Valuation for compensation of agricultural produce

The approach described in the section is provided for the damaged crops during the rehabilitation of roads and other infrastructures i.e. for value addition. If annual crops have been damaged, the calculation of the amount payable would be based on the average market unit price of the crop over a period of the past three years multiplied by the highest annual yield in kg and that multiplied by the land size on which it is grown. The market prices and yield per crop would be obtained from the Ministry of Agriculture. A detailed inventory of household heads and their assets will be established. The calculations will be based prevailing market rates in that particular area.

#### 5.9.2 Valuation of physical building/structures and land

This category covers valuation of land, building and related structures such as houses, toilets, kitchen, and bathrooms, temporary structures made of wood and metal and animal enclosures. A detailed inventory of household heads and their properties is established. The District Commissioner will provide observer and oversight role while the RAP consultant will be responsible for preparing and implementing the RAP. Construction costs estimates are normally prepared by qualified quantity surveyors in Department of Buildings. In large and permanent buildings, normally government uses the services of qualified valuation surveyors and quantity surveyors to determine the best replacement values of the affected structures. Normally compensation is paid based on these replacements cost estimates based on market.

#### 5.9.3 Valuation for compensation of fruits and trees

This category covers fruit and exotic trees. 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. For fruit trees, the calculation will be done based on the number of fruits each fruit bears per year, the unit price of the fruit in that area and the average number of years it takes for a replacement seedling takes to start bearing fruits.

### 5.10 Compensation of assets

The following methods will be adopted for the preparation of the standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

#### 5.10.1 Compensation for Land in urban and peri-urban areas

The compensation will be based on replacement cost, which will be the market price plus the cost of buying a new plot of land and the fees and taxes involved.

#### 5.10.2 Compensation for Agricultural Land

The project will provide first replacement of land for any affected land. If receiving land as compensation, the affected party will then be compensated for the labour required to replant the crops. In the case where there is no alternative land available, cash compensation at full replacement value will be provided. This will be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality.



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Any associated costs of purchasing the land i.e., taxes, registration fees will be included in the compensation. Compensation will also be done for any improvement made on the land with calculation made using current prevailing market rates for labour, equipment and materials. In cases where land lost is only a small fraction of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided will be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land). In addition, the PAPs will be compensated for any permanent improvements made to the land (for instance water distribution and supply lines). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labour, equipment and materials.

Compensation for land is aimed at providing a farmer and land owners whose land is acquired and used for project purposes, with compensation for land labour and crop loss. The farmer's labour is one of the biggest investments he/she makes in producing a crop which is higher than all other inputs such as seed and fertilizer. 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.

#### 5.10.3 Compensation for Crops and Trees

The compensation of the crops and trees will be paid at market rate for the production lost. This rate incorporates the value of crops and the value of the labour invested in preparing new land. The value is equivalent to highest market price over the last 3 years' market value for the mature and harvested crop. This will be validated from current market prices of crops as kept by District Agricultural office. The value of the labour invested in preparing agricultural land and ploughing will be compensated at the average wage in the community for the same period of time. The labour cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

#### 5.10.4 Compensation for Buildings and Structures

Compensation will be paid by replacing structures such as houses, buildings, huts, farm, outbuildings, latrines and fences on alternative land provided as an in-kind compensation. Cash compensation would be available as preferred option for structures lost, that are not the main house or house in which someone is living. The ongoing market prices for construction materials will be determined. Alternatively, compensation will be paid in kind for the replacement costs without depreciation of the structure. The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

- Measurements of structures and detail of materials used;
- Average replacement costs of different types of household buildings and
- Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/ replacement
- land or building site;
- Estimates of construction of new buildings including labour required; and



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- Any associated taxes, registration fees.

#### 5.10.5 Voluntary Land Donation

For land donated voluntarily for the ASWAP SP II projects, a written consent must be undertaken by the owner of the land and also consented by the family of the owner and witnessed by the Chief. An agreement will then be prepared by the Lawyer, signed by the owner and witnessed by the Chief. The project should ensure that (i) the potential donors have been appropriately informed and consulted about the project and the choices available to them, that potential donors are aware that refusal is an option, (ii) that the donated land is minor and that the donation will not reduce the donors' current livelihood level, (iii) the donor is expected to benefit directly from the project, and (iv) no household relocation is involved,

#### 5.10.6 Compensation for Community Assets

Community assets include community-owned assets such as water points, wells, marketplaces and community/ public facilities (e.g., schools, clinics police posts). Community assets will be identified through the census and enumerated. In the event that community assets are affected, in-kind and new facilities will be provided even if there are existing facilities at the new location, except if such assets are not needed in the new place. However, if community trees are affected, the community will be compensated through provision of new seedlings equivalent to the value of lost trees.

Some community assets such burial grounds in rare case may need to be moved, therefore the cost of moving graves and related structures will be considered by the project.

#### 5.10.7 Compensation for Sacred Sites

This RPF is conscious of the fact that valuation of sacred places is a difficult undertaking because of the complexity of placing monetary value on a cultural site. Additionally, most sacred sites belong not only to an individual but a family, village or community.

Under this RPF to the largest extent possible, the sacred sites and use of land that is defined to be cultural and/or sacred property by the Banks Safeguards OP 4.11 will be avoided. Sacred sites will include but not restricted only to museums, altars, initiation centres, ritual sites, ancestral tombs, trees, stones, and cemeteries which are considered sacred by the project affected persons. It will also include other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. However, if the impact on some cultural sites is unavoidable, utmost care will be taken to ensure that all related activities affecting such sites and compensation is culturally appropriate and acceptable to the involved community and that all the processes are done in a consultative manner and with full participation of the affected communities.

#### 5.10.8 Compensation for Loss of Enterprises

Business structures in project areas will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income, profits and production during the transition period (time lag between losing the business and re-establishment). If it is not possible or preferable to provide replacement site for an affected business/enterprise, the full replacement cost to re-establish the business, as described above, will be provided.





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#### 5.10.9 Compensation for vegetable gardens and beehives

Most vegetable garden, form part of the residential space of most homes - though miniature in size, they make critical component of most family's food and nutritional supplement through provision of vegetables. Until a replacement garden starts to bear, the family displaced (economically or physically), will have to purchase vegetables in the market for daily use. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market. Beehives are placed in various locations in the bush by individuals specializing in honey gathering. If such hives will be disturbed by the project activities, or access to hives is denied, beekeepers will be free to move them, and hopefully 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.

#### 5.10.10 Compensation for horticultural, floricultural and fruit trees

Papaya, Banana, Guava, spice crops, medicinal and aromatic crops will form a set of primary fruit trees that are likely to be found in project targeted area and are estimated to account for a significant amount of all fruit bearing trees. They are primarily important as a source of: *subsistence food for families; cash produce that contribute to the export economy; petty market income in some areas, and shade (in the case of mango trees)*. For banana trees, they have a relatively much shorter productive life, normally, than mango trees. For species, banana trees will not bear fruit more than once a year. Therefore, compensation for banana trees will be based on the full market rates for bananas harvested in that year and for one additional year. The second-year payment is for the replacement cost of planting a new tree, looking after it and harvesting it which could all be done in one year. This method in general is used for trees/plants that have a relatively short life.

Mango tree and other fruit bearing trees with longer life span will be compensated on a combined replacement/market value. Mango 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. For this RPF, the compensation rate will be based on the value of the mango and other fruits harvested in one season multiply by the years of the maturity of the tree. The compensation could also be in the form of providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income.

#### 5.10.11 Compensation for other domestic fruit, shade trees

As defined in this RPF, individuals will be compensated for wild trees which are located in their land. Wild productive trees belong to the community when they occur in the bush as opposed to fallow land. These trees will be compensated for under the umbrella of the community compensation.

#### 5.10.12 Compensation for livelihoods that are not necessarily land based

For those who have small production and that production is a major part of their livelihoods, such as forest fruit and herbs collectors, beehive keepers, livestock owners, tenants, those working on land, sand collectors, earning an income, which is affected by any of ASWAP SP II sub project investment, the RPF proposes full livelihood restoration and support to such vulnerable groups affected by the project activities.





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### 5.11 Livelihood Restoration for Economically Displaced:

- i. Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;
- ii. In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment;
- iii. Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws;
- iv. Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date;
- v. Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; and
- vi. Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

For loss of *Agricultural Income*, ASWAP SP II will focus on improving well-being and adaptation capabilities of the affected people, enhancing resilience and livelihood adaptation and ensuring natural resource sustainability. To generate alternative source of agricultural income, if PAPs will stay in the settlements and have sufficient land for cultivation (in case of unavailability of land, they can purchase by their cash compensation), ASWAP SP II will continue the on-going agricultural activity in smaller areas of land in more intensive manner but learn and use good farming practices to be able to increase crop yield.

### 5.12 Approach and Procedures for Delivery of Compensation

The District Commissioner will provide observer and oversight role while the RAP consultant will be responsible for preparing and implementing the RAP. Once valuation of land losses and asset losses has been finalized, it is the responsibility of the extension workers and District Lands Officer to circulate to District Executive Committee for review and approval the compensation packages from the community to project affected people. The process of payment of compensation is hastened so as to reduce risks of inflations and devaluation of the sums of the money. Typically, compensations are delivered to project affected persons within a period of six months from the date of valuation of the assets and prior to any displacement. The recommended procedures for the community to deliver compensation to project affected people are as follows:

#### 5.12.1 Delivery of compensation based on official valuations

This delivery mechanism is based on when the community offers such sums as deemed adequate as compensation to displaced person; and that person may accept that amount as compensation payable



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to him. Normally the sums are disbursed to the District Commissioners for the community in question for payment to the displaced persons. Local village headmen, traditional authority and assembly shall maintain records of displaced persons, their claims and entitlements. After payment of such sums, assembly documents the name(s) of the displaced persons, the amount of compensation and the records of how the compensation was arrived at. A copy of such records shall be made available to the government and local chiefs.

#### 5.12.2 Delivery of compensation based on arbitrated values by formal courts

Normally this approach is based on the recommended figures for compensation from formal courts. Such incidents occur when some people appeal to courts for review of the compensation packages. What is decided by the courts is then used for compensation to project affected people.

It should be highlighted that in case some project affected persons have objections to land acquisition and resettlement, their objections should be done in writing to the District Commissioner or Commissioner for Lands and Valuation within 30 working days after the public notice; or formal complaint lodged via the local village headmen and traditional authority. It should also be pointed out that normally claims are not entertained after five years from the date of the proclamation; and or 12 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired.



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## CHAPTER 6: PREPARATION AND APPROVAL OF RESETTLEMENT AND COMPENSATION PLANS

This chapter highlights the steps, process and methodologies for preparing RAPs. The RAPs for each investment will be prepared in accordance with this RPF.

### 6.1 Methodology for RP preparation/Preparation of RP

The RP will be prepared following the principles and guidelines provided in this RPF and the Ministry of agriculture in conjunction with the Ministry of Lands and Urban Development will provide Terms of Reference for the preparation of RAPs or ARAPS in alignment with this RPF.

#### 6.1.1 Desk Review

Key documents already prepared on the proposed project and different project components will be reviewed by the consultant preparing the RAP. These documents will include: this Resettlement Policy Framework; Project Appraisal Document; and Environmental and Social Management Framework. In addition, Socio-Economic profiles and District Development plans of concerned districts will be reviewed for appropriate usage in RP preparation.

#### 6.1.2 The Screening Process

Screening for subproject will be done by Village Development Committee or Area Development Committees on the proposed site of the project during the screening of ESIA. The result of the ESIA may trigger resettlement and subsequently, a RAP will be developed based on final designs for the subproject. The committees will be assisted by the District councils in the screening process. The aim of this exercise will be to assess the suitability of the proposed site or identify any form of hindrances. The Screening Process will principally be looking at Site Selection, Size of land required, and type of assets/property that will be affected. In case the land on the chosen site is owned by someone or has assets for somebody, village development committee will have to identify necessary compensatory measures for affected persons.

#### 6.1.3 Social Economic Survey and Census of Displaced Persons

A Census of the PAPs and their property will be conducted by a consultant to get pre-resettlement data and information regarding those PAPs that will be re-located to plan for their compensation and resettlement. The exercise involves headcount of the people and their property in the project area. All heads of households who were not residents in the area before the cut-off date are not eligible for resettlement assistance and compensations. The steps which are undertaken to conduct census of the PAPs, and their property include the following:

- i. Site visit to the project areas: This will help to appraise the pattern of the structures, scope of activities and density of residential properties on the site;
- ii. Identifying boundaries of the proposed project areas: The purpose would be to prepare boundaries of the site within which to work on;
- iii. Determining the size of land to be lost: The exercise will involve estimating the size of land the PAPs will lose to the project;
- iv. Conducting physical check and count of the houses within the project area: The activity will be conducted to find out the number of houses and heads of households who will lose their property to the project;



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- v. Establishing number of persons per household: The activity will establish the number of persons living in one house in the project area especially those people who will lose their houses to the project;
- vi. Socio-economic survey: This will be done to identify the persons who will be affected by the project to determine who is eligible for assistance and benefits, determine levels of asset loss (i.e. land, structures, or crops/trees), and assign economic values to them. To effectively do this, a socioeconomic survey will be undertaken, which will coincide with an inventory of all assets for PAPs. The socio-economic survey process will involve a review of tenure documents owned by occupants, and interviews with individuals, households, and groups in the affected area(s). Resettlement plans would be based on recent information about the scale and impact of resettlement on the displaced population. In addition, to documenting standard household characteristics, the socio-economic survey will describe:
  - The magnitude of displacement;
  - Information on the full resource base of the affected community;
  - Extent to which the groups will experience total or partial loss of assets;
  - Public infrastructure and social services that will be affected; Formal and informal institutions (such as community organizations, ritual groups, etc.) that could assist with designing and implementing the resettlement program; and
  - Patterns of group and individual livelihood strategies and how these would be affected by resettlement.

#### **6.1.4 Validation of the RAP**

The purpose of the exercise would be for the Ministry of Lands, Housing and Urban Development and District Executive Committee to verify the indications by the community that the proposed site is free from encumbrances or that any resettlement related issues have been sorted out. In this connection, while in the field, Ministry of Lands will undertake validation and verification of the PAPs.

#### **6.1.5 Preparation of Resettlement Plan**

In implementation of project activities, where there is any involuntary land acquisition, a RAP will be required. If such is the case the RAP will be prepared by a RAP consultant to be selected by the Project and that the consultant will be required to engage with the local authorities. Communally held resources will be included in the RAP when such resources are affected and PAPs experience any losses or restriction of access. An outline of the contents of a Resettlement Plan is provided in Annex 1. In general, a Resettlement Plan for a community-based subproject must consist of at least the following aspects:

- Description of the location of the proposed subproject;
- The size of land which the subproject will take up and its existing uses;
- Detailed inventory of all assets to be lost or impacted by all households and individuals affected by having to move their place of residence or business to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future wellbeing of the household can be measured. A plan of action for the resettlement of the



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homestead must be drawn. Sample Inventory of Land and assets to be affected has been provided in Annex 3.

- Inventory of the people who will lose land over which they have established ownership or rights of usufruct (either permanently or temporary fashion) to allow for the construction of the facility. This must be made from baseline survey (census of the area) against which the future wellbeing of the households can be measured. A plan of action for the resettlement or replacement of homestead and/or impacted assets must be drawn. This should also detail how compensation for crops will be paid, where replacement of land will be found (if necessary), and which steps will be followed to ensure that the households productive base is re-established; and
- A plan of action for ensuring that the communally held resource base is replaced/re-established to ensure that no one is worse off after project implementation than before is established.

The preparation of a Resettlement Plan would be done as collaborative efforts between the community and the District Executive Committee. Key officials to be involved would be the District Lands Officer, Director of Public Works, District Forestry Officer, Environmental District Officer, and Community Development Officer. Local Authorities will need support from the Department of Lands at the Ministry of Lands, Housing, and Urban development.

## 6.2 RAP Approval process

The RPs prepared for specific projects will have to first be approved by the Government of Malawi, through the Ministry of Lands, Housing, and Urban Development. The Ministry, where necessary will deploy its staff to verify certain components of the projects to ascertain details of the RPs. After this process, the RPs will be sent to the World Bank for final approval. After the preparation of the RAP, it will be sent to the World Bank for approval. After approval, the RAP will be ready for use during project implementation.

Once approved, the Ministry of Finance will be informed of the compensation packages required for them to release funds for compensation. Annex 5 of this RPF gives a template of an outline for preparing the RP.

## 6.3 Disclosure of the RAP

After approval, the RAP will be disclosed to the communities and PAPs with translation into a language they understand. The RPF/RAP will also be disclosed on the Ministry of Agriculture and the World Bank external website. For any changes to the disclosed RPF/RAP, the same approval/disclosure protocols will be followed".

## 6.4 Livelihood Restoration

The project will provide additional livelihood improvement measures for PAPs to improve livelihoods or restore livelihoods to pre-project levels to reduce vulnerability and inequality. In the case where the subprojects will affect livelihoods or income generation, measures will be put in place to improve or at least restore livelihoods and incomes. Eligibility for livelihood restoration will pay particular attention to gender aspects and the needs of vulnerable groups. Some of the strategies that will be used to enhance livelihoods for the PAPs will include judicious usage of compensation amount by the provision of effective training and sensitization; providing PAPs with work that would enable them to supplement



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incomes; and inclusion into project activities. The project will consider business development skills for vulnerable PAPs. Also products such as value addition and credit schemes, and income generating activities will be considered.



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## CHAPTER 7: INSTITUTIONAL ARRANGEMENTS FOR DELIVERY AND IMPLEMENTATION

### 7.1 Institutional Roles for RAPs preparation and implementation under ASWAP II AF

#### 7.1.1 Institutional Arrangements

Resettlement exercises have been traditionally the responsibility of the Ministry of Lands, Housing and Urban Development (particularly the Department of Lands and Valuation), the District Commissioner, Traditional Authorities and village headmen within the chosen area. However, today because of the multi-dimensional nature of resettlement activities, successful implementation of resettlement depends on collaboration of different stakeholders, at local level (village/area level), district level and national level. This is necessary because the implementation of the activities require input, expertise and resources which necessitate parties to liaise throughout the process.





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## 7.2 Definition of Stakeholders Responsibilities

The following sections outline key responsibilities of the institutions involved in resettlement planning and implementation within the context of implementation of rural road improvement works under agriculture Sector Wide Approach II.

### 7.2.1 Responsibilities of the community

In context of community development initiatives, permanent community level structures include village development committees, area development committees and area executive committees. Main responsibilities in resettlement activities will be as follows:

- i. The Village Development Committees (VDC)/Area Development Committee (ADC), which include extension workers, will be responsible for resettlement screening based of checklists and screening form. This would help to identify and mitigate the potential social impacts within selected sites. The exercise will help the communities to select potential sites without cases of resettlement. The committees will be responsible for consultations with wider communities on resettlement related matters.
- ii. The Village Development Committees (VDC)/Area Development Committee (ADC) will be responsible for identification project affected people, assets to be compensated and identification of land and asset resources for compensation to those to be displaced.
- iii. The Village Development Committee/Area Development Committee will be responsible for initial attention to grievances which may arise from resettlement related matters. Since micro projects are community based, negotiation and agreement by consensus will provide the best avenue to iron out and resolve any grievances expressed by individual land owners or households whose land and properties might be affected. Further review of the grievances will be the responsibility of Traditional Authorities within the area.

### 7.2.2 Responsibilities of the Local Authority

The District Executive Committee (DEC) is the key implementation arm of a local authority, and responsibilities in relation to resettlement activities will be as follows:

- i. Local authorities will be the main implementing government institutions on resettlement activities within the implementation schedule of the rural road improvement works under Agriculture Sector Wide Approach II. Main tasks will include project screening for resettlement, implementation of compensation measures in line with Resettlement Policy Framework. Necessary annual budgets provisions for resettlement related activities will be made for and by each district assembly.
- ii. District Executive Committee in collaboration with Village Development Committees (VDC)/Area Development Committee (ADC) will screen the site before land acquisition and resettlement. The District Executive Committee will verify that the land on the site is free from encumbrances.
- iii. Making recommendations on rejection for sites which would bring about unwarranted involuntary resettlement of households or communities when implemented.
- iv. The District Executive Committee will be responsible for monitoring the community level activities on resettlement to ensure that compensation measures are adequately taken care of before commencement of the project.



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### 7.2.3 Responsibilities at national level

Resettlement activities require a multi sectoral approach and as such several line ministries would be involved in the process. For the ASWAp-SP II AF, the following ministries have to be involved adequately: - Ministry of Agriculture; Ministry of Lands, Housing and Urban Development; Ministry of Transport and Public Works through the Roads Authority; Ministry of Local Government and Rural Development; Ministry of Finance, Economic Planning and Development; Ministry of Energy, Mining and Natural Resources through Environmental Affairs Department. Main activities to be done at national level are as follows:

- i. Mainstreaming resettlement planning within project management systems of Agriculture Sector Wide Approach II by synchronising resettlement screening with project appraisal systems.
- ii. determine the requirements of the environmental and social impact assessments. iii. determining the requirements on land take and resettlement
- iv. Preparation of comprehensive and user friendly checklists on social impacts from land acquisition and resettlements
- v. Securing and channelling resources to districts for the project and allocating financial resources including compensation funds.
- vi. Provision of necessary resources for conducting resettlement awareness meetings for district level staff and Village/area development committees in selected districts. vii. Provision of necessary resources to district level staff for monitoring resettlement activities.
- vii. Sensitization of stakeholders on resettlement planning in implementation of rural road improvement works and new seed multiplication schemes under Agriculture Sector Wide Approach II.



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## CHAPTER 8: IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

PAPs entitled to compensation will be determined and compensated in accordance with this Resettlement Policy Framework before any project activity is implemented. In particular, the use of acquired land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and disturbance allowances will be provided to displaced persons by the community. The measures to ensure compliance with this RPF will be included in the RPs that will be prepared for each project activity involving resettlement or compensation. A schedule of chronological steps covering all resettlement and compensation activities and agencies responsible for each activity will be prepared for the RPs. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project. The schedule should also include target dates for the achievement of expected benefits to PAPs and hosts and terminating the various forms of assistance. Table 4 below provides an Indicative RV Implementation Schedule



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Table 4 Indicative RP implementation schedule

No.	Project Phase	Activity Description	Months													
			1	2	3	4	5	6	7	8	9	10	11	12		
1	RP preparation phase	Prepare an inception report including overall work plan and schedule setting out the various activities in RP														
2	RP preparation phase	Mobilize, and resource, the team as per the agreed schedule to carry out the various resettlement activities														
3	RP preparation phase	Prepare a consultation plan for the project identifying what project														



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No.	Project Phase	Activity Description	Months													
			1	2	3	4	5	6	7	8	9	10	11	12		
		information will be communicated, how it will be communicated and to whom and when it will be communicated throughout the assessment and preparation of the RP;														
4	RP Preparation / Implementation Phase	Conduct trainings, stakeholder and community consultations and project information education and communication with affected														



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No.	Project Phase	Activity Description	Months													
			1	2	3	4	5	6	7	8	9	10	11	12		
		people, District and relevant government agencies and civil society organizations at all levels;														
5	RP preparation Phase	Conduct a survey in order to prepare an inventory of lost/affected assets (land and other improvements), affected people and database for the same and identify the appropriate entitlements for all classes of PAPs including livelihoods														



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No.	Project Phase	Activity Description	Months													
			1	2	3	4	5	6	7	8	9	10	11	12		
		restoration and rehabilitation and additional assistance for vulnerable PAPs														
6	RP preparation Phase	Identify the needs for livelihood restoration activities and income generation transition support by type of PAP.														
7	RP preparation Phase	Carry out valuation assessment of affected land and improvements and other losses/impacts and prepare compensation														





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No.	Project Phase	Activity Description	Months											
			1	2	3	4	5	6	7	8	9	10	11	12
		assessment schedules.												
8	RP preparation Phase	RP approval and public disclosure based on established processes and schedules for land and assets acquisition and secure the agreement between the project proponent and APs;												
9	RP implementation Phase	Operationalization of Grievance Redress Mechanisms												



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No.	Project Phase	Activity Description	Months														
			1	2	3	4	5	6	7	8	9	10	11	12			
11	RP implementation Phase	Finalize compensation and entitlements (payment of compensation )															



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## CHAPTER 9: GRIEVANCES REDRESS MECHANISMS

Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution on the issue. PAPs will be informed of the intention to put in place a grievance mechanism, and the procedures will be communicated to all PAPs at the time of the preparation of investment specific RAPs.

Resettlement of people generates a number challenges and complaints especially to those moved from one place to another. Examples of complaints include objections to use of an individual's land, encroachment on private land, theft of property within the land, harassment and unfair treatment of women in the distribution of assistance. Examples of grievances include dissatisfaction with the criteria used to value assets, the amount of compensation, the size and nature of land replacement. Since the implementation of micro projects will be community based, negotiation and agreement by consensus at community level will provide the first avenue to iron out and resolve any grievances expressed by individual land owners or households whose land and properties might be affected.

Appropriate channels of grievance redress will be put in place, in line with norms of the communities as well as laws of the country, and the project affected people will be sensitised on their use. A clear time schedule will be defined for resolving grievances under each investment, ensuring that they are addressed in an appropriate and timely manner. The grievance procedure will be simple and will be administered as far as possible at local (village and district) levels to facilitate access by PAPs.

The normal process of grievance redress in Malawi involves informal structures handled by traditional leaders (village headmen, traditional authorities) and when necessary the involvement of District Commissioner as well as formal courts within the judiciary.

### 9.1 Grievance and redress principles

The following principles will apply to grievance management:

- i. The procedure to be followed will take into account community and traditional dispute settlement systems. Traditionally people approach traditional leaders to resolve disputes, particularly in issues relating to use and ownership of land, trees and housing structures. Although it may be inevitable that, in the process of grievance management, project affected people continue to follow customary procedures, they are likely to accept project related structures if they are consulted on the matter and such leadership is incorporated into the structures. A person who is aggrieved by a decision of the Customary Land Tribunal may appeal to the District Land Tribunal which is presided by the District Commissioner and includes 3 T/As, 3 reputable persons residing in the area and the District Land Registrar who are knowledgeable about customary land law. A person who is aggrieved by a decision of this Tribunal can appeal to the Central Land

Board which is established under section 38. This Board is presided over by a Resident Magistrate;

- ii. Information about all dispute and grievance procedures, including the functions of each structure and the processes to follow, will be widely disseminated to all PAPs and stakeholders, through project structures, governmental and non-governmental organizations, Community Based Organizations (CBOs), the Project Information Centre, and the media. This will include who to contact (a phone number, address and location, time) as well as type of grievances they can put through this procedure. This will not only fulfil the function of dissemination of information, but also transparency around project related matters;
- iii. Affordable and accessible procedures will be made available for the settlement of disputes arising from resettlement;
- iv. Anybody assigned for reviewing grievances will be required to be independent and impartial to foster the trust and confidence of all stakeholders; and
- v. A written record or log of all disputes/grievances raised and dealt with on a project level will be kept by the appropriate body. Each complaint will have an individual reference number. The entire grievance resolution process will be recorded, tracked and a copy made available to the aggrieved person/s. All records will be monitored regularly by project, as part of an on-going project monitoring and evaluation process.

## 9.2 Grievance redress process

The ASWAP SP II Additional Financing will be using the the GRM developed under ASWAp SP II where there are five main stages that are undertaken in GRM processes. These stages include: (i) the complaint or grievance uptake (ii) Assessment, analysis and response (iii) Resolution and closure (iv) Registry and monitoring (v) GRM Evaluation.

### Stage 1: Complaint Uptake

All the PAPs in the respective communities will present their complaints or grievances to the Community Grievance Redress Mechanism Committee (CGRMC). The cases may be presented in different ways including the following;

- **Face-to-face:** This includes verbal or written submissions through face-to-face interactions with members of committees, programme officials, local structures (chiefs, councillors, members of parliament) at any time.
- **Grievance box:** Grievance boxes will be placed in strategic places in project communities where PAPs can drop in their grievances at any time. These will also be made available at Extension Planning Areas and Construction sites.

Regardless of the channel, the CGRMC will record all received complaints or grievances in a Grievance Community Log Book and Resolution Form. The case shall only be referred to DGRMC



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when they have not been resolved at the CGRMC. There could be cases where PAPs may refuse to lodge cases at the CGRMC due to proximity or misunderstanding. In such circumstances, both CGRMC and DGRMC would agree on how to go about it, but preference will be given to CGRMC as first stage of hearing cases.

Employed workers will present their complaints or grievances to the Workers Grievance Redress Mechanism Committee (WGRMC). The WGRMC will record all received complaints or grievances in a workers Log and Resolution form. The case shall only be referred to DGRMC when they have not been resolved at WGRMC.

#### Stage 2: Assessment, Analysis and Response

When a complaint is received, a maximum of 5 days has been provided for the CGRMC to respond to the PAP. This is so to make sure that grievances/complaints are resolved as early as possible. When a complaint is received, a maximum of 5 days has been provided for the WGRMC to respond to the workers who is PAP. This is so to make sure that grievances/complaints are resolved as early as possible.

Once complaints are received, the CGRMC or WGRMC shall assess whether the complaint or grievance is related to ASWAp – SP II Additional Financing activity implementation or not. In case, complaints are not related to the project, PAPs shall be advised to channel their complaints to the right institutions. For ASWAp-SP II Additional Financing complaints or grievances, CGRMC and GRMC shall hear such cases and make necessary follow ups to establish the truth of the matter. The outcome of the analysis shall be communicated to the PAP.

#### Stage 3: Resolution and Closure

Where a resolution has been arrived at and the PAP accepts the resolution, the PAP shall be required to sign the resolution and closure section in either the Grievance Community Log Book or Resolution Form or Grievance Workers Log and Resolution Form. Two members of the CGRMC or WGRMC (Chairperson and Secretary) shall also be required to counter sign if it involves either the community or workers respectively. This shall signify that the complaint or grievance which was presented has been fully discussed and closed.

#### Stage 4: GRM Registry

All grievances received will be publicly entered into an accessible recording system as the GRM registry shall be maintained at all the three GRM levels. Both the community and workers logs and resolution forms shall be in triplicate. For any case heard, closed or referred, a copy of this



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case shall be sent to the two upper levels for records, i.e. the DGRMC and the PFGRMC. Similarly, if a case is handled at DGRMC, a copy shall be sent to PFGRMC and another to CGRMC or WGRMC (if it involves in a workers) to notify them how the referred case was handled. This shall enable the District to keep a register, of all cases recoded and handled by any GRM committee in their District. Using this information, councils will be able to generate a matrix of cases and agreed resolutions and be able to follow up if the resolutions are being implemented.

#### Stage 5: GRM Monitoring and Evaluation

The GRM monitoring and evaluation can be undertaken alongside any other monitoring and evaluation exercises for the project. This will be possible using copies of registers that Councils and ASWAp-SP II Secretariat will be keeping. This may assist to trace whether the GRM system was strong enough to respond to peoples complaints and whether the GRM principles were met during the project implementation.

The grievance redress mechanism shall contribute a lot to the efficient running of the project as it shall assist to investigate complaints and bring up a much clear version of the complaint at an earliest time possible, provide a fair and speedy means of dealing with complaints, prevent minor disagreements from developing into more serious disputes, thereby, providing a simple, speedy and cost-effective mechanism of re-installing satisfaction to the ones that were affected.

### 9.3 Grievance Logging

The ASWAp SP II Additional Financing will be using the current logging system which is in place i.e developed under ASWAp SP II where grievance redress forms and registers (in triplicates are distributed to the district as well as community communities for recording grivenances. Each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- i. Date the complaint was reported;
- ii. Date the grievance log was uploaded onto the project database;
- iii. Date information on proposed corrective action sent to complainant (if appropriate);
- iv. The date the complaint was closed out;
- v. Date response was sent to complainant; and
- vi. Nature and type of grievances being raised.

Monitoring Complaints will be undertaken to ensure weekly reporting on status of complaints, outstanding issues to be addressed; and an analysis of the type of complaints, levels of complaints, and actions to reduce complaints.



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## 9.4 Management of Gender Based Violence and Sexual Abuse Cases

There could be reported cases of Gender based violence under Second Agriculture Sector Wide Approach Support Project (ASWAp-SP II) Additional Financing hence there is need to put in place procedures that should be followed when reporting, investigating and resolving or referring gender-based violence or sexual abuse cases that may arise from implementation of ASWAp-SP II Additional Financing.

### Definitions of terms

**Gender based violence (GBV)** is defined as any unlawful act perpetrated by a person against another person on the basis of their sex that causes suffering on the part of the victim and results in, among others, physical, psychological and emotional harm and economic deprivation. GBV is a serious, sometimes life threatening, human rights, health and protection issue that violates a number of universal human rights. The following are forms of GBV cases that may arise from implementation of sub-projects under ASWAp-SP II Additional Financing:

- **Sexual violence**, includes acts like rape/sexual assault, sexual abuse of programme participants (beneficiaries and/or supervisors), sexual harassment, trafficking of women and girls and forced marriage and/or prostitution occurring within a beneficiary household.
- **Physical violence**, involves acts such as hitting or beating (or battering, strangling, suffocating, throwing things at the victim), or any physical harm of programme participants, conducted by another beneficiary or a person in authority such as a committee member.
- **Economic violence**, involves acts such as withholding or denial of access to resources, denying the beneficiary/participant independent decisions regarding benefitting from the programme and use of resources earned, whether from the programme or from participating in savings and loans initiatives, damaging property, and failure to comply with economic responsibilities.
- **Emotional and psychological violence**, can take the form of provocation of the beneficiary/participant in ways that are likely to invoke an emotional reaction that can lead to other forms of GBV (e.g. physical violence) or personal harm and includes intimidation and threats, usually by persons in authority and/or non-participating community members directed at participants/beneficiaries, such as verbal abuse and psychological abuse.
- **Verbal abuse**, refers to the use of insulting or disrespectful language with the intention of undermining the beneficiaries/participants, defamation, or harassment.
- **Psychological abuse**, can include the manipulation and isolation of the beneficiaries/participants, setting the victim up so they are over-dependent on the abuser –





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such as threatening to remove the victim from benefitting from ASWAp-SP II Additional Financing, deprivation of liberty, or denial of access to services.

**Violence against women and girls (VAWG)** is any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering by women or girls, including threats of such acts, coercion, or the arbitrary deprivation of liberty, occurring in the implementation of ASWAp-SP II Additional Financing.

ASWAp-SP II Additional Financing will ensure that women and men have equal access to and control over resources, benefits and decision-making at all stages of agricultural production. It will support gender mainstreaming using approaches and tools that encourage improved gender relations at the household level such as the Household approach.



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## CHAPTER 10: MECHANISMS FOR CONSULTATIONS AND PARTICIPATION OF DISPLACED PERSONS AND DISCLOSURE

Public consultations and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and implementing agencies. In recognition of this, particular attention will be paid to public consultations with project affected individuals/households when valuation and compensation concerns are involved. The consultations were done during preparation of the ASWAP SP II additional Financing especially on the component of livestock

Public consultations did take place at the inception of the planning stages of ASWAP SP II AF when the potential land areas are being considered. The participation strategy revolved around the provision of a full opportunity for involvement of the PAPs. Therefore, as a matter of strategy, public consultations will be an on-going activity taking place throughout the entire project cycle.

### 10.1 Data collection phase

When preparing RAPs for Additional Financing, preliminary public consultations will be undertaken. It will involve active participation of the all PAPs in provision of preliminary data. Information about proposed project will also be provided to PAPs in a local language that they understand. Besides, PAPs will be given platform for queries and to make inquiries about the project, clarify potential impacts of the proposed ASWAp SP II AF projects, suggest mitigation measures and alternatives to be considered in the technical designs. Attention will be given to vulnerable households to ensure adequate representation in the processes. During the public consultation it was clear that people will not be affected by being displaced looking at the intervention to be upscaling

### 10.2 Disclosure of RAPs

Public disclosure of the ASWAp SP II RAPs AF will be made to PAPs and other stakeholders for review and comments on the entitlement matrix and other issues in the implementation of the RAP. The purpose of the disclosure will be to receive comments and suggestions from PAPs and incorporate appropriate suggestions. The ASWAp SP II AF RAPs will be disclosed in a form, manner and language comprehensible to PAPs and at a place accessible to the affected population and other stakeholders for review and comments on entitlement measures. Except for the Entitlement Matrix, other sections of the RAP will be disclosed publicly. The Ministry of Agriculture, will disclose and post ASWAp SP II AF RAPs in its websites and receive comments. Comments and critiques made on any ASWAp SP II AF RAPs by PAPs and other stakeholders will be taken by the proponent into consideration. The proponent will also ensure that stakeholders and representatives of civil societies, local leaders are fully involved. The public disclosure of any RAP will be made in the local language and English, posting them in a range of publicly accessible places such as districts, TA offices and at village level.



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### **10.3 Implementation operation phase**

During implementation, the PAPs will be informed about their rights and options, and their views will be taken into consideration. Cash compensation amounts and size of land offered for compensation will be presented to each eligible PAPs for consideration and endorsement before cash payment or land compensation can be effected. Attention will be given to consultation with vulnerable groups such as the landless, people living with disabilities, people living with HIV, orphans and child headed households, people living in informal settlements, women and female headed households to ensure that they are represented adequately in the consultation processes. The RCC is expected to play an important role in the consultation processes of the RAPs. It will be in close contact with the affected persons and communities and in continuous communication with them about the AF ASWAp SP II sub projects, their impacts, resettlement and compensation processes, grievances management, among other issues. The RCC is also expected to manage the process of communication on the cut-off date to the PAPs.

### **10.4 Monitoring and Evaluation phase**

The PAPs representatives will participate in the project completion workshops, to give their assessment of how the management of impacts of the project. They will be provided room to suggest corrective measures, which may be used to improve implementation of other ASWAP SP II AF subprojects and future investment operations. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as part of an audit exercise for the RAPs.

### **10.5 Consultations and Disclosure for RPF**

Public consultations on this RPF were held in Ntchisi, Lilongwe, Mzimba, and Zomba Districts and Mikolongwe Veritany College with extension workers, district staff from different departments, civil society organizations and farmers to discuss the contents of this RPF.

Public disclosure of the RPF will be done nationally in the both the Ministry of Agriculture, website, at district level in the impacted 12 districts of Lilongwe, Mchinji, Kasungu, Dedza, Mzimba, Ntchisi, Phalombe, Ntcheu, Chitipa, Zomba, Mulanje and Thyolo, and in the World Bank external website. When the final version of the RPF is disclosed, the contact details of those who participated in the consultations will be removed for confidentiality reasons.



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## CHAPTER 11: RESETTLEMENT BUDGET ESTIMATES

The actual cost of resettlement and compensation for each ASWAp SP II AF investment will be determined during each socio-economic study for the preparation of the individual RAPs. The Government of Malawi will finance all resettlement and compensation costs including expenses for capacity building in relation to involuntary resettlement.

At this stage, it is not possible to estimate the exact number of people who may be affected under ASWAp SP II project since details of all investments have not yet been finalized. Hence it is not possible to provide an estimated budget for the total cost of resettlement that may be associated with project implementation.

However, when locations are known, and after the conclusion of the site specific socio-economic surveys, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budget for each ASWAp SP II AF RAP will be prepared.

Management of resettlement issues in relation to rural road improvement works under Agriculture Sector Wide Approach Support Project II will be carried out at district level by the District Executive Committee and national level by Ministry of Agriculture and Ministry of Transport and Public Works through the Roads Authority. Funds for resettlement and compensation will flow from the Ministry of Finance, Economic Planning and Development to the local authority, the Ministry of Agriculture and the Roads Authority. Appropriate budget support to activities expected at each of these three levels is outlined in Tables 4, 5 and 6 below here. It should be pointed out that the budget estimates are indicative, and may be revised by and with stakeholders during census and asset inventory phase as the cases of resettlement become clear. The tables also highlight sources of funding for the exercises. Furthermore, it should be highlighted that the figures are provided on the assumption that the rates of land acquisition and compensation would be on real replacement values. The use of real replacement values in compensation of assets would be consistent with stipulations in the World Bank Operational Policy on Involuntary Resettlement (OP 4.12). Compensation on real replacement values of assets would contribute to much higher incomes and better lives for project affected persons after Resettlement exercise. Each RAP will include a detailed budget and assumptions, using the following template as illustrated in table 5 and table 6 below respectively.



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Table 5: Illustrative Budget Template for RAP

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
crops and economic tress			
Community infrastructure			
<b>Land Acquisition and Preparation</b>			
Land,			
structure,			
Crops areas and others			
Community infrastructure			
<b>Relocations</b>			
Transfer of possessions			
Installation costs			
<b>Economic Rehabilitation</b>			
Livelihood restoration			
Grievance Mechanism			
Training			
Capital Investments			
Technical Assistance			
NGO/civil society support			
Monitoring			
Contingency			

**Table 6: Assumptions for the RPF Budget line**

Item	Justification
Stakeholders trainings and consultations for GOM institutions that will be involved in the implementation of RAPs under ASWAp SP II AF	ASWAp SP II implementing agencies and other GOM institutions charged with resettlement will need to be taken through the RPF, its principles and requirements
Disclosure of RPF	The RPF and RAPs will be disclosed nationally, at district and community levels.
RAP implementation manual for ASWAp SP II AF	There will be need to develop a RAP implementation manual that is line with RPF principles building on lessons learnt.
Compensations for PAPs under ASWAp SP II AF	Indicative budget estimates for RAPs compensations
Monitoring and evaluation exercises on the implementation of RAPs under ASWAp SP II AF	To ensure compliance to the principles of RPF, it is expected that the ASWAp SP II AF will carry out monitoring and evaluation of the RAPs. The M and E assessments will help with the review and subsequent adjustments of the RPF.
Grievance Mechanisms ASWAp SP II	ASWAp SP II to put in place grievance mechanisms at project and community levels.
Development of RPF – RAP implementation manual	There will be need to develop a RAP implementation manual that is line with RPF principles building on lessons learnt.
RPF Audit	RPF Audit will be organized at least once a year to review both the process and outcome of RAPs and derive lessons learnt for future resettlement programs.
20% contingency	Shall support unforeseen contingencies including compensations to be made in the implementation of this RPF.



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## CHAPTER 12: ARRANGEMENTS FOR MONITORING AND EVALUATION

This chapter sets out requirements for the monitoring and evaluation of the implementation of the RAPs which will be prepared in accordance to this RPF.

Monitoring and evaluation mechanisms for resettlement activities within the programme will be linked to existing government monitoring and evaluation systems at community level, district level and national level. Monitoring and evaluation at community level will be undertaken by District Executive Committee (DEC) with technical support of the extension workers. Monitoring resettlement activities at community level should be done by District Executive Committee (DEC) as opposed to the community structures so that the District Executive Committee provides independent results. The District Monitoring and Evaluation Officer will provide technical support in tracking key monitoring indicators on the exercises.

Monitoring at national level will assess the effectiveness of the stakeholders in mainstreaming of resettlement principles in the administration and implementation of rural road improvement works and development of new seed multiplication schemes under ASWAp SP II. The key stakeholders in monitoring at national level will be Ministry of Agriculture, Ministry of Lands, Housing and Urban Development, and Ministry of Local Government and Rural Development (MLGRD). Information from district assemblies will be collected by District Monitoring and Evaluation Officer (M&EO) and will be transmitted to Ministry of Economic Planning and Development. The ministry will produce consolidated annual monitoring reports.

Key issues to be monitored at community level will be type of resettlement losses, delivery of compensation to affected people and provision of resettlement assistance to project affected people. Table 7 below here outlines a suggested monitoring plan at community level. The plan outlines typical resettlement losses, entitlements, monitoring indicators, authorities responsible for monitoring and means of verifications.



**Table 7: : Proposed Monitoring Plan of Resettlement Activities at Community Level by District Executive Committee**

Type of resettlement losses	Compensation entitlement	Monitoring indicators	Monitoring authorities	Means of verifications	Frequency of Monitoring
Loss of land	Land replacement	Hectares of land replacement	District	Records with local village	Annually
	Cash compensation in lieu of land	Cash paid in Malawi Kwacha.	Executive Committee	Headmen and village	
		Number of people compensated.	TA	Development Committee	
Loss of residential structures	Cash compensation	Cash compensation.	District	Records with local village	Annually
		Number structures compensated.	Executive Committee	Headmen and village	
		Number of people compensated.	TA	Development Committee	
Loss of commercial/business structure	Cash compensation	Cash paid in Malawi Kwacha.	District	Records with local village	Annually
		Number of structures compensated.	Executive Committee	Headmen and village	
		Number of people compensated.	TA	Development Committee	
Loss of rental accommodation	Cash compensation	Cash compensation in Malawi Kwacha	District	Records with local village	Annually
		Number accommodation units	Executive	Headmen and village	

		compensated.	Committee		
		Number of people compensated.	TA	Development Committee	
Loss of businesses	Cash compensation	Cash paid in MK	District	Records with local village	Annually
			Executive Committee	Headmen and village	
		Number of businesses compensated.	TA	Development Committee	
Loss of forest trees	Cash compensation	Number of trees compensated.	District	Records with local village	Annually
		Cash paid in Malawi	Executive Committee	Headmen and village	
		Number of people compensated.	TA	Development Committee	



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## ANNEXES

### Annex 1: Resettlement Action Plan (RAP) Procedure

The scope and level of detail for the development of resettlement action plan will involve the following.

- a) **Description of the investment/project under ASWAp SP II AF, project area and area of influence:** Information presented in this section will include description of the project area showing location, sitting of plants, structures, lands, affected dwellings etc; ASWAp SP II AF objectives and strategy; the investment/project objectives; policy and legal framework; timeframe; geographical coverage; project strategic context and rationale.
- b) **Potential Impacts:** Description of investment/project components or activities which would trigger resettlement; the cultural, social, economic and environmental impacts envisioned; and the alternatives considered to avoid or minimize resettlement.
- c) **Legal Framework:**
- d) The analysis of the legal and institutional framework should cover the following:
  - Scope of existing land and property laws governing resources, including state owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;
  - Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
  - Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;
  - Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
  - Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
  - Legal steps necessary to ensure the effective implementation of RAP activities in the subprojects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

#### d) Census and Socio-economic Assessments

Applying appropriate and up to date participatory methodologies, collect and evaluate both qualitative and quantitative baseline data on the socio-economic and socio-cultural characteristics of the study area. These will include the following:

- **Census:** Delineate the area of direct and indirect potential resettlement impacts and identify all the affected persons through a census survey. Indicate the extent of physical and economic displacement and provide an inventory of assets to be affected. Ensure that the PAPs census survey covers all people and assets in the affected area and using a cut-off date establish a baseline for the design of the



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resettlement program and exclude subsequent inflows of people from eligibility for compensation and resettlement assistance. Develop a gender and age disaggregated profile and a data-set for the PAPs, providing personal identification numbers corresponding to photo log and assets (structures/properties/crops) to be affected.

- **Socio-Economic Survey:** This will include a demographic profile of the population (i.e., full time and seasonal); land use (i.e., year-round and seasonal) and land tenure systems including common property and non-title based land ownership or allocation recognized locally; production systems, and household organization, planned development activities; Public infrastructure and social services; employment and labor markets; distribution of income, livelihood patterns and standards of living, goods and services; recreation; public health; education; cultural properties (e.g., archaeological and historically significant sites); customs, aspirations and attitudes. The socioeconomic survey should also describe magnitude of the expected loss (total or partial for individual or group assets) of assets, and the extent of displacement, whether physical or economic.
- **Vulnerability and Gender Baseline:** As part of the socio-economic baseline study, develop a profile on vulnerability clearly stipulating the levels of vulnerability of different categories of PAPs through an appropriate set of indicators and classification tool. Such groups and persons include those living below the poverty line, the landless, the elderly, children, and displaced persons who are not protected through national land compensation legislation. A specific gender analysis should be undertaken within this component and should clarify among others, gender roles, responsibilities, relations and power differences; examine gendered resource allocation, distribution and access; and clarify gender based differences that constrain the distribution of development opportunities and benefits, how the project intervention will affect men and women and the risks of men and women benefiting or being disadvantaged disproportionately as a consequence of the planned interventions.
- **Socio- cultural characteristics of displaced and host communities,** including social capital and mechanisms for social cohesion, a description of formal and informal institutions (e.g. community structures/organizations, nongovernmental organizations (NGOs) that may be relevant to designing and implementing the resettlement activities. Appropriate patterns of social organization should be promoted and the existing social and cultural institutions of resettled persons and their host should be retained, supported and used to the extent possible.
- **Provisions for updating information on the livelihood of displaced people and their standards of living at regular intervals;**

**e) Community Participation:** This sub-section includes: -

- **Description of the consultation and participation of the displaced and host communities in design and implementation of resettlement activities including a summary of the views expressed and how these views were incorporated during the preparation of the resettlement plan.**
- **A review of the resettlement alternatives identified and choices made by the displaced people, including choices related to forms of compensation and resettlement assistance, relocating as individual families or as part of pre-existing families and to retaining access to cultural property (e.g. cemeteries, places of worship etc.)**
- **Description of procedures for redress of grievances by affected people throughout the planning and implementation period.**
- **Description of measures aimed at sensitizing and educating the affected and host communities on matters of resettlement.**

#### **f) Integration with host communities**

- Arrangements for consultation with host communities and procedures for prompt payment to the host for land and other assets should be provided to the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons.
- Arrangements for resolving conflicts which may arise between the resettled persons and host communities should be put in place.
- Appropriate measures to augment public services such as education, water, health in host communities in order to avoid disparities between resettled persons and the host communities should be put in place.
- Plan for resettled persons should be integrated economically and socially into host communities so that adverse impacts to host communities are minimized.

#### **g) Institutional arrangement and responsibilities**

This will be the same as the RPF

#### **h) Eligibility**

Definition of displaced persons and criteria for compensation and other resettlement assistance including relevant cut off dates. The assurance should be given that lack of legal title should not bar affected persons from being compensated.

#### **i) Valuation and Compensation for losses**

- The methodology to be employed for valuing losses in order to determine their replacement cost. This is a description of the levels of compensation under the local laws and supplementary measures aimed at determining replacement of cost for lost assets.
- A description of the packages of compensation and other resettlement measures that will ensure that each category of eligible displaced persons get their fair compensation. In conformity with the World Bank Operational Policy (OP.4.12 of Dec 2001, updated February 2011), displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels or to levels prevailing prior to the start of project implementation whichever is higher.

#### **j) Identification of alternative sites, selection of resettlement site(s), site preparation and relocation**

- Institutional and technical arrangements for identifying and preparing relocation sites for which a combination of productive potential, location advantages and other factors, should be at least comparable to ancillary resources.
- Procedures for physical relocation including timetable for site preparation and land title transfer and description of resettlements sites.
- Measures to prevent the influx of ineligible person (encroachers and squatters) into the selected sites such as the identification and recording of affected people at the project identification stages.
- Legal arrangements for regularizing tenure and transferring titles to resettled persons.



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#### **k) Shelter, infrastructure and social services**

This sub-section provides details regarding plans to provide or finance housing, infrastructure (e.g. roads, water supply etc) and social services (schools, health services) and plans aimed at ensuring that services and any necessary site development to host.

**l) Environmental protection:** An assessment of possible environmental impacts of the proposed resettlement and measures to mitigate and manage the impacts.

#### **m) Implementation Schedules**

An implementation schedule covering all resettlement activities from project preparation through implementation to monitoring and evaluation. The schedule should indicate dates for achievement of expected benefits to resettled persons and hosts and dates for terminating the various forms of assistance.

#### **n) Costs and Budget**

The breakdown of cost estimates for all resettlement activities including allowances for inflation and other contingencies, timetable for expenditures, sources of funds and arrangements for timely disbursement of funds.

#### **o) Monitoring and evaluation**

Under this sub-section, information regarding arrangements for monitoring of resettlement activities by the implementing agency is presented. When appropriate, independent monitors will supplement the role of the implementing agency to ensure objectivity and completeness of information. Performance indicators for measuring inputs, outputs and outcomes of resettlement activities and for evaluating impacts for a reasonable period of time after the resettlement activities have been completed are also presented. (Similar to the RPF)

#### **p) Commitment to follow RPF guidelines and requirement**

A statement of assurance that the implementing agency will follow the guidelines and requirement of the RPF should be included in the RAP.

#### **q) Description of programmes for improvement and restoration of livelihoods and standards of living of the affected people.**

Programmes aimed at improving and restoring the livelihoods and standards of living of the affected people in line with the Resettlement Policy framework



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## ANNEX 2: Questionnaire for Census and Socio-Economic Survey

TEMPLATE FOR CENSUS AND SOCIAL ECONOMIC SURVEY									
ASSET FORM SN.				PAP ID:		PAP CODE NO:		DATE:	
NAME OF PAP (FULL):								PHONE:	
RESPONDENT NAME:				IS RESPONDENT THE PAP? YES / NO					
IS RESPONDENT 1. THE OWNER 2. TENANT 3. UNAUTHORIZED OCCUPANT 4. OTHER (SPECIFY)									
POSITION IN HOUSEHOLD:				SEX:		AGE:		PHONE:	
RESIDENCE:	DISTRICT:		CITY:			WARD:		AREA:	
			TA:			GVH:		VH:	
WHAT TYPE OF ASSET (S) IS THE PAP LOSING?				LAND / TREES / SHOPS / FENCES /Other Structures (Specify) ...					
IF LOSING LAND, INDICATE CURRENT LAND USE									
AREA WHERE LOSING	DISTRICT		CITY:			WARD:		AREA:	
			TA:			GVH:		VH:	
IF OWNER, SPECIFY (LEASED/BORROWED/ OTHER) – IN KIND/ CASH									
HAS LEASE AGREEMENT / TITLE DEED (PROVIDE DETAILS)									
TOTAL PLOT SIZE (HA)					AFFECTED PLOT SIZE (HA)				
SHAPE NAME/NUMBER IN GPS									
OWNER HAS OTHER LANDS OUTSIDE WAY LEAVE Y / N					IF YES, SPECIFY LOCATION (BY CITY, TA, WARD, AREA):				
FRUIT TREES (QTY BY SIZE)									
TYPE	S	M	L	TYPE	S	M			
INDIGENOUS TREES (QTY BY SIZE)									
Name of tree	S	M	L	REMARK					



**Annex 3: Sample Grievance Procedure Form**

<b>Grievance Form</b>				
Grievance Number		Copies to forward to:		
Name of the Recorder		(Original)-Receiver Party		
Sub-County		(Copy)-Responsible Party		
Date				
<b>INFORMATION ABOUT GRIEVANCE</b>				
Define the Grievance:				
<b>INFORMATION ABOUT THE COMPLAINANT</b>				<b>Forms of Receive</b>
Name-Surname				<input type="checkbox"/> Phone Line
ID Number				<input type="checkbox"/> Community/ Information Meetings
Telephone Number				<input type="checkbox"/> Mail
Address				<input type="checkbox"/> Informal
Village				<input type="checkbox"/> Other
Sub-County				
Signature of Complainant				
<b>DETAILS OF GRIEVANCE</b>				
<b>1. Access to Land and Resources</b>	<b>2. Damage to</b>	<b>3. Damage to Infrastructure or Community Assets</b>	<b>4. Decrease or Loss of Livelihood</b>	<b>5. Traffic Accident</b>
a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	a) House b) Land c) Livestock d) Means of livelihood e) Other	a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals	a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	a) Injury b) Damage to property c) Damage to livestock d) Other

		e) <i>Drinking water</i> f) <i>Sewerage System</i> g) <i>Other</i>		
<b>6. Incidents Regarding Expropriation and Compensation (Specify)</b>	<b>7. Resettlement Process (Specify)</b>	<b>8. Employment and Recruitment (Specify)</b>	<b>9. Construction Camp and Community Relations</b> a) <i>Nuisance from dust</i> b) <i>Nuisance from noise</i> c) <i>Vibrations due to explosions</i> d) <i>Misconduct of the project personal/worker</i> e) <i>Complaint follow up</i> f) <i>Other</i>	<b>10. Other (Specify)</b>



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#### Annex 4: Summary of Comments/Issues Raised on the RPF by the Stakeholders in Responses from the Government Team

ISSUES RELATED TO RPF raised in Lilongwe, Mzimba, and Ntchisi Districts and Mikolongwe in Chiladzulu		
Issue Raised	Response provided	
1	The farmers and local leaders were worried that since some contractors for roads may be coming from somewhere with a large number of workforce, the community members in the project impact area may be at risk of HIV/AIDS and other sexually transmitted diseases.	The members of the consulting teams informed the farmers and local leaders that there will be a comprehensive HIV/AIDS and other sexually transmitted diseases and TB programme during project implementation phase. In addition, management of labour influx impacts will be taken into consideration in all subprojects. The Consultant further highlighted that it is each individual person's duty to behave responsibly.
2	How long is the ASWAP II Project going to take	The project is for two and half years and is likely to be effective in January 2018
3	What was the selection criteria for the districts	It was ease or difficulty of accessibility to the markets and production potential
4	Why is capacity building focusing in Master's degree and Diploma and not Bachelor's degree	Greatest Gaps were identified at Masters level and field level extension staff. That is why the project is providing support for training at those wo levels
5	Why is livestock not part of the ASWAP Project	It is because there is another project, Agricultural Commercialization Project which is also support by the Bank which has a big component on livestock production
6	Roads should not be done during the raining season to avoid destruction of already established crop stands	This was noted by the facilitators
7	How many roads will be constructed in Ntchisi	It has not been determined yet. This will be decided in a consultative process/manner between the Roads Authority and the District Councils involved. But a total length of 1,200 km of roads will be shared among the 12 districts
8	How are the communities going to be protected from exploitation, sexual and other forms	A large number of workers will be employed from local communities so that they are empowered with cash and also to minimize the

		numbers of migrant workers who may engage in sexual activities with the receiving community
9	Experience has shown that village headmen favour their relatives on public works programmes. What mechanisms have been put in place to avoid re-occurrence of the same in this project	Village headmen will be provided with procedures for recruiting workers and that process will be monitored

10	Will you consider compensations for these people whose farming land will be expropriated for the purposes of the road?	Compensation will be provided where applicable following procedures stipulated in the Resettlement Action Plan
11	Will the contractor consider giving some employment opportunities for those people affected by the road project?	The Resettlement Action Plan will explore the possibility of including that approach as a means of addressing effects of economic losses induced by resettlement
12	How will you mitigate conflicts between the employed on public works and their local leaders over payment delays?	Procedures will be put in place for conflict resolutions. These will be outlined in the RAP and will have to be discussed and agreed on with the concerned parties



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## Annex 5: Outline/Contents of RAP/ARAP

This template is extracted from World Bank OP 4.12 Annex A. Its full description can be found in the World Bank external website [[web.worldbank.org](http://web.worldbank.org)].

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate Information on the:

- i. proposed resettlement and its impacts on displaced persons and other adversely affected groups; and
- ii. legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

**Description of the sub-project:** General description of the sub-project and identification of sub-project area or areas.

**Potential Impacts:** Identification of the:

- i. the sub-project components or activities that require resettlement or restriction of access;
- ii. zone of impact of components or activities;
- iii. alternatives considered to avoid or minimize resettlement or restricted access; and
- iv. mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

**Objectives:** The main objectives of the resettlement program as these apply to the subprojects.

**Socio-economic studies:** The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

- i. Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- ii. Standard characteristics of displaced households, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living
- iii. (including health status) of the displaced population;
- iv. Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- v. Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- vi. Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at



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- vii. the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.
- viii. There may be other studies that the RAP can draw upon, such as those describing the following:
  - ix. Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
  - x. Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project; iii. Public infrastructure and social services that will be affected; and
  - xi. Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

**Legal Framework:** The analysis of the legal and institutional framework should cover the following:

- i. Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- ii. Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- iii. Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- iv. Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- v. Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- vi. Legal steps necessary to ensure the effective implementation of RAP activities in the subprojects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

**The institutional framework governing RAP implementation.** The institutional framework generally covers:

- i. Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
- ii. Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and



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iii. Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

**Eligibility:** Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

**Valuation of and compensation for losses:** The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

**Resettlement Measures:** A description of the compensation and other resettlement measures that will assist each category of eligible PAPS to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

**Site selection, site preparation, and relocation:** Alternative relocation sites should be described and cover the following:

- i. Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- ii. Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- iii. Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- iv. Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

**Housing, infrastructure, and social services:** Plans to provide (or to finance provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

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

**Community Participation:** Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPS and host communities, should include:

- i. Description of the strategy for consultation with and participation of PAPS and hosts in the design and implementation of resettlement activities;
- ii. Summary of the consultations and how PAPS' views were taken into account in preparing the resettlement plan; and



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- iii. Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centres, cemeteries);
- iv. Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented;
- v. The consultations should cover measures to mitigate the impact of resettlement on any host communities, including;
- vi. Consultations with host communities and local governments;
- vii. Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- viii. Conflict resolution involving PAPs and host communities; and
- ix. Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

**Grievance procedures:** The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

**RAP implementation and responsibilities:**

The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover:

- i. delivery of RAP compensation and rehabilitation measures and provision of services;
- ii. appropriate coordination between agencies and jurisdictions involved in RAP implementation; and
- iii. measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

**Implementation Schedule:** An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule should indicate how the RAP activities are linked to the implementation of the overall project.

**Costs and budget:** The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should





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include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

**Monitoring and Evaluation:** Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPS' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.