RESETTLEMENT ACTION PLAN SUMMARY

FOR

PROPOSED CONSTRUCTION OF MAIN CANAL FROM INTAKE TO LENGEWE NATIONAL PARK UNDER THE SHIRE VALLEY TRANSFORMATION PROGRAM (PHASE 1)

COUNTRY – MALAWI

JUNE 2018
1.0 PROJECT BACKGROUND AND DESCRIPTION

Background

The Shire Valley Transformation Program will be implemented in Chikwawa and Nsanje Districts south of Malawi. Its objective is to contribute to poverty reduction through increased value addition and provision of infrastructure for increased agricultural productivity and climate adaptation. The project timeframe is seven years from 2018 to 2025 and total cost net of taxes and duties, is UA 155.93 million. The Bank is contributing: i) ADF loan of UA 20 million, ii) NTF grant of UA 4.5 million, iii) OFID loan of UA 11 million (USD 15 million) and, iv) TAAT Grant of UA 0.7 million; totaling UA 35.63 million (USD 51.23 million).

About 56,000 smallholders farm families will directly benefit from the project. About 30% of the project beneficiaries are women headed household. The project will provide gravity water supply for 22,280 hectares and help establish nine (9) Smallholder Owned Commercial Farm Enterprises (SOCFE) coached throughout the entire value chain.

Project Objectives and Components

The SVTP is being planned to lead to the development of irrigation on some 43.4 hectares (ha) of land and will be implemented in two phases, with the first phase covering 22.3ha of land, involving the construction of a main irrigation canal for a distance of 33.7km and two branches of the main canal (main canal 2 covering 18.4km and main canal 3 covering 10.6km). The first phase will also see the construction of other important structures which will include an intake structure, 16 lined secondary canals, 16 primary off-takes, some night storage reservoirs, siphon structures, aqueducts, dykes, drainage structures and access roads among others. It will target the district of Chikwawa and will enable irrigation of the following areas under gravity water supply system:

a. The existing 9,995 ha Illovo’s Nchalo Estate;
b. The Existing 454 ha Sande Ranch
c. The existing 1,725 ha cane out-grower scheme at Kasinthula and Phata;
d. 5,687 ha of new land in the vicinity of Kasinthula to be commanded from the proposed Main Canal and;
e. 4,419 ha of new land in the Mthumba Valley; and between the Mwanza River and Lengwe National Park, to be commanded by the first 18.4km of the proposed main canal

Figure 1.1 shows the location of the Shire Valley Agriculture Development Division (ADD), which will benefit from the SVTP; and figure 2 shows the areas that are to be impacted by the irrigation canal system, to be constructed under phase 1 of the SVTP in Chikwawa District.
Construction of the main canals for phase 1 of the SVTP, from the intake to Lengwe National Park is anticipated to affect communities in 29 villages of Traditional Authorities Chapananga, Kasisi, Katunga, Lundu, and Maseya in Chikwawa District.
Figure 1 Areas to be impacted by construction of irrigation canals under the SVTP-1
2.0 PROJECT ACTIVITIES THAT WOULD GIVE RISE TO RESETTLEMENT

The total land area to be affected by the main infrastructure in Phase 1 of the SVTP consists of the area for the canal route plus the area required for the main branches to the irrigated areas and the night storage reservoirs. The total area to be affected by the main infrastructure of the SVTP phase 1 is 464 hectares of which 300 hectares will be required on a permanent basis and 164 ha on a temporary basis (Table 2).

Table 2: Estimated land area required for the main infrastructure in Phase 1

<table>
<thead>
<tr>
<th>No.</th>
<th>Feeder canal (main canal)</th>
<th>Supuni-Bangula Canal (main canal 2)</th>
<th>Supuni-Illovo Canal (main canal 3)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Length in km</td>
<td>33.7</td>
<td>18.4</td>
<td>10.6</td>
</tr>
<tr>
<td>2</td>
<td>Width required (m):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- permanently (m)</td>
<td>40</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>- temporarily (m)</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>Land area required for main canal route:</td>
<td>376</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- permanently (ha)</td>
<td>135</td>
<td>74</td>
<td>42</td>
</tr>
<tr>
<td></td>
<td>- temporarily (ha)</td>
<td>67</td>
<td>37</td>
<td>21</td>
</tr>
<tr>
<td>4</td>
<td>Land required for main branch canals and night storage:</td>
<td>88</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- permanently(ha)</td>
<td></td>
<td></td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>- temporarily(ha)</td>
<td></td>
<td></td>
<td>39</td>
</tr>
<tr>
<td>5</td>
<td>TOTAL land area affected (ha)</td>
<td>464 (100%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- permanently</td>
<td></td>
<td></td>
<td>300 (65%)</td>
</tr>
<tr>
<td></td>
<td>- temporarily</td>
<td></td>
<td></td>
<td>164 (35%)</td>
</tr>
</tbody>
</table>
The Table below provides details of the PAPs by type of loss, gender and Traditional Authority. The budget presented in this RAP is based on the information in this Table.

<table>
<thead>
<tr>
<th>Summary of Impacts SVIP Canal: Preconstruction Stage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>T.A Kasisi</strong></td>
</tr>
<tr>
<td>Total PAPs Nos.</td>
</tr>
<tr>
<td><strong>Male</strong></td>
</tr>
<tr>
<td><strong>Female</strong></td>
</tr>
<tr>
<td><strong>Institutions</strong></td>
</tr>
<tr>
<td>Ownership of land by type</td>
</tr>
<tr>
<td>Customary land holdings hectares</td>
</tr>
<tr>
<td>Leasehold hectares</td>
</tr>
<tr>
<td>Public land hectares</td>
</tr>
<tr>
<td>Freehold hectares</td>
</tr>
<tr>
<td><strong>Structures</strong> Nos.</td>
</tr>
<tr>
<td>Dwelling Houses</td>
</tr>
<tr>
<td>Shops</td>
</tr>
<tr>
<td>Others</td>
</tr>
<tr>
<td>Trees</td>
</tr>
<tr>
<td>Exotic Trees Nos.</td>
</tr>
<tr>
<td>Fruit Trees Nos.</td>
</tr>
<tr>
<td>Natural /Indigenous Trees Nos.</td>
</tr>
<tr>
<td>Common Property Resources such as Church (Prayer room), playground, school land, Government office Nos.</td>
</tr>
</tbody>
</table>

3.0. ORGANIZATIONAL RESPONSIBILITY
The project implementation will be coordinated by the SVIP Implementation Unit that will house experts for providing support and guidance as well as monitoring the progress and quality. The actual implementation of the RAP will be delegated to professional teams as government departments are usually overwhelmed by such responsibility. The professional teams will work closely with existing organizational structures at District Councils level, who are responsible for projects taking place within their jurisdiction. The RAP team will also work with all stakeholders such as communities, traditional authorities and government officials. The sections below provides an overview of the roles and responsibilities of institutions to be involved in the implementation of the Resettlement Action Plan.

i. The Ministry of Agriculture, Irrigation and Water Development, as the developer has the overall responsibility of ensuring that project activities, including resettlement activities are implemented successfully

ii. The Ministry of Lands, Housing and Urban Development will be responsible for provision of advice, to Chikwawa District Council and the SVIP Implementation Unit, on resettlement matters, including planning, approval of sites and similar issues
iii. The Ministry of Finance will facilitate mobilisation of the required funds to pay the PAPs and make arrangements for all the PAPs to receive their payments, in accordance with applicable regulations this RAP.

iv. The Shire Valley Irrigation Project (SVIP) Implementation Unit is the main implementing agency of the RAP and would be responsible for the success of the project.

v. Chikwawa District Council will assist in the RAP implementation process through the provision of district.

vi. The communities (through the Village and area Development Committees and the PAPs) will be participating in the RAP preparation, identifying land and hosting the resettled PAPs.

vii. NGO involvement: An reputable NGO will be selected to get involved to enhance transparency and trust from PAPs, it is suggested that at least two witness NGOs be retained, through a public proposal and selection process to provide independent advice and report on RAP implementation and management, focusing on consultation activities, compensation and resettlement related activities; and grievances management.

4.0. SOCIO-ECONOMIC STUDIES

The Shire Valley Transformation Programme is one of the main development approaches whose main programme objective is to improve the management and utilization of natural resources in a sustainable way to increase productivity and commercialization for households in the targeted area in the Shire Valley. The SVTP-I Project Development Objective is to provide access to reliable gravity fed irrigation services, secure land tenure for smallholder farmers, and strengthen management of wetlands and protected areas in the Shire Valley. The first project under the program (SVTP-I) will initiate the process of transformation of the Shire Valley and pave the way for agricultural commercialization.

The socio-economic baseline survey sought to establish the current status and possible ways to ensure the project would improve on the current status or at most maintain the current levels thereof. The main components considered included the population status, household income and poverty levels, access to education, water and sanitation, land size holdings and tenure types, health and related disease prevalence in the project area.

Population, migration and settlements
The Southern Region of Malawi is the most populated region of Malawi with 44.8% \(^1\) of the total Malawians residing there. The population and housing census of 2008 put the country’s population at 13,029,498.0. However, population projection by the NSO 2010 projects population increases to 14,600,000 for 2010 and 17,500,000 for 2015.

\(^1\) GoM Population and Housing Census 2008
Migration
People in the project area tend to immigrate to the nearby cities of Blantyre, Lilongwe and South Africa to seek employment. Immigration is high from Mozambique, the neighboring country to the West of the project area. According to the 2008 Population and Health Census (PHC) Migration Report in-migrant are estimated at 42,974 and out-migrants at 46,450; and net migrants at -3,476. Those with a better education tend to move more than those with little education. Most seemingly female headed households have absentee husbands who have migrated in search of a better livelihood.

Land use and tenure
The Socio-economic Profile, SEP (2017-2022) indicates that most of the land in Chikwawa District is under customary ownership. Customary land is all land falling within the jurisdiction of a recognised Traditional Authority. This land, which can be granted to a person or group, is used under Customary Law. This land is owned and controlled by Chiefs in trust. The primary use of this land is for settlement and agricultural activities for the households. In the project impact area, 64% of total surveyed land is under customary ownership, as indicated in figure 4.3; 25% was under leasehold and 5% was rented.

Settlement pattern
The settlement pattern in Chikwawa District is influenced by factors such as topography, soil and climate, international boundary with Mozambique, population density, land use, land ownership, economy and infrastructure. The district is one of the flood prone areas and as such, some of the land in not used for cultivation during the floods. However, the communities in Chapananga and Tomali areas stated that there had been very little rainfall in the previous few years. Hence, some land had been left idle due to the erratic rainfall. Areas surrounding the Illovo estates are densely populated by smallholder farmers.

Housing
The project impact area is characterized by a number of settlement types. The canal passes through a number of villages with both burnt bricks and iron sheets roofed houses and also some made from mud bricks with grass thatch. According to statistics from the Malawi Welfare Monitoring Report 2014, 56% of the houses in Chikwawa District are grass thatched and 43% have iron sheets roofing. However, the percentage distribution of households by main type of materials used for walls differs variably; grass 2.9%, mud 0.3, compacted earth, 4.5, mud bricks 37.7% and, burnt bricks 50.7% and those made of other materials at 2.9%.

At the market centres, the buildings comprise mainly of burnt bricks with iron sheets. Some dwellings are connected to the national; power grid for the Electricity Supply Corporation (ESCOM), while others have solar panels, mainly used for lighting in the night. The area also has other buildings that include government offices, police units, secondary and primary

Household types
The Malawi Welfare Monitoring report of 2014, notes that the majority of households in Malawi (76%) is male headed. In the project area, 77% are male headed households and the remainder (23%) is female headed. The figure is a little higher than the national figure of 76% and lower than the district female headed 24%. The main ethnic groups found in the district are Sena, Mang’anja,
Chewa, Yao and Lomwe. The Mang'anja were the most dominant tribe during the survey, with a presence in all TAs in the district and impact areas at 48%. The Sena were second at 35% with the rest shared amongst the remaining tribes. The major languages according to the SEP (2011-2016) spoken in the district are Chichewa, Chisena and Chinyanja and are spoken by more than 159,535, 96,865 and 80,028 people respectively.

**Religion**

According to the 2008 Population and Housing Census, the majority of the people (83 percent) in Malawi are Christians; Muslim comprise 13%, others 1.9% and those that do not have any religious affiliation are 2.5%. In the project impact area, the survey revealed that Christianity (Protestant and Catholics) is the main religion, with approximately 93% of the total people surveyed.

**Marriage systems and marital status of household respondents**

The people of Chikwawa District have a diversified cultural background due to the influence of various tribes. Participants at the Focus Group Discussions (FGD) however, mentioned that most families, originally followed the matrilineal system of marriage (chikamwini) whereby land is acquired through marriage and a man resides in the wife’s village. The majority of the households have now adopted the Sena patrilineal system (chitengwa) of marriage. Of the total sampled households, 88% indicated that they were practising the Chitengwa system of marriage, which they had adopted over the years; and the rest (12%) were in Chikamwini relationship. In some cases, a mix of the two cultures in the village could be found. This meant that during the land registration, both men and women would be claiming to have ownership of the land. It was important to establish the living arrangements and marriage systems as this would affect land registration processes in the future for the PAPS.

**Land conflict**

Land conflicts in the communities are usually associated with boundaries as the demarcations are not permanent and the land is not titled. These conflicts, however, can easily be resolved amongst the families or neighbours. Access to land in Chikwawa District was described (during a FGD) as one of the key requirements for an improved livelihood. However, the respondents also mentioned that land alone has failed, over the years, to guarantee the expected improvements to poverty levels. Access to farm inputs such as good seed, fertilisers or manure; and extension services with good rainfall, or access to irrigation are anticipated, by the communities, to facilitate benefits and livelihood improvements from their parcels of land.

**Household income and poverty levels**

Chikwawa district has over the years been receiving a lot of relief and emergency items to support most of the vulnerable households. A number of disasters have affected the district in form of floods and long dry spells that lead to reduction in food production, especially for families relying on rain-fed agricultural activities. Changes in climate and extreme weather patterns have led to decline in agricultural yields/hectare. From the survey, it was found out that the main income/livelihood support activity in the project impact area is crop production (97%) followed by livestock production at 55% of the households. Seven percent (7%) of the households depend on salaries, while 37% were engaged in piece work for a living.
Agriculture, food security and diversification
Information from Chikwawa Agricultural Division indicated that only 9% of the total population were food insecure. Mbewe EPA, which comprises of T/A Lundu and Ndakwerera area had a total of 15% of their population food insecure, Kalambo EPA (T/A Chapananga and Katunga) were at 8%, with Mitole EPA at 5% (T/A Kasisi, Maseya). Most of the households interviewed reported that many of the households did not harvest enough food to cover their food needs for the whole year. A total of 68% reported that there were days the families would have less than 3 meals per day.

Social Services
Social services including health, water and sanitation, education, transport and communication are provided in the district through the various government ministries, private institutions, churches and Non-governmental Organisations (NGOs). Access to these services is however, constrained by poor and inadequate delivery systems, infrastructure and in some cases poor governance.

Health
The District has 27 Health Posts, 131 village Clinics and out of these 113 are active, 4 Dispensaries, 13 Health Centres and 3 Hospitals (Chikwawa District Hospital, Ngabu Rural Hospital and Montfort Hospital). According to the records at the central hospital, the leading causes of morbidity and the most common diseases in the impact area are Malaria, Skin conditions, Acute Respiratory Infections, and Diarrhoea. Mortality rates in the district vary from age to age, infant mortality rate in Chikwawa is 157/1,000, and Under 5 mortality rate is 205/1,000, while maternal mortality rate is 1200/100. The survey noted recorded that over 90% of the respondents used government owned health facilities, either at community level and at the Boma.

Education
A project baseline study by the Ministry of Gender in 2012, showed that 56% of female respondents had no formal education compared to 44% of their male counterparts. The same trend is noted for qualifications at Junior Certificate of Education (JCE), Malawi School Certificate of Education (MSCE) and non-university diploma levels. Although women are the majority of the population (51%), they are marginalized in economic and social spheres. Literacy levels of women are considerably lower than for men.

---

2 GoM, 2012, Baseline study for the GEWE Project, Ministry of Gender and Community Development.
5.0. POLICY AND LEGAL FRAMEWORK FOR THE RESETTLEMENT ACTION PLAN

African Development Bank Policies
The preparation, implementation and monitoring and evaluation modalities for the RAP have been informed by the Bank’s environmental and social policies and guidelines. Considerations are premised on expectations for assessing and addressing issues of involuntary resettlement impacts in line with the Bank’s Integrated Safeguards System (ISS -2013). The project triggers Operational Safeguard OS 2 of the ISS that guides implementation of involuntary resettlement, land acquisition, population displacement and compensation on Bank financed projects. As required by Bank policies, this RAP specifies the procedures to be followed and the actions to be taken to compensate affected people and communities at the same time make provisions for the opportunity the project offers to improve the socio-economic conditions of the affected population. Other relevant Bank Group include Gender strategy (2014 – 2014), The Civil Society Engagement Framework (2012), the Bank’s guidance on special topics such as Stakeholder Consultation, Vulnerable groups and others as holistically embedded in the ISS.

National Policy, Legal and Administrative Framework
Policy and legal framework on resettlement in Malawi is drawn from the Constitution of Republic of Malawi, Malawi National Land Policy and various pieces of legislation, which include the current acts and the newly passed acts. Below is the summary of key resettlement related policies and Acts, which should be adhered by the SVIP.

Constitution of Malawi : The Constitution of the Republic of Malawi is the supreme law of the land. All other pieces of legislation or acts of government are valid to the extent of their consistency with the Constitution. It is therefore, imperative that the project complies with this and indeed any other relevant laws.

The Malawi National Land Policy: The Malawi National Land Policy recognizes land as a basic resource for social and economic development in Malawi. To achieve this, the policy guarantees full legal protection of customary land tenure to the people of Malawi. Malawians regard access to land as a fundamental right.

The Land Act (2016): The Land Act, 2016, is the principal act with respect to land administration and management in Malawi and for all matters relating to land such as land tenure, land transfer, land use and compensation. The Act vests all land in the Republic in perpetuity, as opposed to the President as was the case with the repealed Land Act (Cap 57:01).

The Land Act Cap.57:01 (1965): The Land Act (1965) (Cap 57:01) and the Registered Land Act (Cap 58:01) provide for registration of land and the types of tenure. Legal title such as leasehold or freehold is usually obtained by registration under the Registered Land Act. The Land Act, in Part (v), provides for acquisition of customary land in public interest.
**Customary Land Act 2016:** The Act has formalized the powers and duties of traditional leaders in land administration and management through creation of committees and tribunals to carry out allocations, adjudication and management of land and settlement of customary land disputes.

**The Land Acquisition Act (1971):** This Act deals with procedures relating to the acquisition of land by either the government or individuals or developers from any form of the land tenure systems in Malawi. The purpose is to make sure that proper and fair land acquisition procedures are followed.

**Land Acquisition and Compensation Act 2016:** This will be a Principal Act dealing with land acquisition and compensation in Malawi once operational regulations are completed. The Act provides powers to Minister or local government authority to acquire land for public utility either compulsorily or by agreement and pay appropriate compensation thereof.

**Relevant Legal framework:** Land related laws are in the process of being changed and these include: Land Act, 2016, Customary Land Act, 2016, Land Survey Act, 2016, the Lands Acquisition (Amendment) Act, 2016, Physical Planning Act, 2016, Land Survey Act, 2016, the Forestry (Amendment) Act, 2016, Malawi Housing Corporation (Amendment) (No.2) Act, 2016, Registered Land (Amendment) Act, 2016, Public Roads (Amendment) Act, 2016 and Local Government (Amendment) Act, 2016 have been assented into law but are not yet operational. They shall come into operation on a date appointed by the Minister for Lands, Housing and Urban Development by notice in the Gazette. The Ministry of Lands, Housing and Urban Development is currently preparing the regulations for the implementation of the new laws.

### 6.0. ELIGIBILITY CRITERIA TYPES OF PAPS

A project affected person (PAP) is defined as a person who suffers from direct economic and social impacts that result from Bank-assisted investment projects and are caused by the involuntary taking of land resulting in: (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood whether or not the affected persons must move to another location; or by the involuntary restriction of access to legally designated parks and protected areas, resulting in adverse impacts on the livelihoods of the displaced persons (AfDB ISS, 2013)

Based on the preconstruction impacts identified from the Asset Inventory exercise, the types of PAPs are be as follows:

- i. Individual land user or owner (having crops, trees and structures within the 60m corridor of the canal);
- ii. Community whose resources have been affected (land and structure of Church, Schools and boreholes);
- iii. Institutional PAP (private Leasehold land)
All PAPs, including those who have no recognizable legal right or claim to the land they are occupying, are eligible for compensation or other assistance, commensurate with the nature and extent of the impact involved. Eligibility to entitlements requires that the PAP:

a) be located within a direct impact zone of the canal before the cut-off date established when the census is completed;
b) suffers a loss that is quantifiable i.e. loses an asset partially or fully, either permanently or on a temporary basis or can be quantified in monetary terms (such as a tenant or a sharecropper who might be affected), etc.
c) his/her ownership of the asset is either formally registered or at least recognized and his/her presence or association with the location is recognized or well known within the local community.

Based on the above, affected persons shall be considered eligible for compensation in cases where land, structures, trees and crops are present along proposed canal corridor.

7.0. VALUATION OF, AND COMPENSATION FOR LOSSES
The basis of valuation of assets in this project have basically been two. Namely, the local laws and policies, and the AfDB Involuntary Resettlement policies. The Method used in valuing the assets affected is dependent on the use, type and market conditions of the asset. Based on the knowledge of the asset impacted by the project, the appropriate methods used in the valuation of the affected assets are Cost, Profit and Comparison approaches. The following categories of assets will be affected; (i) loss of structures (ii) loss of land (iii) loss of crops (iv) loss of trees (v) loss of fruit trees (vi) loss of income generating activities

8.0 IMPLEMENTATION MECHANISM

Stakeholder Engagements and Community Participation

Objectives:
According to the African Development Bank, active participation of beneficiaries is necessary throughout the various stages of planning, design, implementation and valuation in order for resettlement projects to be truly sustainable. Thus, community participation and stakeholder engagements have been ongoing since the project was conceptualized. During the RAP preparation process, stakeholder engagements and community participation was conducted.

Consultations methods and outcome
Various approaches were employed during the stakeholder engagement and community participation process. These include consultative and participatory meetings, interviews, discussions and administering of questionnaires. In the meetings, the Consultant team explained what was entailed in the project proposal and envisioned social and environmental impacts. After presentations, questions and opinions were exchanged between the consultant and the participants.

During socio-economic survey, census and asset inventory, over 90% of the PAPs were personally informed about the project; a detailed explanation on the project and its impacts was sensitively made. Projects impacts were discussed in terms of positive and negative/ adverse impacts. Also,
PAPs were educated on the mitigation measures to control, minimize or avoid the negative impacts and enhancement measures for positive impacts of the project, including proper use and protection of the irrigation infrastructure. In general, there was no dissenting opinion about the proposed project. At the end of meetings, it was confirmed that all participants in principle agreed with the proposed project. Consultation outcomes are provided in Annex 1.

**Community participation during implementation phase**

During implementation of the RAP, the Project Affected Persons will be informed about their rights and options. The grievance mechanism will be instituted and continue to operate and all grievances will be recorded. Participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

Participation will also be fostered through use of local know-how and materials; the contractor will be encouraged to use local people to supply materials and goods needed for the construction of the irrigation canal

a. Group formation: using existing groups or assisting PAPs to form groups provides institutional framework for participatory resettlement
b. Involvement in resettlement committees and monitoring teams: participation in committees would be one of the key mechanisms for involving the PAPs in the planning, implementation and monitoring of the RAPs.
c. The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team shall ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. Furthermore, the project will sensitize communities and the public at large on involuntary resettlement. In addition, village committees will continue to provide land for implementation of projects.

**Support for Vulnerable PAPs:**

As required by World Bank and AfDB, special attention has been given to the vulnerable PAPs who might be less capable of coping with project induced impacts. We have therefore proposed additional forms of support in compensation or income restoration. Hence a top-up of 20% on the base compensation amount payable is provided and is termed as “additional financial assistance”.

**Site Selection for Resettlement**

Site selection for resettlement, will be a joint responsibility between the PAPs, traditional leaders and the District Commissioner, taking into account the views of host communities. Preferably, a resettlement site shall be within the same vicinity (1.5 km) to ensure that PAPs are not made worse off by the Project. A number of alternative site for resettlement shall be identified and analysed such that:

i) The preferred site shall be safe, adequate and habitable;
ii) There shall be the availability of education, health and other welfare services, hygiene as well as protection at the resettlement area;
iii) There shall be acceptability by the host communities in the new location (if re-location is implemented).

Procedures for Compensation
The process of compensation would be for two sets of PAPs, that is:

- Those losing main dwelling structure and therefore taking compensation in cash and building their own house outside the easement; and
- Those losing ancillary support structures such as toilets, kitchens, kraals and will only be paid cash compensation and can shift out

Table 3 indicates the step-wise process of Compensation along with responsible agencies and timelines:

Table 1: Resettlement Plan

<table>
<thead>
<tr>
<th>Step No.</th>
<th>Activity</th>
<th>Timeline (to be completed within)</th>
<th>Responsibility</th>
<th>Support Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For PAPs opting for Cash</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Ensure PAPs have received all due compensation (for land under irrigation canal corridor, homestead land) and allowances (except for shifting allowances that shall be paid at the time of shifting)</td>
<td>Three months from start of RAP implementation</td>
<td>RAP Implementation Agency</td>
<td>DC</td>
</tr>
<tr>
<td>2</td>
<td>Conduct meetings with PAPs to ensure PAPs, particularly those without alternate land, follow actions</td>
<td>Three months from start of RAP implementation</td>
<td>RAP Implementation Agency</td>
<td>MoAIW</td>
</tr>
<tr>
<td>3</td>
<td>Indicate date of dismantleng property and shifting to outside the way leave</td>
<td>Three months and two weeks from start of RAP implementation</td>
<td>RAP Implementation Agency</td>
<td>MoAIW /DC</td>
</tr>
<tr>
<td>4</td>
<td>Supervise progress on Self construction and report on progress</td>
<td>Three months and three weeks from start of RAP implementation</td>
<td>RAP Implementation Agency</td>
<td>MoAIW /DC</td>
</tr>
<tr>
<td>5</td>
<td>Provide support to PAPs on a case by case basis</td>
<td>Within the RAP implementation period</td>
<td>RAP Implementation Agency</td>
<td>MoAIW /DC</td>
</tr>
<tr>
<td>6</td>
<td>Complete the process of Compensation</td>
<td>Total 4-5 months from start of RAP implementation</td>
<td>RAP Implementation Agency</td>
<td>MoAIW /DC</td>
</tr>
</tbody>
</table>
The resettlement process would be followed as per timelines, as any delay in this regard is likely to: i) cause problems for safe storage of the personal belongings of these Project Affected Households (PAHs), as they shall have no shelter after dismantling and ii) might require the project authorities to provide PAHs with interim or transit accommodation. In addition, shifting from locations where PAHs have been living for a long period would be a difficult task. Hence the following aspects should be taken into consideration:

i. Ensure that PAHs have seen the resettlement site, if it is not already known to them or if it does not belong to them; and preferably show them the exact plot they will call home;

ii. The period between dismantling and salvaging of house materials and shifting to resettlement site should be minimized to the extent possible;

iii. Vulnerable PAHs, particularly females and elderly PAPs would be provided with extra care and support as necessary;

iv. Ensure that PAHs have packed their belongings and are in readiness to shift;

v. Ensure that motorized transport/animal driven carts for transportation (in-kind assistance, if need) are ready;

The shifting process should be (i) completed in minimum time possible and (ii) avoided during rains. PAPs would be allowed to carry away with them all the movable items of their daily living like house construction materials and personal belongings.

**Grievance Redress Mechanisms (GRM)**

A Grievance Redress Unit (GRU) will be established within the SVIP Implementation Unit for resolving grievances related to the project, resettlement and entitlements. The GRU will be headed by a Grievance Redress Mechanism (GRM) Manager, who will be supported by three officers: an information education and communication officer; a grievance resolution expert and an administration and finance expert.

At the community level, the GRU will have field officers; at least one per Traditional Authority, to facilitate implementation of the GRM at local level. The main responsibilities of the GRM Manager will include overall management of the GRM, including but not limited to maintaining the grievance redress process and procedures; registration of complaints; capacity building of the grievance committee(s), outreach and external communications; tracking performance and monthly reporting. The Information, Education and Communication Officer will be responsible for creating demand for the GRM through information, education and communication activities; while the GRM Officer, will be responsible for building community capacity on handling grievances, including accessing the Shire Valley Investment Programme (SVIP) GRM. Field officers will be responsible for mobilising and supporting communities (PAPs) to access and use the Grievance Redress Mechanism.

To ensure that PAPs have easy access to legitimate, reliable, transparent, and efficient institutional mechanisms that are responsive to their complaints, the GRU will operationalize Group Village Grievance Redress Committee (GVGRC), Area Grievance Redress Committees, and District Grievance Redress Committee.
Communication and Information
Communication between the project, the PAPs and organisations/ institutions responsible for delivery of the RAP shall be maintained throughout the RAP implementation period. The existing channels of communication, mainstreamed throughout the preparation of the SVIP including the development of the RPF and this RAP shall be maintained in the implementation of the RAP. The SVIP Implementation Unit will be overall responsible for communication. Therefore, the SVIP Implementation Unit will include communication expertise and will operate a SVIP Information Office.

During the RAP implementation phase, the PAPs will receive information on the RAP process and entitlements as well as the RAPs implementation structure, cut-off dates, the GRM and the contact persons within the communities. An Information Leaflet on the outline of the SVIP implementation process and general and the RAPs in particular will be prepared and widely distributed. The information leaflet will include names, contact details and location of the (crosscutting issues) contact persons, the GRMs, the SVIP Information Office and the SVIP Implementation Unit. The Information leaflet will be produced in English and Chichewa and will include images to make the content understood by the illiterate.

Capacity building, training and awareness raising
Most Government Departments lack resources to implement resettlement activities effectively. This is also true for Chikwawa District Council whereby it was established during the RAP studies that, among others, it does not have a Lands Officer, adequate office and storage space and financial resources to properly carry its activities. Therefore, capacity building for the council should ensure that the lands offices has adequate resources to assist in the implementation of the RAP and the personnel have received appropriate training.

The RAP Implementation Agency will be required to have advanced training and extensive experience in the implementation of RAPs, delivery of entitlements and Grievance Redress Mechanism.

Implementation schedules
It is envisaged that the RAP implementation will commence immediately after the Bank Board approves the project and subject to availability of the required resources to be provided by the Ministry of Finance and the PIU. The GRM will submit to the Bank a revised RAP implementation schedule corresponding with the new project timelines.

Costs and budget
The total cost of the RAP is estimated to be MWK 1,142,053,022.94 (USD 1,572,967.46). This amount was calculated on the assumption that (i) The budget is for losses at preconstruction stage only (ii) The quantity of estimated losses is based on the detailed survey of the land under canal area presented in this report (iii) The unit value for land per hectare based on values in other similar projects and the project area as well (iv) Crops have not been considered as it is assumed that the project will allow for time to harvest field crops (v) The exchange rate used is USD 1= MK726.05 (vi) The Compensation in kind for dwelling houses only has not been included. When included the
The compensation rate for fruit trees has considered the duration from transplanting to fruit bearing age.

9.0. MONITORING, EVALUATION AND REPORTING

Need for Monitoring and Evaluation
This is a RAP that will be implemented to support a large number of Project Affected Persons and will require involvement of multiple stakeholders such as RAP Implementation Agency, RAP Payment Agent, Replacement House Construction Contractor, Canal Construction Contractor, etc.

Therefore, there is need for a robust mechanism that enables to track progress, helps highlight bottlenecks and redresses the issues effectively and in a timely manner. It also requires that an exercise be carried out at the end of the RAP implementation period to ascertain if, indeed, the planned activities enabled achievement of the originally set objectives i.e. whether livelihoods and living standards of PAPs were restored to pre-project status or enhanced. For this reason, the Ministry of Agriculture, Irrigation and Water Development (MoAIWD) through the SVTP Technical Team will undertake Internal Concurrent Monitoring and an Implementation End Evaluation for the RAP.

Internal Monitoring by the SVTP Technical Team
Internal concurrent monitoring will comprise Process and Performance Monitoring and enable the provision of information on the progress on RAP implementation on a regular basis. While Process monitoring will enable the project authority to assess whether the processes are being followed or not, Performance monitoring will mainly relate to achievement in measurable terms, against the set targets.

Process Monitoring will involve the concurrent checking of implementation activities to ascertain whether these are being implemented in accordance with the RAP and thereby enable the SVTP Technical Team to take appropriate action to address any gaps, deviations, etc. This will be a continuous and routine process of tracking and reporting on activities and outputs associated with use of project resources; and will include collection, analysis, reporting and use of information about the progress of Resettlement against a time-bound implementation schedule indicated in the RAP. Quantitative indicators that focus on physical and financial targets and delivery of entitlements to PAPs will provide an efficient tool to supplement qualitative assessment that shall be carried out for socio-economic impacts.

RAP IMPLEMENTATION MODALITIES

Key Implementation Activities
The key activities in RAP implementation are categorized into activities that are to be completed at different stages. These are categorized as those to be completed:

a. prior to commencement of compensation and other payments;
b. prior to commencement of civil works; and
c. for all activities under RAP to be considered as complete.

These are presented as follows:
Contracts with the following agencies would have to be finalized:

a. RAP Payment Agent;
b. Construction Contractor to construct replacement houses;
c. RAP Implementation Agency; and
d. Additional Outreach and Financial Literacy activities

Disclosure of the Draft RAP
Following the approval of the Draft RAP by African Development Bank and the Malawi Ministry of Lands, Housing and Urban Development, the RAP would have to be disclosed by the client (MoAIWD) in the project areas for any feedback from the general public and the AfDB on its website for 120 days before the project is presented to the Board for approval.

RAP approval and Public disclosure-cum-Launch Workshop
A Public consultation-cum-Disclosure workshop would be conducted at a location in the project area, to launch the RAP implementation. The workshop will have participation from representatives of the affected people, other stakeholders/ partner agencies and district officials. The objective of the workshop will be to: (i) Create awareness on the overall features of the Project (ii) Disclose contents of the RAP, particularly with respect to applicable entitlements and processes; and (iii) Provide information on mechanisms and processes for sensitization, participation and consultation; and grievance redressal for compensation.

Undertake Financial Literacy Awareness Programs
Financial Literacy awareness trainings will be undertaken with all the PAPs prior to payment of compensation.

Updating and finalization of RAP database
All information regarding PAPs – asset details, household level details and changes to preferences will be updated for provision to MoAIWD and thereon to the Payment Agent and Construction Contractor for Replacement House Structures.

Provision of Training Report
The Public Relations office will provide a training report that will cover the number of PAPs that attended the specific training module.

Internal Monitoring
Internal monitoring by the MoAIWD through the SVTP Technical Team will commence soon after RAP approval. This would specifically record:

Project inputs including readiness of institutions such as GRMs, contracting of Payment Agent, (a) Project outputs including number of persons affected and compensated, replacement housing provided; and (b) Measure overall physical and financial progress to assess readiness with respect to site handing over and commencement of construction.
The above would be carried out based on reviews of reports produced by the RAP Implementation Agency, supplemented with field visits to the project areas as deemed necessary, with regular updating of the RAP Database. Internal monitoring will produce fortnightly reports for use within the SVTP technical team, the African Development Bank and the technical design/construction supervision consultant. The activity will continue across subsequent stages and until the end of the project or up to a desired period as deemed necessary, based on review of progress/completion of activities.

**Activities to be completed prior to commencement of civil works**

**Construction of Replacement Houses (if any):** As the alternate replacement structures will need to be constructed prior to physical displacement of the PAPs from their current location, the activity will need to be completed within a given time frame. As project is linear in nature, the activity could be taken at locations so as to free up the way leave for the Construction Contractor to commence activities in accordance with Final Construction schedule.

**Opening of Bank Accounts for PAPs:** The RAP Implementing Agency will counsel all PAPs due to receive compensation amounts above the agreed threshold and provide necessary information to open bank accounts or provide account details if they already have bank accounts.

**Holding GVH Level and Area Level Meetings to Counsel the PAPs:** Group Village Head (GVH) level meetings will be held to inform PAPs about the processes and agencies involved in compensation payment, RAP implementation and civil works commencement. Such meetings will be organized by the RAP Implementation Agency.

**Payment of Compensation and Vacation of Land:** The Payment Agency (PA) will make the compensation payments as per the amounts due to each PAP either in cash, or by cheque, or direct to the bank and upon the provision of PAP identification (ID) card or government issued ID card. The PA will follow the following thresholds set for payment of compensation:

<table>
<thead>
<tr>
<th>Amounts Payable (Malawi Kwacha)</th>
<th>Payment Mode/ Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 50,000</td>
<td>Cash or cheque, or bank account</td>
</tr>
<tr>
<td>Over 50,000 to 100,000</td>
<td>Cheque or bank account</td>
</tr>
<tr>
<td>Above 100,000</td>
<td>Only bank</td>
</tr>
</tbody>
</table>

All handing over of the property such as land, building and payment of compensation will be made in the presence of the PAP, Village Head and RAP Implementation Agency.

**Dismantling of structures and resettlement of PAPs to new location:** Once the construction of the replacement Houses is complete, all PAPs will be informed to relocate to their new houses and dismantle their old dwelling structures; and salvage any material if they wish to. Further once payment is made to those who opted for cash compensation, PAPs will have to dismantle their old dwellings and relocate.

**Handover of site for construction:** Once all property on the stated land is vacated, the site will be considered as free from encumbrances, to be handed over to the Canal Construction
Contractor for commencing construction related activities.

**Submission of RAP Implementation Completion Report**
Upon completion of all the activities, the RAP Implementing Agency and the Payment Agent shall separately produce Implementation Completion Reports for submission to the SVTP Technical Team for review. The SVTP technical team will compile and collate the findings along with their own findings through internal monitoring and submit a Consolidated Implementation Completion Report to the AfDB.

**References and Contacts**

The following document have been used and consulted in the preparation of this summary:

- Environmental and Social Impact Assessment (ESIA) and Pest Management Plan (PMP) for the Shire Valley Irrigation Project (SVIP). Volumes I, II and III
- AfDB Integrated Safeguard System (2013)

**Contacts:**

1. Soliman Wael, Principal Hydrologist, African Development Bank, Southern African Region, Email: W.SOLIMAN@AFDB.ORG
2. Muja Annah Rutebuka, Principal Social Development Specialist, African Development Bank, Southern African Region, email a.rutebuka@afdb.org