



Government of Republic of Malawi

Ministry of Agriculture

**MALAWI FOOD SYSTEMS RESILIENCE PROGRAM (P177816)
AND THE ADDITIONAL FINANCING (P181652)**

RESETTLEMENT POLICY FRAMEWORK

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MALAWI FOOD SYSTEM RESILIENCE PROGRAM- ADDITIONAL FINANCING

Resettlement Policy Framework (RPF)

This is an update of an already existing RPF that was initially approved and disclosed in March, 2023 under MFSRP and is being updated for MFSRP -AF. MFSRP- AF Project is still in line with the parent project setup and the project components have remained the same. This update mainly focussed on the project description.

Executive Summary

1. Background Information

The Ministry of Agriculture (MoA) is implementing the Malawi Food Systems Resilience Program (MFSRP). This is a six-year project amounting to US\$295 million, supported by the World Bank through the International Development Association (IDA), Global Agriculture and Food Security Program (GAFSP) and Multi-Donor Trust Fund (MDTF). The MFSRP is part of the World Bank's regional program with a Multiphase Programmatic Approach (MPA).

Currently, MoA has proposed for Additional Financing (AF) to increase the resilience of food systems and the country's preparedness for food insecurity in project areas and, in case of an eligible crisis or emergency, to respond promptly and effectively. The AF is not bringing new activities rather, it will scale up existing activities and number of beneficiaries within same geographical areas; and enhance the existing digital agriculture system including new payment system for agriculture input subsidy (AIP). As such, the framework will be used for both the parent MFSRP (P177816) and AF (P181652).

2. Project Components

The proposed Additional Financing (AF) will support the Food Systems Resilience Program for East and Southern Africa- Phase 3 to Republic of Malawi, by increasing the resilience of food systems and the country's preparedness for food insecurity in project areas and, in case of an eligible crisis or emergency, to respond promptly and effectively to it. The AF will serve three purposes namely, to (i) restructure the project to retroactively reflect the reallocation of US\$16 million of budgeted project funds to the CERC; (ii) scale up existing project activities, thereby expanding the number of beneficiary households and stakeholders and strengthening National Agricultural Management Information Systems (NAMIS); and (iii) undertake efforts relating specifically to the government's possible reform of the AIP. In relation to AIP reform, the AF will support the design and implementation of pilot initiatives that will test different ways of repurposing AIP funds in ways that improve public spending efficiency and align agricultural stakeholders' incentives with the aim of moving toward food systems resilience and sustainability.

Like the umbrella Food Systems Resilience Program of which it is a part, the Malawi FSRP has six components: these are (a) Re-building resilient agricultural production capacity, (b) supporting the sustainable development of natural resources for resilient agricultural land, (c) Getting to markets, (d) Promoting a greater focus on food security resilience in national and regional policy making, (e) Project management (including safeguards), and (f) Contingency Emergency Response, all of which are under implementation.

3. Justification for Resettlement Policy Framework (RPF)

The project will support improvement of public infrastructure such as development of medium size to large scale irrigation schemes; national agriculture exhibition center; agriculture residential training centers; a central veterinary laboratory and regional laboratories; trade facilitating infrastructure; stud breeding infrastructure; and last mile public infrastructure including feeder roads, construction of electricity and potable water facilities. Grants will be provided to productive alliances to strengthen farmer cooperatives. Civil works to be undertaken for the above infrastructure has the potential to lead to loss of land, physical relocation, loss of assets, loss of access to assets, loss of income sources, loss of means of

livelihood, land acquisition, and restriction to, or loss of access to economic assets and resources for the people in the project area. This, therefore, triggered the Environmental and Social Standard (ESS 5) on ‘Land acquisition, restriction on land use and involuntary resettlement’ and other relevant laws and policies of Malawi hence the preparation of this Resettlement Policy Framework (RPF).

4. Aim and Objectives of Resettlement Policy Framework

MFSRP and the AF is expected to have positive environmental and social outcomes. However, measures have been defined in this Resettlement Policy Framework (RPF) and in the Environmental and Social Management Framework (ESMF) to be undertaken in the event of unanticipated negative impacts on land, property, assets, loss of access or livelihoods of affected persons.

This RPF is prepared to appropriately identify, address, and mitigate adverse socioeconomic impacts that may occur in relation to land acquisition, restrictions to land use, or resettlement. All site-specific investments under the project will be screened and where such impacts are identified, the project will follow the avoidance, mitigation and compensation procedures described in this RPF. As a first measure, the project will attempt to avoid to the extent possible adverse impacts on land and property and will clearly document all efforts made to avoid land restriction and resettlement impacts. Where such impacts are unavoidable, they will be minimized to the extent possible, and the project will follow the procedures laid out in the RPF to ensure that adequate compensation and rehabilitation measures have been provided to the project affected people. The RPF defines the procedures for:

- Acquiring land (after all technical alternatives have been exhausted),
- Dealing with any program impacts from land acquisition (i.e., identifying, establishing the valuation of, and compensating people that suffer economic losses or loss of private property,
- Monitoring and verification that policies and procedures are followed, and
- Grievance redress mechanisms.

5. Legal Framework for Resettlement and Compensation

This RPF is based on relevant Malawi’s legal and policy framework, and the World Bank Environmental and Social Standard (ESS) 5 on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. At National level, the Land Acquisition and Compensation Act, 2016 as amended in 2022 is the guiding framework and provides the tenets for resettlement and compensation. The provisions of the RPF apply to all the investments financed by the MFSRP and the AF. The RPF applies to all economically and/or physically displaced persons regardless of the total number affected by the severity of impact and whether they have legal title to the land or not. Particular attention will be paid to the needs of such vulnerable groups like children and women-headed households, low-income households, households headed by the elderly with no support, and households headed by physically challenged people.

To ensure that ineligible persons do not take the opportunity to claim eligibility, a cutoff date will be set; the cut-off date will be the last day of the census. It is a day after which people who

are not included in the list of project affected people (PAP) as defined by the census will not be considered eligible for compensation. Prior to taking possession of the land or properties, the compensation will be fully paid.

6. Institutional and organizational framework for compensating the Project Affected Persons (PAPs)

Successful implementation of resettlement will depend on collaboration of different stakeholders at local level (village/area level), district level and national level. In this regard, cases of resettlements within sub projects to be funded by MFSRP and the AF will be undertaken as a shared responsibility among the communities, the local authorities and central government ministries. The Ministry of Agriculture, through Project Implementation Unit (PIU) as the project coordinating institution, will have the overall responsibility for coordinating and monitoring implementation of the RPF and RAPs that may be prepared for the sub-projects.

Key central government ministries will be: The Ministry responsible of Finance, Economic Planning and Development, The Ministry responsible of Lands, Ministry responsible of Local Government and the Ministry responsible of Natural Resources. The central government ministries will provide policy leadership in areas of mainstreaming and annual monitoring of resettlement planning in the MFSRP and the AF.

The local authorities will coordinate implementation of Resettlement Plans (RPs) and considerations of resettlement issues within the sub project implementation processes. Specific tasks will include screening and appraisal of the projects on resettlement issues before funding of the projects. In addition, local authorities will monitor and provide necessary technical assistance to management of resettlement activities to be done by the communities

7. Public Consultations and Study Approach

Implementation of the MFSRP and AF will be undertaken in line with Government of Malawi and World Bank safeguards requirements. The preparation of the RFP involved several steps, including review of applicable legislations, consultation (public participation), field visits, impact assessment and management, and reports development. Literature review involved review of the relevant project documents, Social Economic Profile for project districts, previous environmental and social project documents. The review was also done on the World Bank Environmental and Social Framework as well as other related World Bank guidelines.

This RPF was prepared through an extensive consultative process with various stakeholders. Stakeholder consultation meetings were conducted at national level, district level and local community level. The stakeholders that were consulted included Community Grievance Redress Committees, Executive members of POs and District Environment Sub Committees from Salima, Nkhatabay, Lilongwe, Mbelwa, Mwanza, Thyolo, Chikwawa, Ntcheu and Ntchisi District Councils and local community's cooperatives (see Annex 9).

The consultation meetings further provided an opportunity for stakeholders to express their views and opinions on the project and to raise issues of concern relating to the Project. Some

of the concerns about MFSRP and the AF included: potential for loss of land and assets, restriction on land use; increased risk or spread of HIV & AIDS and other STIs due to influx of migrant workers; risk of Gender Based Violence and disruption of marriages, among others.

The involvement of PAPs in planning prior to the relocation and resettlement is critical. MFSRP and the AF, with the support from national and district councils and with assistance from community liaison officers (CLOs), will be responsible for organizing and conducting public consultations with community groups affected by each subproject prior to completion of the site-specific RAP. Public consultations will be conducted as a meeting in each subproject. Any legitimate issue raised through the public consultation should be included in the RAP. The concerns of PAPs will be considered and reflected in subproject implementation.

8. Public Disclosure

Land acquisition and resettlement related documents will be disclosed to the public. Such documents include at minimum RPF, ARAP/RAP and due diligence reports on the above. Public disclosure will be conducted through multiple channels easily accessible to the public such as social media, websites, posters in vernacular, such as Chewa and Tumbuka.

9. Grievance Redress Mechanisms on Resettlement Activities

The RPF will utilize the Grievance Redress Mechanism (GRM) which has been developed as part of the Stakeholder Engagement Plan (SEP). The GRM for MFSRP and the AF provides for negotiation and agreement by consensus between the community and affected persons as the first avenue to resolve grievances expressed by the individuals about the project including resettlement issues. Thus, the process of grievance redress will initially be handled by grievance redress committees at all project sites i.e workers grievance redress committee and community grievance redress committees

However, in events where some aggrieved parties are not satisfied by decisions made at community level , the cases will be referred for review and re-consideration to higher level grievance redress committees at Area (Traditional Authority) and district levels. This is because the community structures are established under the traditional leaders. In cases where the grievances are not resolved at the district level, the case will be referred to national level committee whose membership shall include Ministry responsible of Lands among others. In extreme cases where the case remains unresolved at the national level it will be referred to the court.

Local councils with support from MFSRP and the AF PIU, will facilitate capacitation of the community level development implementation committees so that they are able to avoid or resolve all resettlement related grievances. In this context, proper channels of reporting grievances will be put in place and the project target communities will be sensitized accordingly so that they make use of them. These channels will be in line with norms and culture of the communities, laws of the country, and in line with ESS5.

10. Monitoring and Evaluation

Monitoring and evaluation will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of the project and measuring the extent to which the goals of the RPs will have been achieved and the effectiveness of mitigation measures.

Indicators and targets will be established for the project as a whole, in consultation with representatives of the affected communities and other key stakeholders. This RPs/RAPs also details out the performance monitoring, impact monitoring and qualitative monitoring.

11. Budget

The RPF is not budgeted for because there is no provision in the MFSRP and AF. However, if such cases are encountered, the government of Malawi through Ministry of Lands will follow all the procedures necessary for compensation to take place.

12. Conclusion and Recommendation

Although the implementation of the MFSRP and the AF will increase the commercialization of primary and value-added agricultural products and enhance the resilience of the food systems, there are some negative impacts that will be associated with implementation of project activities especially those involving civil works. Key among the negative impacts are loss of land and property and displacement of some individuals. This RPF has therefore been prepared to guide both the preparation and implementation of project specific Resettlement Plan or Abbreviated Resettlement Plan. Once principals, guidelines and recommendations advocated in this RPF are followed or adhered to during the preparation or implementation of project specific RP, the negative impacts will either be avoided and/or minimized to acceptable levels.

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List of Acronyms

AEC	Area Executive Committee
AIDS	Acquired Immuno Deficiency Syndrome
CBO	Community Based Organization
CC	City Council
CGRMC	Community Grievance Redress Mechanism Committee
CIG	Common Interest Group
CSC	Construction Supervision Consultant
DC	District Council
DDC	District Development Committee
DEC	District Executive Committee
DGRMC	District Grievance Redress Mechanism Committee
DNRDM	Department of Natural Relief and Disaster Management
DPD	Director of Planning and Development
EDO	Environmental District Officer
EMA	Environment Management Act
ESA	Environmental and Social Assessment
ESCOM	Electricity Supply Corporation of Malawi
FI	Financial Intermediary
GDP	Gross Domestic Product
GoM	Government of Malawi
GSM	Global System Mobile
HIV	Human Immune Deficiency Syndrome Virus
IDA	International Development Association
IDF	Institutional Development Funds
IVSC	International Valuation Standards Council
M&E	Monitoring and Evaluation
MGDS	Malawi Growth and Development Strategy
MLGRD	Ministry of Local Government and Rural Development
MoAWD	Ministry of Agriculture and Water Development
NAC	National AIDS Commission
NCE	National Council on the Environment

NEAP	National Environmental Action Plan
NEP	National Environmental Policy
NGO	Non-Governmental Organization
NLP	National Land Policy
OVI	Objectively Verifiable Indicator
PAP	Project Affected Persons
PF	Process Framework
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PPA	Project Preparation Advance
PPF	Project Preparation Facility
PRA	Participatory Rural Appraisal
PSC	Project Steering Committee
R&R	Rehabilitation and Resettlement
RCC	Resettlement and Compensation Committee
RP	Resettlement Plan
RPF	Resettlement Policy Framework
SIM	Surveyors Institute of Malawi
TA	Traditional Authority
TCE	Technical Committee on the Environment
TCPC	Town and Country Planning Committee
USD	United States Dollar
VDC	Village Development Committee
WGRMC	Workers Grievance Redress Mechanism Committee

Chapter One: INTRODUCTION

1.1 Background Information

The Ministry of Agriculture (MoA) is implementing the Malawi Food Systems Resilience Program (MFSRP). This is a six-year project supported by the World Bank through the International Development Association (IDA), Global Agriculture and Food Security Program (GAFSP) and Multi-Donor Trust Fund (MDTF). The MFSRP is part of the World Bank's regional program with a Multiphase Programmatic Approach (MPA).

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1.2 Justification for Resettlement Policy Framework (RPF)

The project will support improvement of different kinds of public infrastructure. The infrastructure includes development of medium size to large scale irrigation schemes; national agriculture exhibition center; agriculture residential training centers; a central veterinary laboratory and regional laboratories; trade facilitating infrastructure; stud breeding infrastructure; and last mile public infrastructure including feeder roads, construction of electricity and potable water facilities. Grants will be provided to productive alliances to strengthen farmer cooperatives. Civil works to be undertaken for the above infrastructure has the potential to lead to loss of land, physical relocation, loss of assets, loss of access to assets, loss of income sources, loss of means of livelihood, land acquisition, and restriction to, or loss of access to economic assets and resources for the people in the project area. This, therefore, triggered the Environmental and Social Standard (ESS 5) on 'Land acquisition, restriction on land use and involuntary resettlement' and other relevant laws and policies of Malawi hence the preparation of this Resettlement Policy Framework (RPF). The RPF is being prepared and not Resettlement Action Plan because the exact type and location of the subprojects to be supported by MFSRP and the AF are unknown.

1.3 Aim and Objectives of Resettlement Policy Framework

MFSRP and the AF is expected to have positive environmental and social outcomes. However, measures have been defined, in this Resettlement Policy Framework (RPF) and in the Environmental and Social Management Framework (ESMF), to be undertaken in the event of unanticipated negative impacts on land, property, assets, loss of access or livelihoods of affected persons.

This RPF is prepared to appropriately identify, address, and mitigate adverse socioeconomic impacts that may occur in relation to land acquisition, restrictions to land use, or resettlement. All site-specific investments under the project will be screened and where such impacts are identified, the project will follow the avoidance, mitigation and compensation procedures described in this RPF. As a first measure, the project will attempt to avoid to the extent possible adverse impacts on land and property and will clearly document all efforts made to avoid land restriction and resettlement impacts. Where such impacts are unavoidable, they will be minimized to the extent possible, and the project will follow the procedures laid out in the RPF to ensure that adequate compensation and rehabilitation measures have been provided to the project affected people. The RPF defines the procedures for:

- Acquiring land (after all technical alternatives have been exhausted),
- Dealing with any residual impacts from land acquisition (i.e., identifying, establishing the valuation of, and compensating people that suffer economic losses or loss of private property,
- Monitoring and verification that policies and procedures are followed, and
- Grievance redress mechanisms.

1.4 Key Principles of RPF

The overall policy guidance on execution of MFSRP and the AF and sub projects is to avoid involuntary resettlement related cases at the earliest opportunity. Any forms of resettlement disrupt the social and economic fabric of communities especially the vulnerable persons. In this regard, the implementation of MFSRP and the AF activities will be coordinated on a set of principles in order to avoid and/or minimize resettlement related risks. The principles revolve around the basic tenets of the World Bank Environmental and Social Standard 5 (ESS5) as well as the existing policies and pieces of legislation of the Government of Republic of Malawi. Key principles are as follows:

Principle 1: Sub projects eligible for funding from MFSRP and the AF shall be those proposed in suitable sites. Suitable sites for funding of a sub project are those sites where the implementation of a project would not bring about involuntary resettlement, involuntary physical dislocation, 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.

Principle 2: In cases where land and improvements is still found to be inevitable for subproject implementation, The Government of Malawi through Ministry of Agriculture, Ministry of Lands, Ministry of Finance, Economic Planning and Development Ministry of Local Government in consultation with local council and leaders will make sure that appropriate compensation and resettlement assistance to the project affected person either in Cash or kind is done in accordance with the process outlined by this RPF.

Principle 3: During appraisal of concepts or concept evaluation, availability of a written proof of properly acquired land will be one of the pre-requisite conditions for approval of a proposed subproject. Thus, responsibility for identification and provision of a suitable site for a proposed subproject will be with the community through the local chiefs and the area and village development committees.

1.5 Funding for Compensation and Resettlement

The fundamental principle in the implementation of this RPF is to avoid involuntary resettlement. The screening stage of the subprojects should explore relocation of the subprojects to alternative sites with minimal risks, issues of resettlement. In the event that avoidance is not possible, the Government through Ministry of Agriculture, Ministry of Lands, Ministry of Finance, Economic Planning and Development, Ministry of Local Government in consultation with local councils and leaders will make sure that appropriate compensation and resettlement assistance to the project affected persons is done. When there is a requirement for resettlement in a subproject, the relevant Local authorities will carry out and administer Resettlement Plans as per the guidelines contained in this RPF.

1.6 Users of the RPF.

The RPF contains procedures for acquiring land, resettlement, and compensation for physical and economic displacement in relation to sub-projects. In addition, the framework contains useful information on the existing national legal framework guiding valuation, resettlement, and compensation in Malawi. Such information will be useful in planning, implementation of the proposed sub-projects. In this regard, the report will be useful to the following implementing agencies, Ministry of Agriculture, Ministry of Local Government, Malawi Investment and Trade Centre, Ministry of Trade, Industry and Tourism, Ministry of Lands, Ministry of Natural Resources and Climate Change, district councils, project consultants, project construction contractors. In addition, the framework will be useful to non – governmental organizations and civil society organizations, development partners such as World Bank during support missions.

1.8 Key areas of the RPF

The RPF serves the following specific purposes:

- Project description
- Reviews the existing national legal framework, compares it with WB’s requirements as outlined in ESS 5 and identify gaps, if any, and indicates gap-filling measures;
- Describes the approach to the securing land, assets and other common property resources;
- Specifies the scope of the project with a well-defined exclusion list;
- Defines the valuation process of impacted assets;
- Defines the process for preparing Social Impact Assessment and RAPs and their review;
- Defines of the cutoff date for Title and Non-Title holders;
- Identifies the consultation mechanisms/approaches to be adopted while preparing and implementing RAPs including public disclosures;
- Defines the monitoring and evaluation arrangements including Grievance Redress Mechanisms (GRM); and

- Defines the institutional and implementation arrangements --role/responsibilities of different stakeholders.

1.9 Technical Approach in Preparation of the RPF

Implementation of the MFSRP and AF will be undertaken in line with Government of Malawi and World Bank Legal Safeguards requirements. The assignment approach involved several steps, including review of applicable legislations, consultations (public participation), field visits, impact assessment and management, and reports development.

Chapter Two: Project Description and Implementation of Activities.

2.1 Overview of MFSRP and the AF

The proposed Additional Financing (AF) will support the Food Systems Resilience Program for East and Southern Africa- Phase 3 to Republic of Malawi, by increasing the resilience of food systems and the country's preparedness for food insecurity in project areas and, in case of an eligible crisis or emergency, to respond promptly and effectively to it. The AF will serve three purposes namely, to (i) restructure the project to retroactively reflect the reallocation of US\$16 million of budgeted project funds to the CERC; (ii) scale up existing project activities, thereby expanding the number of beneficiary households and stakeholders and strengthening National Agricultural Management Information Systems (NAMIS); and (iii) undertake efforts relating specifically to the government's possible reform of the AIP. In relation to AIP reform, the AF will support the design and implementation of pilot initiatives that will test different ways of repurposing AIP funds in ways that improve public spending efficiency and align agricultural stakeholders' incentives with the aim of moving toward food systems resilience and sustainability.

Like the umbrella Food Systems Resilience Program of which it is a part, the Malawi FSRP has six components, all of which are under implementation. Component 1: (Re-)Building Resilient Agricultural Production Capacity. This component is developing national and regional information systems and agricultural technologies and services serving small farmers and other agrifood system stakeholders. Component 2: Supporting the Sustainable Development of Natural Resources for Resilient Agricultural Landscapes. In alignment with Malawi's National Irrigation Policy and Master Plan, and using a landscape approach, this component is financing the rehabilitation of medium- to large-scale irrigation schemes infrastructure and gender responsive technical assistance for the management of their catchment areas. Component 3: Getting to Market. This component is supporting producer organizations (POs), productive alliances (PAs), and last mile infrastructure in order to improve agrifood producers' access to domestic and international markets and enhance physical and economic access to sufficient, safe, and nutritious food. Component 4: Promoting a Greater Focus on Food Systems Resilience in National and Regional Policymaking. This component is building the government's institutional and technical capacity to reform policies relating to agricultural commercialization and climate resilience with a focus on both policy development and implementation capacity. Some of the regulatory documents to be prepared or updated include the agricultural research policy, the horticulture strategy, the contract farming policy, the livestock breeding strategy, the apiculture strategy, and the e-commerce strategy. Component 5: Contingent Emergency Response Component has supported the government's

procurement of 24,500 MT of fortified maize flour in support of the government's National Lean Season Response Plan. Component 6: Project Management.

The AF will bring about positive benefits such as increasing rural employment opportunities and improving rural livelihoods through improved agricultural productivity. Its positive environmental outcomes include resilient and sustainable water supply for productive food system and water and soil moisture conservation and soil health investments.

AF activities have potential to lead to land acquisition and possibly result in loss of livelihoods, however, physical displacement is not anticipated. Support to Agricultural infrastructure investments, irrigation schemes, water points, market infrastructure, and small feeder roads pose E&S risks and impacts associated with project activities have been identified as the following: risks associated with land acquisition, poor labor conditions and child labor, OHS, waste generation, hazardous material management, noise and vibration, wastewater discharges and air quality as well as community H&S including transmission of communicable diseases, such as HIV/AIDS, COVID 19, etc., sexual exploitation and abuse (SEA) and sexual harassment (SH) and other forms of gender-based violence (GBV).

Other potential social risks could be related to: operational concerns due to remoteness and insecurity, including monitoring and supervising social and environmental risks including grievance management; security issues in some of the project countries that may require the use of security services; and weak implementation capacity especially at grassroots level with limited functional structure and trained manpower.

Other risks and impacts include those associated with the operational phase of these improvements/new construction/rehabilitation as well as with the subprojects of the matching grant program: beneficiary selection, child and forced labor, poor labor conditions, occupational health and safety, water and energy consumption, hygiene and food requirements, land, waste and water management, the use of pesticides, manure and veterinary waste management. ESS1, ESS2, ESS3, ESS4, ESS5, ESS6, ESS8, ESS10 are applicable and relevant plans included in the ESCP, ESMF, SEP and LMP including this RPF were already prepared and have been updated where necessary to reflect AF activities.

2.2 Project Management and Implementation Arrangement

Four main structures will be established at national level to facilitate smooth implementation of Malawi Food Systems Resilience Programme. The structures include Project Implementation Unit, Project Steering Committee, Project Technical Committee, and Partnership between International Development Association and International Finance Corporation. At local level, implementation of The Malawi Food Systems Resilience Programme and AF will be implemented through an existing decentralized framework. Directors of Agriculture, Chief Agriculture Officers and district councils will coordinate the implementation of sub-projects under the supervision of Project Implementation Unit.

2.2.1 Project Implementation Unit and Implementation Arrangements for Resettlement

The implementation of the project will be under the supervision of Ministry of Agriculture, and Ministry of Trade and Industry. The existing MFSRP PIU will oversee day to day project management, coordination of implementation, monitor progress and account for utilization of

project funds. The PIU will be headed by the Project Coordinator, and include the following key professionals: Procurement Specialists, Finance Management Specialist, Monitoring and Evaluation Specialist, Agribusiness Specialist, Institutional Development Specialist, Irrigation/Civil Engineer, and Environmental/Social Development Specialist. All the PIU staff will comprise of experienced professionals to be recruited through a competitive process.

2.2.2 Partnership of International Finance Corporation and International Development Association.

The project will be implemented in collaboration with the International Finance Corporation (IFC) and other development partners. IFC will provide advisory services on operations of agribusiness work and required tools for ensuring an effective linkage between off takers and producer organizations. The World Bank and Government of Malawi will undertake joint implementation support missions on a bi-annual basis to provide guidance to project implementation teams.

2.3 Institutional Arrangements on Implementation

There are five main institutions responsible for implementation of Malawi Food Systems Resilience Project (MFSRP) and Additional Financing (AF). These are (a) the Ministry of Agriculture; (b) Ministry of Trade and Industry (MoTI); (c) Ministry of Lands, Housing and Urban Development (MoLHUD); (d) Malawi Investments and Trade Centre (MITC); and (e) Productive Alliance Stakeholders. The following paragraphs highlight key roles for each of the institutions:

2.3.1 The Ministry of Agriculture

Ministry of Agriculture will have overall responsibility for implementation of the project. It will work hand in hand with its respective government departments to coordinate specific activities of the project. The Land Resources and Conservation Department will be responsible for ensuring integration of climate smart agriculture, while Department of Agricultural Extension will ensure strong integration of gender within the project. The Trade and Marketing Unit which sits in the Department of Planning of Ministry of Agriculture will be responsible for supporting marketing environment of the agricultural commodities while working closely with the Ministry of Trade and Industry. At the implementation level, the project will work with respective District Councils and work closely with respective Producer Organizations (POs).

2.3.2 Ministry of Trade and Industry

Ministry of Trade and Industry will co-lead the implementation of the project and be responsible for promotion of trade and private sector development, particularly championing to create a conducive environment for marketing and trade of commodities. It will work closely with its department for private sector development in promoting efforts by off takers to strengthen linkages between POs and off takers. On the latter, the cooperative unit of the Ministry of Trade will support strengthening horizontal linkages to make sure that various producer organizations in form of cooperatives are properly registered and conform to the expected standards. The Ministry will participate and Co-chair the PSC meetings (PS level) and PTC (at Director level).

2.3.3 Malawi Investment and Trade Centre (MITC)

Malawi Investment and Trade Centre as trade and inward investment promotion agency will provide specialized support to investors in all prioritized sectors for industrializing Malawi and promoting and facilitating export products and services of Malawi. Within the context of recently enacted land bills, the agency has been given the mandate to avail land for commercial investments in the agriculture sector.

Malawi Investment and Trade Centre will therefore work closely with Ministry of Lands, to unveil the access to land bottleneck to promote agricultural commercialization. As a one stop center, the MITC will also facilitate in linking foreign buyers and investors to Malawian products. Ministry of Lands will create a conducive environment to promote access to land as

well as tenure security. As part of operationalization of the Land Acquisition Act, particular focus will be made to strengthen land tenure security particularly to vulnerable women and youth, while also ensuring efficiency and utilization of idle estates.

2.4 Potential Land Acquisition Requirements for Project Activities

The proposed Malawi Agricultural Commercialization Project will be implemented in rural areas of the country where 85% of Malawi's population reside. Much of land in rural areas of Malawi is customary land tenure. Customary land tenure means that land is owned by families through cultural inheritance. Land holding sizes have declined over the last 20 years in rural areas due to rapid population growth. According to the Land Acquisition Act 2016, Amendment No 14 of 2022, an assessment of compensation shall be calculated based on any of the following grounds; loss of occupational rights, loss of land, loss of structure, loss of business, relocation costs, loss of goodwill, costs of professional advice, nuisance, injurious affection, severance, loss or reduction of tenure or disturbance, if it is not too remote and in a natural and reasonable consequence of the disposition of the land.

The proposed Malawi Agricultural Commercialization Project has high potential of land acquisition for project activities. There are three project components which would require land acquisition from households for the project related activities: These are:

- a) Land will be acquired for investments including construction/rehabilitation of rural warehouses for Productive Organizations (farmers clubs or cooperatives). In this project, farmers may opt to buy land for construction of warehouses and use collective land to optimize farm mechanization and enhance production of viable cash crops for viable exports. It is envisaged that most commercial farms will be in the region of 5-10 hectares. This will be ensured during the concept evaluations where every producer organization will have to show evidence of land ownership.
- b) Land will be acquired for construction of last mile public infrastructure. Last mile public infrastructure will include feeder roads, rehabilitation of small-scale irrigation schemes and construction of electricity and potable water facilities. Usually, consultations will be done with the communities involved and issues of resettlement will be minimised as much as possible.
- c) Land will be acquired for rehabilitation works and expansion of medium size to large scale irrigation schemes in some selected rural areas of Malawi.
- d) Land will be acquired for construction, rehabilitation and upgrading of strategic public facilities such as national agriculture exhibition centre; agriculture residential training centres; a central veterinary laboratory and regional laboratories; facilities needed for decentralized land registration in selected districts; trade facilitating infrastructure; and stud breeding infrastructure. These structures will use the already existing land available to avoid issues of resettlement and compensations. E.g, construction of the land registries will use the land that will be provided by the district council, rehabilitation of RTCs will be done on the already available land and facilities.

The socio-economic impacts of these activities associated with land acquisition will be mainly positive and relate to the increase in commercialization of primary and value-added agricultural products and enhance the resilience of the food system in Malawi. The largest-scale construction activities are expected under Component 2: Improving public infrastructure, and especially development of medium sized to large scale irrigation schemes. This component would most likely entail construction and/or rehabilitation of new and old irrigation schemes which would require lands for the schemes, buildings, access, and machinery. The allocation by central or local governments for any project-related activities will follow the principles outlines in this RPF, namely, avoidance to the extent possible of impacts on lands, assets and livelihoods, minimizing such impacts, and where impacts are unavoidable applying compensation and rehabilitation measures.

While the broad category of activities/ impacts is foreseen, exact magnitudes can become known only after detailed designing of the subprojects are made. Hence, towards preparing a RAP, project preparation has developed a Resettlement Policy Framework (RPF). The key objective of the Resettlement Policy Framework is to provide a framework to appropriately identify, address and mitigate adverse socioeconomic impacts that may occur due to the implementation of subprojects that involve the involuntary acquisition of land, impacts on business and livelihood activities, and/or - albeit unlikely - the resettlement of affected families.

2.5 Project Affected People

Project affected people, refers to those households or members of society directly affected, socially and economically, by a project construction, 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 pieces of land that result in adverse impacts on the livelihood of the economically or physically displaced persons.

It is not possible at this stage to specifically highlight the specific households to be affected by acquisition of land for construction/rehabilitation of rural warehouses or construction of feeder roads and rehabilitation of irrigation schemes. However, the likely displaced (economically or physically) persons can be categorized into three groups: (i) individuals; (ii) households; and (iii) vulnerable groups or people.

- a) **Individuals:** This category refer 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 or rehabilitation of rural warehouses or construction of feeder roads and other facilities.
- b) **Households:** A household is affected if one or more of its members is affected by the project activities, either by loss of property, land or access, or is otherwise affected in any way by project activities. In case of this project, some household may lose family

gardens, family wells, family trees and fruit trees, family winter gardens, family houses, family livestock kraals among others. A family is affected because of loss of source of livelihoods to members of the family.

- c) **Vulnerable groups of people:** Vulnerable groups refer to underprivileged members of the society. Most of 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) **Unmarried women:** These women may be dependent on sons, brothers, or others for support. Since an affected individual can name the person with whom he or she is linked to in dependency as part of the household, resettlement will never sever this link.
 - ii) **Elderly:** Elderly people farm or work if they are able. Their economic viability may de-pend on how much land they farm or how much they produce, because by producing even small amounts of food to "exchange" with others, they can subsist on cooked food and generous return gifts of cereal from relatives, friends, and neighbours. Losing land will affect their economic viability.
 - iii) **People living with HIV AND AIDS:** Some parts of rural areas of Malawi, where the Malawi Commercialization Project will be implemented have relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programs from government, international organizations, and NGOs. These will require special attention to enable them benefit from the project.
 - iv) **Orphans:** There are a considerable number of orphaned children in Malawi due to impacts of HIV and AIDS on parents. These children today fall into three categories of care: (i) those being looked after by an uncle, aunt, grandparents, or other close relative; (ii) those being looked after by the government, local authorities, or NGOs; and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often "voice-less"; they have no parents to defend or stand up for them and they are considered too young to be heard. Orphaned children engage in any form of economic activity to provide for them-selves and their siblings, including selling paraffin or water, artisanal mining, and exploitative employment, among others.
 - v) **Female-headed households:** These households may depend on sons, brothers, or others for support. However, there are also cases where women are the main breadwinner in their household even when the men have remained with the family. Women therefore need relatively easy access to farm inputs in project of this nature. In some case, some women have no for-mal rights to land and lose such pieces quite easily. Special considerations must be made on land acquisition for construction/rehabilitation of rural warehouses to minimize displacement of female headed households during land acquisition for commercial farms.

- vi) *Child headed households/Youth*: Child headed households and youth are vulnerable because most of them are voiceless. During land acquisition for commercial farms or land for feeder roads, children/youth may lose family houses/land to commercial farmers and may not get assistance to repose their properties land. In addition, some women farmers are discriminated in technical support and provision of agricultural inputs in rural areas.

These groups are identified as particularly vulnerable to ensure 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 MFSRP and the AF (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.

2.6 Description of Potential Socio-Economic Impacts of Resettlements

In general, some impacts emanate from the consequences following loss of access to their settlement sites, others from losses of physical assets and loss of access to their traditional productive assets. Furthermore, some impacts arise from loss of social cohesion and relations. Examples of potential socio-economic impacts from such sources are outlined below in Table 2-1:

Table 2-1: Summary of Main Social and Economic Impacts from Resettlement Activities

Category of losses	Social and economic impacts
Displacement from land	<ul style="list-style-type: none"> • Landlessness; • Loss of productive resource for agriculture and other businesses
Loss of residential property and homestead	<ul style="list-style-type: none"> • Landlessness, homelessness; • Impoverishment of people; • Disturbance of house production systems; • Loss of sources of income; • Loss of or weakening of community system and social networks; • Loss of access to ancestral sites, graveyards; • Loss of access to social amenities such as hospitals and schools; and • Loss of traditional authority.
Loss of assets or access to assets	<ul style="list-style-type: none"> • Impoverishment; • Loss of sources of income; • Loss of employment opportunities (self – employment)
Loss of income sources or means of livelihood	<ul style="list-style-type: none"> • Impoverishment; • Loss of self – employment opportunities;

Category of losses	Social and economic impacts
	<ul style="list-style-type: none"> • Disruption of attainment of services such as schools, health services resulting in further impoverishment, malnourishment.
Loss of identity and cultural survival	<ul style="list-style-type: none"> • Alienation of persons from their tribal society; and • Lack of access to community support.
Loss of access or proximity to social amenities e.g. water sources, (e.g. boreholes), schools, hospitals and clinics, markets	<ul style="list-style-type: none"> • Impoverishment; • Loss of sources of income; • Increased time to access resources; • Loss or shortage of time for other activities; • Increase in waterborne diseases
Blockage of footpaths/pathways	<ul style="list-style-type: none"> • Increase in travel distance due to longer route
Loss of grazing land	<ul style="list-style-type: none"> • Difficulties in rearing livestock
Blockage of access to public water bodies	<ul style="list-style-type: none"> • Difficulties in collection of water for domestic uses • Difficulties in collection of water for irrigation

Chapter Three: Review of Policy, Legal and Administrative Framework

This chapter gives a review of the legal framework pertaining to land acquisition laws in Malawi and how it will be applied under MFSRP and the AF project and indicates their impacts on the project resettlement policy framework to ensure that the project activities are in line with sound resettlement procedures and are compliant to relevant existing legislation.

3.1 Malawian Institutional Framework

The constitution of Malawi (2017) consists of different laws among which is the Land Law. Chapter 57, Section 1(18) indicates that a person who by reason of any acquisition made under section 17(2) or (3) suffers any disturbance of, or loss or damage to any interest which he may have or, immediately prior to the occurrence of any of the events referred to in this section, may have had in such land, shall be paid such compensation for such disturbance, loss or damage as reasonable.

3.1.1 The Land Act (2016) and Amendment Act No 15 of 2022

This is the principal law in land matters. Section 7 classifies land into public and private land with subcategories. The public land includes government land and unallocated public land while private land includes freehold land, leasehold land and the newly introduced customary land estate. Section 10 allows corporations authorised by license issued by the Minister of lands to hold land in Malawi. Section 7 sub section 2 designates unallocated customary land and government land as public land and section 17 allows for its allocation to public utility bodies by the minister responsible. Section 18 provides for compensation to individuals for loss, damages, or disturbances.

This implies, therefore that the MFSRP and the AF, in the acquisition of private land for the project should be ready to pay compensation as required by law for loss, damages and disturbance.

3.1.2 The Lands Acquisition and Compensation Act (2017) Amendment Act No 14(2022)

The Land Acquisition (Amendment) Act 2016 is the main legislation that addresses compensation issues. Section 4 of this act explicitly states that expropriation can only take place where the land is needed for public utility on the condition that a seven-day notice is served on the affected and compensation is paid under subsection 2 and 3.

Importantly, section 9 (2) of the Land Acquisition (Amendment) Act 2016 defines “appropriate compensation,” as the sum of: “(a) loss of occupation rights (b) loss of land (c) loss of structure (d) loss of business (e) relocation costs (f) loss of goodwill (g) cost of professional advice (h) nuisance (i) loss or reduction of tenure (j) disturbances that may naturally or reasonably arise as a result of the acquisition.” Furthermore, Section 12 subsection 2 lays down grounds for compensation being loss of occupational rights, loss of land, loss of structure, loss of business, relocation costs, loss of good will, cost of professional advice, injurious affection, nuisance,

loss or reduction of tenure and disturbances. The Land Acquisition (Amendment) Act 2022 provides procedures for appeal in case those affected are dissatisfied with the land acquisition process or the compensation.

3.1.3 The Registered Land Act (2016) Amendment Act No. 13 (2022)

The Act makes provision for the registration of title to land and for dealings in land that has been registered. The Act has been amended several times since 1967 with the most current amendments passed in 2016. The Amendment Act amends some provisions in the Registered Land Act including new definitions of customary estate and land to ensure conformity with the Land Act, 2016/Amendment Act No. 13 (2022).

3.1.4 The Customary Land Act (2016)-Amendment Act No. 15 (2022)

The Customary Land Act 2016 (Amended Act No 15 of 2022) provides for the management and administration of customary land and for matters connected therewith and incidental thereto. Customary land means all land used for the benefit of the community as a whole and includes unallocated customary land within the boundaries of a traditional land management area, including:

- a) Land within the boundaries of a Traditional Land Management Area other than Government or reserved land;
- b) Land designated as customary land under the Land Act, 2022;
- c) Land and boundaries demarcated as customary land under any written law or administrative procedure in force at any time before this Act came into operation whether that demarcation has been formally approved or published in the gazette;
- d) Land, the boundaries of which have been agreed upon by a land committee claiming jurisdiction over that land

The main act in customary land administration and management in Malawi. The Act establishes “customary estates”, which is customary land 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 2016. As such, customary land will no longer be treated as valueless commodity, but will be given equal value as any privately-owned land such as leasehold or freehold (Government of Malawi, 2017).

In terms of operation, the Customary Land Act 2016 creates customary land committees (CLCs) at group village headman (GVH) level to manage land within a Traditional Land Management Area (TLMA). The CLC will be chaired by a GVH and will have six elected members from the community, three of which will be women. In discharging its duties, the CLC shall, among others, have regard for the principle of sustainable development and the relationship between land use, natural resources and the environment contiguous to the customary land; seek and consider views of other local government authorities having jurisdiction in the TLMA; and not allocate land or grant a customary estate without the prior approval of the relevant Traditional Authority. Local government authorities shall provide advice and guidance based on the same being originating from the Commissioner of Lands.

Local government authorities will oversee the operations of the CLCs (Government of Malawi, 2017).

The Customary Land Act 2016 defines the terms for customary land in a Traditional Land Management Area transfer to Government or reserve land for public interest. It also focuses on the Declaration of Hazardous Land, on grant and management of customary estates, on adjudication of interest in customary land and on dispute settlement.

The essence of community ownership and control is that all members of a particular community have access to land and all its products without exception and that the role of chiefs is to ensure not only political protection for the community but, essentially, a more equitable distribution of that land among current members of the community and future generations.

3.1.5 Land Survey Act (2016) Amendment Act No. 11 (2022)

The Land Survey Act provides for land surveys, the establishment of the Land Surveyors Registration Board, the licensing and control of land surveys, survey marks and boundaries and the establishment of the Malawi Geographic Information Council.

3.1.6 The Physical Planning Act (2016) Amendment Act No. 12 (2022)

The Act repeals the Town and Country Planning Act. It provides for physical planning and the orderly and progressive development of land in both rural and urban areas and for issues relating to the grant of permission to develop land and for other powers of control over the use of land. The Act is administered by the Commissioner for Physical Planning and also provides for the establishment of the Physical Planning Council. The Act provides for development permission including application forms, processing and revocation. Section 54 provides that a person shall not commence the development of any subdivision of any land unless he first obtains a grant of development permission. In addition, a person applying for the registration of any land under the Registered Land Act must attach a copy of the grant of development permission in order for his documents to be considered.

Part VII of the Act deals with acquisition of land and compensation. The section provides that the Minister may acquire any land, either compulsorily or by agreement if it is considered desirable or expedient in the interests of the implementation of any plan of the proper control and furtherance of development of any land under the Act. Compensation will be paid in accordance with the Lands Acquisition Act as amended. Section 68 of the Act provides for occasions when compensation is payable for planning actions, section 69 deals with how compensation can be assessed and section 70 provides for how a claim for compensation can be made. The Second Schedule of the Act is on the calculation of compensation under section 68.

The Act provides for circumstances when an appeal can be made and the fact that an appeal can be made to the Council. A person aggrieved by a decision of the Council may apply to the High Court for judicial review.

3.1.7 The Local Government (Amendment) Act (2017)

The Local Government Amendment Act, 1998 consolidates the law relating to local Government. Section 34 of the 1998 Act, provides for the acquisition of land by Agreement. It states that for the purpose of (a) any of its functions under this Act or any other written law; or (b) the benefit, improvement or development of its area, the Assembly may acquire whether by way of purchase, lease, exchange or gift, any land, whether situated inside or outside its area. Subsection 2 of Section 34 of the 1998 Act has been deleted and substituted with a new Subsection 2 that provides that subject to the provisions of the Land Acquisition Act, the Council may acquire land to be used for any of the Council's functions.

The Amendment Act also amends the principal Act by providing that the Council may dispose of land held by it in accordance with the Land Act 2016 and the Registered Land Act 2016.

3.1.8 Public Roads (Amendment) Act (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.

3.1.9 The Environment Management Act, 2017

The Environment Management Act (EMA) is an Act that makes provision for the protection and management of the environment; the conservation and sustainable utilization of natural resources and for matters connected therewith and incidental thereto. Section 3(1) states that 3 (1) every person shall take all necessary and appropriate measures to protect and manage the environment, to conserve natural resources, and to promote sustainable utilization of natural resources under this Act and any other written law or policy relating to the protection and management of the environment or the conservation and sustainable utilization of natural resources. To achieve this, the Act in section 7(1) provides for the establishment of the Malawi Environment Protection Authority (MEPA) which is the principal agency for the protection and management of the environment and sustainable utilization of natural resources. Among its functions stipulated in Section 9(2-f), the MEPA is tasked to review and approve Environmental and Social Impact Assessments (ESIAs), Strategic Environmental Assessments (SEAs), and other relevant environmental assessments by following this Act. Section 25 allows the MEPA to establish such advisory committees as may be deemed necessary and appropriate for the conduct of its regulatory responsibilities. This implies that the MEPA may engage experts from outside its permanent staff as advisers, reviewers, or technical experts to assist in the review of ESIAs, SEAs, and other relevant environmental assessments.

Part IV of the Act stipulates that a person shall not undertake any project for which an ESIA is required without the written approval of the Authority, and except in accordance with any conditions imposed in that approval. Any other licensing authority shall not grant a permit or licence for the execution of a project unless approval for the project is granted by the Authority, or the grant of the permit or licence is made conditional upon the approval of the Authority being granted. This implies the proponent will ensure that measures put in place to protect and manage the environment are followed. This will also ensure that natural resources are conserved and sustainably utilised according to required standards from the licensing authorities. The implication of the Act on the MFSRP and the AF project is that the developer has to obtain approval from MEPA before any other licensing authority grants a permit or licence for the execution of a project.

3.1.10 The Forestry (Amendment) Act (2017)

The principal legislation that governs forestry matters in Malawi is the Forestry Act No. 11 of 1997, which provides for participatory forestry, forest management, forestry research, forestry education, forest industries, protection and rehabilitation of environmentally fragile areas and international cooperation in forestry and for matters incidental thereto or connected therewith. The purposes of the Act include; promoting community involvement in the conservation of trees and forests in forest reserves and protected forest areas and protection of fragile areas such as steep slopes, river banks, water catchment and to conserve and enhance biodiversity. The Forestry (Amendment) Act amends some provisions in the Forestry Act of 1997 including the inclusion of a new definition of customary land committee which is in accordance with the Customary Land Act, 2016. The Amendment Act also amends section 30 of the Forestry Act so that it provides that ‘any customary land committee may, with the advice of the Director of Forestry, demarcate on unallocated customary land a village forest area which shall be forest areas protected and managed in the prescribed manner for the benefit of that village community.

3.1.11 National Parks and Wildlife Act (2004)

This is an Act that consolidates the law relating to national parks and wildlife management; establishes the Wildlife Research and Management Board; and to provides for matters incidental to or connected therewith. The purposes of the Act are presented in Section (3) and are stated as follows:

- a) *the conservation of selected examples of wildlife communities in Malawi;*
- b) *the protection of rare, endangered and endemic species of wild plants and animals;*
- c) *the conservation of wildlife throughout Malawi so that the abundance and diversity of their species are maintained at optimum levels commensurate with other forms of land use, in order to support sustainable utilization of wildlife for the benefit of the people of Malawi;*
- d) *the control of dangerous vertebrate species;*
- e) *the control of import, export and re-export of wildlife species and specimens; and*
- f) *the implementation of relevant international treaties, agreements or any other arrangement to which Malawi or the Government is a party.*

The MFSRP and the AF project will likely be situated within protected areas of impact hence may disrupt natural habitats for some wild animals and the rise in human-wildlife conflict. Wildlife crime, such as the pet and bush-meat trades, is common in Malawi and the ‘victims’ need somewhere to go. The MFSRP and the AF project will have to be implemented in such a way to mitigate the possible impacts that may be brought about by the activities of the project.

3.1.12 Public Health (Corona Virus and COVID-19) (Prevention, Containment, and Management) Rules, 2020

In exercise of the powers conferred by section 31 as read with section 29 of the Public Health Act and pursuant to the declaration of COVID-19 as a formidable disease on the 1st day of April 2020, the Minister of Health made these rules to help with prevention, containment and management of Corona Virus and COVID-19. The rules in Part II provide general preventive measures which are divided into two parts of (i) prevention of the spread of Corona Virus by persons and (ii) measures by the government to prevent, contain and manage the spread of COVID-19. With regards to prevention by persons, the rules stipulated in Section 3(1) that a person shall do the following acts in order to prevent the spread of the Corona Virus:

- a) when in a public area, wear a face mask at all times;
- b) keep a social distance of at least one metre, from other persons;
- c) wash hands frequently with soap and water, for at least forty seconds, or use an alcohol-based hand sanitizer with a minimum alcohol content of seventy percent, for at least twenty seconds;
- d) if hands are dirty or soiled, do not use an alcohol-based hand sanitizer, rather, wash hands with soap and water;
- e) when coughing or sneezing, cover your nose and mouth with a handkerchief or tissue paper or sneeze into a flexed elbow;
- f) refrain from touching face, mouth, nose, and eyes; and
- g) avoid handshakes.

Section 6 (1) also states that employers shall report to an enforcement officer, community health worker, a member of a village health committee, or any appropriate authority, whichever is applicable, any suspected case or death of COVID-19. Section 13 (1) of the rules demands that an employer and an employee shall, at the workplace, comply with the measures listed in the Fourth Schedule of these rules. The schedule provides measures that have to be followed at workstations. The implication of these rules is that the developer has to provide all the necessary PPE to the workers to help them prevent contracting and spreading COVID-19. The rules also imply that the developer has to put in place all the necessary provisions as indicated by these rules.

3.2 Additional laws to review on Land Acquisition

This section covers other laws that are related to land acquisition.

3.2.1 The gender Equality Act (2013)

This Act seeks to promote gender equality and equal integration of men and women in all functions of society, prohibiting and providing redress for sex discrimination, harmful practices, sexual harassment and providing for public awareness and promotion of gender equality.

The Act covers the following key issues: (a) prohibition of sex discrimination, prohibition of harmful social, cultural or religious practices and prohibition of sexual harassment; (b) enhancement of the participation of women in public life and decision making positions through the introduction of quotas in public appointments and transparency in public appointments; (c) equality of access to education and training; (d) the right to access sexual and reproductive health services which is complemented by a right to information about sexual and reproductive health services to enable users of those services to make informed choices. In addition the Act has provisions on- (a) the enforcement mechanism through the Malawi Human Rights Commission; (b) the need for the Minister responsible for Gender, Children and Social Welfare to ensure that programmes aimed at educating the public on gender equality issues are developed and implemented; and (c) the power of the Chief Justice to make regulations guiding the practice and procedure of issues arising from the proposed legislation in relation to court procedures.

3.2.2 The Monuments and Relics Act (2014)

The Act is aimed at making provision for the conservation, preservation and study of cultural heritage including places of distinctive natural beauty and of sites, buildings and objects of archaeological, palaeontological, geological, anthropological, ethnological, historical, prehistorical and other interests; and to provide for the declaration of protected monuments and relics and acquisition thereof by the Government and the acquisition by the Government of rights and trusteeship over monuments and relics and for the preservation thereof by agreement with the owners; and to provide for the listing of monuments and the registration of monuments and relics; and to provide for the procedure to be followed in relation to the discovery, excavation, removal, sale, exportation and importation of monuments, relics and collections of cultural heritage; and to establish an advisory council to advise the Minister on matters aforesaid; and to provide for matters connected therewith or incidental thereto.

3.2.3 The Water Works Act (1995)

The Act provides for the establishment of Water Boards, water-areas and for the administration of such water-areas for the development, operation and maintenance of waterworks and water-borne sewerage sanitation systems in Malawi and for matters incidental thereto or connected therewith.

On compensation, the Act states the following: 1) The Board shall make good all public and private roads, streets, and paths disturbed by its waterworks operations to the reasonable satisfaction of the highway authority or owner thereof. The Board shall also pay compensation for all loss or damage caused in the execution of any power by this Act conferred: Provided that the owner or occupier of any land through, over or under which any pipe is placed, shall not be entitled to any rent or wayleave fee in respect of such pipe. (2) In case any dispute shall arise as

to whether any road, street or path has been adequately made good or as to the amount of compensation to be paid under subsection (1), such dispute may be referred to a Resident Magistrate having jurisdiction in the District in which the cause of dispute arose. Such Resident Magistrate shall have jurisdiction in respect of all such disputes irrespective of the amount thereof and may make such award as he deems reasonable to the person entitled thereto.(3)Either party to the dispute may appeal from such decision to the High Court.

On the power to enter land, the act states that “Any officer or servant of the Board, duly authorized in writing by the. Board, and any contractor executing any work for the Board, together with his agents and servants, may after due notice, at any time between 6 a.m. and 6 p.m. enter upon any land for the purpose of surveying, setting out and marking the line of any intended pipe or other equipment”.

3.3 Malawi National Policies and Plans

This section covers policies and plans that are related to the resettlement plan framework.

3.3.1 The Malawi National Land Policy (2002)

The Malawi National Land Policy focus 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 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. Such provisions will have to be made in case of land acquisitions for some commercial farms Malawi Agriculture Commercialization Project. Examples could be consideration of acquisition of land for some selected new warehouses, new feeder roads.

3.3.2 The National Environmental Policy (2004)

The National Environmental Policy (NEP) is the key instrument that provides standards or benchmarks for environmental and natural resources policies and legislation in Malawi. The NEP, therefore, is a central guide for all environmental and Natural resources sectoral activities.

The overall goal of the NEP is “*The promotion of sustainable social-economic development through sound management of the environment in Malawi*” and some of the goals that NEP seeks to accomplish are

- a) Securing for all person's residents in Malawi now and in the future, an environment suitable for their health and well-being.
- b) Promoting efficient utilization and management of the country's natural resources; and
- c) Facilitating the restoration, maintenance, and enhancements of the ecosystems and ecological processes essential for the functioning of the biosphere and prudent use of renewable resources.

The policy implies that the MFSRP and the AF project will have to put in place operational policies that support sustainable development and the protection of the environment. The NEP relates significantly and directly to the proposed activities of the project, through promotion of efficient utilization of natural and other resources. The development of this report will ensure that environmental and social impacts are identified and are properly managed in order to ensure that the developmental project does not have a detrimental effect to the ecosystem.

3.3.3 National Agriculture Policy (2016)

Malawi Government has developed a National Agriculture Policy to coordinate all efforts towards sustainable agriculture development. The policy includes commercialization agriculture as one main theme towards enhancement of agriculture and national economy. Among others, the policy advocates for farm mechanization and contract farming as some key measures to enhance competitive agricultural sector. The Malawi Agricultural Commercialization Project incorporates both these aspects. In terms on environmental management, the policy advocates for conservation agriculture best practices. Integrated pest management measures in both smallholder gardens and estate sector.

3.3.4 National Irrigation Policy (2016)

The National Irrigation Policy advocates among others the promotion of sustainable irrigation development systems, which can adequately contribute to increased agriculture production in the country with minimal degradation of water resources and the environment. The policy highlights that some constraints to Malawian farmers to further irrigation development that include inadequate access to appropriate technologies/equipment for land reclamation and expansion, and inadequate trained personnel in irrigation technologies.

With respect to environmental issues, both the policy highlights the need of environmental impact assessments prior to implementation for all large scale and medium scale irrigation projects in Malawi. The requirement is necessary in order to identify in advance serious detrimental impacts which must be avoided and minimised in course of project implementation. Activities under Malawi Agriculture Commercialization Project would have some negative impacts if mitigation measures are not put in place. Significant impacts related to irrigation policy would be from irrigation schemes. Examples include soil erosion and siltation; salinization of soils from agrochemicals, spread of invasive plants, spread of pests and diseases at irrigation schemes. It is therefore necessary that the rehabilitation and re-construction of irrigation schemes complies with the National Irrigation Development Policy Strategy and Irrigation Bill by incorporating an appropriate environmental management plan in implementation and operation of the estate.

3.3.5 National Disaster Risk Management Policy (2015).

The policy provides an integrated and coordinated disaster risk management system aimed at preventing or reducing the risk of disasters, mitigating the severity of disasters. The policy also outlines measures towards emergency preparedness, rapid and effective response to and management of disasters and post-disaster recovery; the establishment of a more effective institutional framework for disaster risk management in Malawi. The objectives of the policy includes:

- a) To ensure the sustainable reduction of disaster relate losses in lives and the social, economic and environmental assets of communities in Malawi.
- b) To uphold the constitutional rights to life, development and property by addressing the root causes of vulnerabilities to disasters, strengthening the country’s institutional capacity for disaster risk reduction and management and building the resilience of communities to disasters.
- c) The establishment of a more effective institutional framework for disaster risk management in Malawi.

The policy advocates integration of environmental conservation and planning as some of effective long-term measures of checking climate change and reducing natural disasters in Malawi.

3.3.6 The National Water Policy (2005)

Section 1.3 of the National Water Policy explains that this policy provides an enabling framework for integrated water resources management in Malawi. The section points out that after realising the challenges, threats, and opportunities associated with the implementation of activities in the water and sanitation sector, the GoM through the Ministry responsible for Water Development established the policy tailored at tackling any issues in the sector in an integrated manner, through the involvement of all concerned stakeholders including communities.

The policy comprehensively covers areas of water resource management and development, water quality and pollution control, and water utilization. In section 3.4.15 it is set that all water facilities shall be registered using a numbering system developed and adopted by the Ministry responsible for Water Affairs. In section 3.4.9 the policy stresses that Pollution control of water resources shall adopt the ‘Polluter–Pays’ principle to ensure water user responsibility. Section 5 of the policy also points out that surface and groundwater quality has been negatively affected by environmental degradation among other factors. The MFSRP and the AF project will promote the strategies stipulated in the policy with specific effort placed on the following strategies:

- Section 5.2.2 - Ensuring and promoting proper management and disposal of wastes;
- Section 5.2.5 - Promoting public awareness on guidelines and standards on water quality, public health and hygiene, and pollution control mechanisms; and
- Section 5.2.6 - Strengthening of institutional arrangements for environmental management.

The MFSRP and the AF recognises implication of the National Water Policy which advocates for sustainable management of catchment and riverine areas to minimize soil erosion and siltation of river courses. Siltation of river courses is one of cause of floods in Malawi. This is because Shallow River causes overflows and destroys properties along the flood plains.

3.3.7 National Forestry Policy (1997)

Amongst others, the policy aims at promoting sustainable contribution of woodlands and trees towards the improvement of quality of life for Malawians by conserving the resources for the benefit and to the satisfaction of diverse and changing needs of Malawi population, particularly rural smallholders. The policy prevents unnecessary changes in land-use that promote deforestation, or endanger the protection of forest which have cultural, biodiversity or water catchment values. The implementation of the MFSRP and the AF project will therefore ensure that the surrounding forest resources are conserved.

3.3.8 National Wildlife Policy (1997)

The goal of the national wildlife policy is to ensure proper conservation and management of the wildlife resources in order to provide for sustainable utilisation and equitable access to the resources and fair sharing of the benefits from the resources for both present and future generations of Malawians. This policy seeks to, among others, meet the following objectives: (i) ensure the adequate protection of representative ecosystems and their biological diversity through promotion and adoption of appropriate land management practices, that adhere to the principle of sustainable use; (ii) enhance public awareness and understanding of the importance of wildlife conservation and management and its close relationships with other forms of land use. The MFSRP and the AF project will have activities along rivers and close to protected areas hence it is obvious that there are potential impacts on the surrounding wildlife. The MFSRP and the AF project will ensure that implementation of its activities is done in a such a way to conserve the existing wildlife resources.

3.3.9 The National Climate Change Policy, 2016

The Malawi National Climate Change Policy was drafted by the government in recognition of the country's high susceptibility to the climate change effects. It is aimed at promoting climate change adaptation and mitigation for climate change livelihoods, with consideration of economic development that significantly reduces environmental risks and ecological scarcities. The Malawi National Climate Change Policy also seeks to promote the stabilization of greenhouse gas concentrations in the atmosphere, to a level that would prevent dangerous human-induced interference with the climate; while ensuring sustainable social, economic, and environmental development.

The implication for the MFSRP and the AF project is that it has to be designed and will have to implement its activities in line with the requirements of the policy that promote the reduction of environmental risks and ecological scarcities. The project will use environmentally friendly construction materials such as the use of cement blocks for construction and not burnt bricks. In line with Policy Priority 2, climate change mitigation, the project will also use cleaner and renewable energy sources.

3.3.10 National Health Policy (2008)

The overall goal of the National Health Policy (2008) is to improve the health status of all people in Malawi by reducing the risk of ill health and the occurrence of premature deaths. The policy acknowledges the inadequate resources available for the health sector and defines the Essential Health Package, which is available to all Malawians free of charge. The National Health Policy is applicable to the Project because the project developer will have to be committed to ensuring that the health of workers and surrounding communities are not negatively impacted by Project activities.

3.3.11 National Sanitation Policy (2008)

The National Sanitation Policy provides a vehicle to transform the hygiene and sanitation situation in Malawi. Section 1.2 of the policy mentions that it provides both guidelines and an action plan where, by 2020, all the people of Malawi will have access to improved sanitation, safe hygienic behaviour will be the norm, and recycling of solid and liquid waste will be widely practiced leading to healthier living conditions, a better environment, and a new way for sustainable wealth creation. One of the policy objectives as highlighted in section 3.1.1 is the improvement of hygiene, sanitation, and recycling of the waste in the country. The MFSRP and the AF project will, as such, ensure that liquid and solid waste management encourages the reduction, recycling, and reuse of waste before final disposal hence complying with the provisions of the policy.

3.3.12 National HIV and AIDS Policy (2012)

The goal of this policy as stated in Section 1.3 is to prevent Human Immunodeficiency Virus (HIV) infections, to reduce vulnerability to HIV, to improve the provision of treatment, care, and support for people living with HIV and Acquired Immune Deficiency Syndrome (AIDS), and to mitigate the socio-economic impact of HIV and AIDS on individuals, families, communities, and the nation. Chapter 7 of the policy focuses on responding to HIV and AIDS in the Workplace. Section 7.1 points out that the impact of HIV and AIDS in the workplace is increasingly being felt. Among other factors, absenteeism and death result in low productivity, premature payment of employee benefits, and low workplace morale. The section also mentions that discrimination against people living with AIDS has also been perpetuated through practices such as pre-employment HIV testing, dismissal as a result of being HIV positive, and the denial of employee benefits if known to be infected.

The MFSRP and the AF project shall endeavour at preventing, reducing, and managing the spread and impact of HIV and AIDS in the workplace through the implementation of an HIV and AIDS policy and prevention, treatment, care, and support programme. Furthermore, the MFSRP and the AF project shall ensure that no person undergoes testing for HIV as a precondition for employment and no person shall be denied employment solely based on HIV serostatus. The proponent management shall not force its employees to disclose their HIV but where an employee chooses to voluntarily disclose his or her HIV sero-status to management or another employee, such information shall not be disclosed to others without that employee's expression of written consent.

The National HIV/AIDS Policy is applicable to the project because potential HIV/AIDS impacts are anticipated and hence are addressed in this ESMP. Measures to mitigate these impacts are in line with the policy.

3.4 World Bank and the Resettlement Policy Framework

The World Bank recognizes that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. The Bank's ESS 5: Land Acquisition, Restriction on Land and Involuntary Resettlement includes safeguards to address and mitigate the economic, social, and environmental risks arising from involuntary resettlement. The objectives of the WB's ESS5 prescribed in Table 3-1 below:.

Table 3-1: WB ESS requirements and relevance to the MFSRP and the AF sub-project

World Bank ESS Policy, Standards, Directive	Objectives	Requirements	Relevance & Extent of Relevance to the sub-project/project
<p>ESS-5 Land-Acquisition- Restrictions-on- Land-Use-and- Involuntary- Resettlement</p>	<ul style="list-style-type: none"> • Avoid or minimize involuntary resettlement by exploring project design alternatives. • Avoid forced eviction. Mitigate unavoidable adverse impacts from land acquisition or restrictions on land use by providing compensation at replacement cost and assisting displaced persons in their efforts to improve, or at least restore, livelihoods and living standards to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. • Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure. • Conceive and execute resettlement activities as sustainable development projects. 	<ul style="list-style-type: none"> • Applies to permanent or temporary physical and economic displacement resulting from different types of land acquisition and restrictions on access. • Does not apply to voluntary market transactions, except where these affect third parties. • Provides criteria for “voluntary” land donations, sale of community land, and parties obtaining income from illegal rentals. • Prohibits forced eviction (removal against the will of affected people, without legal and other protection including all applicable procedures and principles in ESS5). • Requires that acquisition of land and assets happens only after payment of compensation and resettlement has occurred. • Requires community engagement and consultation, disclosure of information and a grievance mechanism. 	<p>Land will be required for development and improving public infrastructure, last mile and productive alliance infrastructures such as construction of irrigation schemes, warehouses, and other infrastructures, etc. Hence impacts on land, private and community owned assets including structures, trees, and crops within existing and proposed sub-project sites is likely. Physical and economic displacement too is very likely.</p>

3.5 Gap Analysis of World Bank Requirements and National Laws

There are some gaps between existing laws of the country and WB ESSs on various issues. Gaps between World Bank’s ESS5 and Malawi’s Legislation on Resettlement are in the following areas:

- a) Extent of entitlement: World Bank ESS5 includes affected parties with non-formal property rights, while this does not apply in all instances in Malawi.
- b) Timing of payments: World Bank ESS5 requires payment before loss of assets, while the Malawi legislation does not have this requirement.
- c) Relocation and resettlement: World Bank ESS5 require additional assistance with resettlement (such as establishment of new sites) while this is not provided in Malawi’s laws.
- d) Livelihood restoration: The World Bank ESS5 requires that livelihoods are improved or at least restored, while the Malawi’s laws contain no requirements for livelihood restoration.
- e) Grievance mechanisms: World Bank ESS10 requires that a grievance mechanism is established as early as possible in the project development phase, while the Malawian legislation provides for dispute resolution mechanisms in the form of land tribunals and the court system requires.

Table 3-2 below, gives analysis of gaps that exist between World Bank’s Environmental and Social Framework (ESF) and Malawi’s legislation on resettlement and how the identified gaps have been addressed.

Table 3-2: An analysis of gaps between Malawi land related legislation and World Bank ESF

Project affected persons	Name of Legislation	Provision within piece of legislation in Malawi	World Bank Provisions	Appropriate measures for addressing the gaps.
Landowner/ Occupier	Public Roads (Amendment Act) 2017	<ul style="list-style-type: none"> ○ The Act and its amendment stipulate payment of compensation based on loss or damage suffered by the claimant arising from the damage to or destruction of his interest in the surface rights on such land ○ This damage or loss includes; the damage sustained because of the severance of such land from his other land or other injurious matter affecting his other movable or immovable 	<ul style="list-style-type: none"> ○ ESS5 stipulates that landowners are entitled to compensation of land, compensation of building on replacement costs, expenses on labour 	<ul style="list-style-type: none"> ○ <i>Compensation of land for land to project affected persons.</i> ○ <i>Compensations on crops and trees on real replacement values.</i>

Project affected persons	Name of Legislation	Provision within piece of legislation in Malawi	World Bank Provisions	Appropriate measures for addressing the gaps.
		property and if the claimant is compelled to change his residence or place of business, the reasonable expenses incidental to such change		
<i>Landowner/ Occupier</i>	Public Roads (Amendment Act) 2017	<ul style="list-style-type: none"> ○ The Act and its Amendment stipulate that for customary estate, landowners are entitled to reasonable compensation in respect of disturbance ○ This compensation shall be assessed using open market value based on the loss suffered by the claimant arising from damage to or destruction of his interest in the land, and the surface rights on such land may include compensation for other disturbance <ul style="list-style-type: none"> ✓ Where he should move his residence or place of business ✓ Where alternative land cannot be made available to him and the land remaining to him for any purpose is not an economic unit ✓ Where alternative land is made available to him, and where in making the alternative land equally as fit for use as the land which he has been deprived of, is likely to involve a loss in terms of money, materials or work. 	<ul style="list-style-type: none"> ○ ESS5 stipulates that the recommended option is compensation of land for land. Other losses to be compensated at replacement costs. ○ The policy stipulates that temporary structures or buildings are entitled for compensation for loss of assets other than land or cash compensation at full replacement costs include, <ul style="list-style-type: none"> ✓ Relocation expenses prior to displacement ✓ Providing labour and relocation expenses prior to displacement 	<ul style="list-style-type: none"> ○ <i>Compensation of land for land to project affected persons will be the priority. Compensation of money for land to project affected persons in cases of lack of alternative suitable land.</i> ○ <i>Compensation of all structures at full replacement costs and labour costs prior to displacement</i> ○ <i>Compensations on crops and trees at market values.</i> ○ <i>Resettlement assistance to project affected persons</i>
<i>Landowner/ Owner</i>	Lands Acquisition and Compensation Act 2017	<ul style="list-style-type: none"> ○ The Act and its amendment stipulate that compensation will be based on an assessment done by an independent valuer appointed by the Minister. ○ The Act and its amendment stipulate that compensation is given when land is acquired. 	<ul style="list-style-type: none"> ○ ESS5 stipulates that owners of buildings built illegally are entitled to compensation for loss of assets other than land at full replacement costs including labour costs prior to displacement. 	<ul style="list-style-type: none"> ○ <i>Compensation of all structures at full replacement costs prior to displacement</i>

Project affected persons	Name of Legislation	Provision within piece of legislation in Malawi	World Bank Provisions	Appropriate measures for addressing the gaps.
<i>Landowner/ Owner</i>	Lands Acquisition and Compensation Act 2017	<ul style="list-style-type: none"> ○ The law stipulates that reasonable compensation should be given for loss of land by affected persons ○ The Act and its amendment stipulate that in assessing compensation the following matters should be taken into consideration the market value of the land, or interest therein of the claimant at the valuation date 	<ul style="list-style-type: none"> ○ ESS5 stipulates that owners of buildings built illegally are entitled to compensation for loss of assets other than land at full replacement costs including labour costs prior to displacement. 	<ul style="list-style-type: none"> ○ <i>Compensation of structures at full replacement costs and labour costs prior to displacement</i>
<i>Landowner/ Owner</i>	Land Act 2017	<ul style="list-style-type: none"> ○ The Act states that any person who suffers disturbance of, or loss or damage to any interest which he may have or may have had in unallocated customary land because of the land being acquired for public utility purposes should be paid reasonable compensation for such disturbance, loss or damage 	<ul style="list-style-type: none"> ○ ESS5 stipulates that landowners are entitled to compensation of land, compensation of building on replacement costs, expenses on labour ○ The policy stipulates that landowners are entitled to compensation for crops 	<ul style="list-style-type: none"> ○ <i>Compensations on crops and trees on real replacement values.</i> ○ <i>Compensation of land for land to project affected persons.</i>
<i>Encroachers</i>	Land Act , 2017	<ul style="list-style-type: none"> ○ The Act states that a court order can be issued against alleged trespassers, encroachers, or unlawful users or occupiers 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 Act states that any person who uses or occupies any public land without title commits an offence 	<ul style="list-style-type: none"> ○ ESS5 stipulates that persons are entitled to compensation regardless of the legal status of their structures or occupation of the land ○ The Standard stipulates that owners of buildings built illegally are entitled to compensation for loss of assets other than land at full replacement costs including labour costs prior to displacement 	<ul style="list-style-type: none"> ○ <i>Compensation of all structures at full replacement costs prior to displacement</i> ○ <i>Compensations on crops and trees on real replacement values.</i> ○ <i>Compensation on labour costs based on real replacement values.</i>

Project affected persons	Name of Legislation	Provision within piece of legislation in Malawi	World Bank Provisions	Appropriate measures for addressing the gaps.
		<ul style="list-style-type: none"> ○ The Act is silent on compensation for alleged trespassers, encroachers, or unlawful users or occupiers 		
<i>Landowner/Owner</i>	Customary Land Act, 2016	<ul style="list-style-type: none"> ○ The Act states that customary land shall be transferred subject to payment of appropriate compensation assessed by a registered valuer and agreed upon by the land committee and the Commissioner or between a person or representative of group of persons under a customary estate or those with a derivative right to use the land and the Commissioner ○ The Act favours land for land compensation. It provides that if Government or reserved land is to be exchanged with the customary land which is the subject of the transfer, Government will identify an alternative piece of land to be transferred to the Traditional Land Management Area or the affected persons. 	<ul style="list-style-type: none"> ○ ESS5 favours land for land compensation in cases of loss of land by project affected persons. 	<ul style="list-style-type: none"> ○ <i>Compensation of land for land to project affected persons.</i> ○ <i>Compensation of structures at full replacement costs prior to displacement</i>
<i>PAPs</i>	Environment Management Act of 1996 and the Environmental Impact Assessment Guidelines	<ul style="list-style-type: none"> ○ The Act and the Guidelines require a social-economic and environmental assessment to be conducted on the impacts of the proposed project. This can include determination of eligibility for compensation. ○ The EIA Guidelines also provide for meaningful consultations to be conducted 	ESS5 advocates identification of persons who will be affected by the project to determine who will be eligible for assistance and to discourage inflow of people who will be ineligible The Standard also requires meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs)	<i>Identification of person who will be affected by the project Consultations to be conducted with affected persons and communities</i>
<i>Timing of compensation payment</i>		Silent in all land Acts	ESS5 stipulates that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project but does not specify the period for payment of compensation	<i>The project will ensure compensations are paid promptly before commencement of the project</i>

Project affected persons	Name of Legislation	Provision within piece of legislation in Malawi	World Bank Provisions	Appropriate measures for addressing the gaps.
<i>Livelihood restoration and assistance</i>		No reference	Livelihood and living standards are to be restored in real terms to pre displacement levels or better.	
<i>Consultation and disclosure</i>	Environment Management Act of 1996 and the Environmental Impact Assessment Guidelines	Consult project affected persons and stakeholders	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and establishing appropriate and accessible grievance mechanisms.	<i>Consultations</i>
<i>Grievance mechanism and dispute resolution</i>	Customary Land Regulations (Customary Land Act 2016)	Sets up dispute settlement procedures for land	Establish appropriate and accessible grievance mechanisms	<i>Include GRM in the Stakeholder Engagement Plan which should adequately cover land related grievances</i>
<i>Timing of compensation payment</i>		Silent in all land Acts	ESS5 stipulates that displaced persons are provided with prompt and effective compensation at full replacement cost for losses of assets directly attributable to the project but does not specify the period for payment of compensation	<i>The project will ensure compensations are paid promptly before commencement of the project</i>
<i>Livelihood restoration and assistance</i>		No reference	Livelihood and living standards are to be restored in real terms to pre displacement levels or better.	<i>The project will ensure that livelihood restoration measures and assistance are effected in accordance with the World Bank provisions</i>
<i>Consultation and disclosure</i>	Environment Management Act of 1996 and the Environmental	Consult project affected persons and stakeholders	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities	<i>Consultations</i>

Project affected persons	Name of Legislation	Provision within piece of legislation in Malawi	World Bank Provisions	Appropriate measures for addressing the gaps.
	Impact Assessment Guidelines		to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan) and establishing appropriate and accessible grievance mechanisms.	

NB: In case of conflict between the national laws and World Bank ESS 5, the latter will prevail

Chapter Four: Socio-Economic Status of the Project

The purpose of this chapter is to provide an overview of the socio-economic situation of the project. The project will be implemented in most districts of Malawi. The socio-economic status is necessary to understand the existing pressure and risks posed by the proposed development and improvement of project infrastructure civil works on the already fragile environmental and social economic components of Malawi.

4.1 Population and Human Settlements

According to National Statistical Office (2019), the last general population census conducted in Malawi was in 2018 of which the total population was estimated at 17.5 million. Females' population constitutes 51% of the total and almost 84% of population live in rural communities. The total population increased by 35 percent between 2008 and 2018 representing an intercensal growth rate of 2.9 percent per annum. **Error! Reference source not found.** shows population by region. This growth rate is typical of a country with high fertility rate and suggestive of rapid population growth. The census shows that 2.6 million people were aged under-five years, 6.3 million people were aged between 5 and 17 years and about 8.7 million were aged 18 years or more. Malawi is a youthful nation as 51% of its population is below 18 years. The country has a literacy rate of 69% and more literate men (72%) than women (66%). The Northern Region had the highest literacy rate at 79%, then the Central and Southern Regions at 67%.

4.2 Land Ownership and Usage Rights

Malawi has two customary systems of inheritance, the matrilineal and the patrilineal systems. Under a matrilineal system, women's rights to customary land tend to be primary while under the patrilineal system inheritance of customary land tilts more towards men. Furthermore, according to DFID (2008), there are four main categories of land ownership which are public land, customary land, leasehold and freehold. Public land is land held in trust by Government, local or Traditional Authorities and is used openly or accessible to the public such as land gazetted for national parks, recreation areas and historical and cultural areas. Customary land is land falling under the jurisdiction of a recognised Traditional Authority, which has been granted to a person under customary law and such land is allocated to the person, resident or immigrant, by the traditional leaders holding jurisdiction over the land. Once customary land has been allocated to the family or lineage under the customary tenure, the land is perceived as the property of the family in perpetuity (Bosworth, 1998). Customary matrilineal and patrilineal land tenure systems however, serve to weaken security of land tenure for some family members especially women and youths as well as obstructing the creation of gender-neutral inheritance of lands. Traditional leaders can and have the powers to allocate land to FBOs to put some infrastructure if they see it fit according to land availability. Leasehold tenure is a personal contract granting the lessee usage rights. Freehold land accords the holder exclusive possession of the land in perpetuity without term limits placed on the title of the owner.

4.2.1 Women and Land rights

Rights to land through marriage and inheritance are governed by one of two customary systems in Malawi. Under the matrilineal system prevalent in the central and southern regions of the country, land is handed down through the female line, while under the patrilineal system in the northern region, land is transferred from fathers to sons. However, in both matrilineal and patrilineal systems of marriage women have few or no independent rights to land property due to the mixture of traditional customs and market economics. Under the patrilineal system, if a woman gets divorced or widowed, she risks losing her land usage rights to her husband's relatives. Even under matrilineal systems who are commonly thought to enjoy land rights, decision-making power on land ownership usually lies with male clan leaders who decide who gets a piece of land. Malawi's 2002 National Land Policy recognizes the importance of tenure security for all citizens and a 2016 bill recognizes women's customary land rights - the rights of communities to ancestral land. Nevertheless, there are still gaps and lags in the institutions responsible for assigning women property and inheritance rights. The laws that underpin the property rights of women may be difficult to enforce because they go against the grain of cultural norms and practice (Joireman, 2008). This raises a hideous spectre of gender inequality in matters of land ownership and inheritance which is exacerbated by low literacy levels among women. If women get equal opportunities to own land as their male counterparts, they can play a pivotal role towards food security as they will be able to access credit, farm inputs, and get to decide how to use their land and benefits thereof.

4.2.3 Social Characterization of potential affected persons

The Malawi Food Systems Resilience Project will be implemented in all the districts in the country and specific sites for the implementation of the interventions under the project are not yet known at the time this Resettlement Policy Framework is being implemented. With these facts, it is difficult to determine the social characterisation of the potential affected persons. However the project will affect some of the 84% of households in Malawi that is engaged in crop production most of which live below the poverty line of less than 1 United States Dollar per day.

The project is likely going to affect people of different social characterisation because of varying differences in culture, ethnicity and religion. In most cases people of the same ethnicity have the same culture. The major ethnic groups in Malawi include Chewa, Nyanja, Yao, Tumbuka, Lomwe, Sena, Tonga, Ngoni and Ngonde and Asian. The Chichewa people form the largest part of the population group and are largely in the central and southern parts of Malawi. The Yao people are predominately found around the southern area of Lake Malawi and the Tumbuka are found mainly in the north of the country. The majority of Malawi's population, despite their ethnicity, live in rural areas Malawians with their extended families in huts that are grouped together in villages. Most Malawians have the culture of sharing resources with members of extended families and also neighbours.

Chapter Five: Principles Governing Resettlement and Procedures for Preparation and Implementation of Resettlement Plans

5.1 Basic principles of resettlement

MFSRP and the AF will seek to minimize displacement of people. Where acquisition of land is required, the project will undertake process of resettlement with the Ministry of lands in liaison with the traditional leaders/chiefs to guide compensation of affected assets. In the case of customary land, as defined in the Customary Land Act No.19 of 2016, traditional leaders, customary land committees and respective district councils and the affected communities, including youths and women, will be party to any consensus to acquisition of land and the modalities envisaged.

The impacts due to involuntary resettlement from development projects may give rise to economic, social and environmental risks resulting in production systems being disturbed, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition of resources increases; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.

The ESS5 is triggered when a person experiences an impact on assets, a loss of income, or the project requires land acquisition, namely: a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on that land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people will appropriately be compensated for their loss (of land, property or access, and assets).

Implementation of resettlement activities will ensure the following:

a. Stakeholder Consultation Process

Community sensitization and consultation meetings will take place in all the project areas during RP preparation process. The Community sensitization and consultation process is usually divided into two principal phases. The first phase includes project area reconnaissance, village identification and creation of awareness among community members. During this phase villages in the project area are identified for community meetings and their Chiefs and other prominent members of society will be identified for key informant interviews, and potential PAPs isolated for Focus Group Discussions. A draft Resettlement Factsheet will be used as a reference document during stakeholder sensitization and consultation. In case Government intends to implement some activities of the project component on a piece of land that shall lead to resettlement, Government will adequately consider the views, rights and interests of the displaced and to-be-resettled people.

b. Census and Asset Inventory Exercise and Cut-off date

A team of experts comprising a Valuation Expert, Mapper/Cartographer/surveyor, Regional Land Officer, Social Safeguards Specialist (from the PIU), District Lands' officer will be formed to conduct census of the PAPs and their asset and prepare an inventory of the same. The Census questionnaire aims to enumerate all PAPs in respect of household demography for the members, their gender, marital status, education, physical conditions (handicap by birth/chronic sickness), occupation, assets (structures both affected and non-affected), land tenure and use, income and expenditure, compensation choices and preference of compensation mode of payments will be prepared and administered. The Asset Inventory form (which is available at the Ministry of Lands Housing and Urban Development) will be used to record details of the PAP with respect to the assets within the project area – trees, crops, structures and land. Information on: i) trees and crops by type and by stage of growth and ii) structures with all specifications for material used for construction will be recorded.

- c. **Socio-Economic Data** The Household survey focusing on the socio-economic status will be done. A survey questionnaire will be designed to capture the Social and Economic variables such as: demographic characteristics of the Household members, sex, Education, Age, Children, place of residence, type of marriage and ethnicity, income and ownership of property and the types of property owned, economic activities, types of crops – cash versus food crops, division of labour and control of the agricultural produce, households services, household movable assets (ownership and control), fixed assets ownership and control, Livelihood improvements, social economic services available, social networks, coverage under government or NGO development schemes, level of indebtedness. The questionnaire will be conducted on a stratified sample size of about 30% of the affected households. The selection of Affected Households for the Socio-Economic data will come from the 30% of the affected households. Gender Assessment checklists will be developed to capture aspects such as gender, women-asset-ownership status, division of labour, sources of livelihoods for women, community perceptions on policies and traditional land holdings and lineage systems, anticipated impacts from compensation aftermath and suggested mitigations.

The Household Socio Economic survey instruments will be pre-tested in the project area. During the pre-testing the specialists will assess all the questions for consistency, comfort (ease) of the research assistants to enquire and the respondents' convenience to respond. Data collection tools will be modified to incorporate the feedback that will be obtained from the field testing.

d. Asset valuation and computation of compensation packages

The proposed project will involve displacement of people and loss of livelihoods. Compensation whether in a form of money, replacement of land or structures will arise from:

- i. Land to be acquired for the different project activities;
- ii. Structures falling within the proposed project activities; and

iii. Trees and crops falling under the proposed project activities.

The details from the asset inventory exercise will be recorded against each PAP and will be grouped by District/Traditional Authority (TA)/Group Village Head GVH/Village Head (VH) with PAP identification number, PAP name and Vulnerability Status. Approved rates will be inserted against each of the assets recorded to help compute the compensation and assistances payable to each PAP. The exercise will help to come up with a Compensation Agreement Sheet for all impacted assets, their applicable rates and amounts payable to each PAP.

e. Compensation Agreement Forms Signing

Disclosure and Compensation Signing will involve compilation of all data that will be collected and its analysis towards report preparation and the signing off of compensation packages.

A compensation list/ database will be prepared using the database developed for the RAP with valuation data incorporated. Specifically, the data base will comprise the following:

- iv. Data with Asset valuation – Valuation of different Asset of PAPs will be included like - number of trees, varieties of trees (Indigenous, Fruit, Exotic etc.) with sizes.
- v. Disclosure Database - Status of Ownership, area of plot, occupation, vulnerability status along with their signature will be included in the database apart from the valuation data for asset.

Details from these Disclosure Sheets will also be copied onto Compensation Agreement Form. The Compensation Agreement will be translated into Chichewa language and will be printed with all cells populated with payable amounts.

f. Report Preparation

The RP reports will be prepared including analysed data from Census and household survey. Land maps along with minutes of all meetings with communities and institutional stakeholders and will be appropriately documented for usage in the report.

g. RPF Approval process

After preparation of the RPF, it will be sent to the World Bank for approval. After approval, the RPF will be ready for use during project implementation specifically preparation of project or site-specific RPs.

The RPs prepared for specific projects will have to firstly be approved by the Government of Malawi, through 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.

Once approved, the Ministry of Finance will be informed of the compensation packages required for them to release funds for compensation. Annex 5.6 of this RPF gives a template of an outline for preparing a RP.

h. Disclosure of RAP/RP:

Subsequent to approval, the RP/RAP will be disclosed to the communities and PAPs with translation into a language they understand. The RP/RAP will also be disclosed in the World Bank external website. For any changes to the disclosed RP/RAP the same approval/disclosure protocols will be followed.

i. Provision of resettlement assistance to PAPs

PAPs will be provided with necessary support in case of relocation. The support will include provision of transport and basic services on the new sites of settlement. The other support will depend on the assessment by the government since the programme itself does not provide compensations

j. Negotiation for fair compensation options

In case of any resettlement in order to implement some of the project component activities, Government will put in place different compensation options for the PAPs to choose based on replacement values.

k. Special consideration of vulnerable social groups

Compensations and resettlement assistance will cover all entitled categories of project affected persons including special assistance as per assessment to vulnerable groups such as female headed households, widows, unmarried females, the aged, child headed families, orphans, widowers and people with disabilities.

l. 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 a project committee, local village heads, Traditional Authorities as well use of formal courts under the Judiciary. The use of the Customary Land Tribunal in every Traditional Land Management Area, District Land Tribunal and Central Land Board established under the Customary Land Act No.19 of 2016 will allow project affected people in Traditional Land Management Areas to access such services within short distances.

m. Compliance to relevant policies and laws

Land acquisition and resettlement activities by government will be implemented in compliance with the World Bank ESS5 and Malawi Government policies and laws.

5.2 Methodology for RP preparation/Preparation of RP

The RP will be prepared in accordance with the principles and guidelines provided in this RPF and implemented through the Terms of Reference that will be provided by the Ministry of Agriculture in conjunction with the Ministry of Lands and Urban Development and in alignment with this RPF.

5.2.1 Desk Review

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

5.2.2 The Screening Process

Figure 5-1 : Diagrammatic flow of the screening process
Figure 5-1 outlines a diagrammatic flow of the proposed resettlement screening of the community driven projects to be funded from MFSRP and the AF.

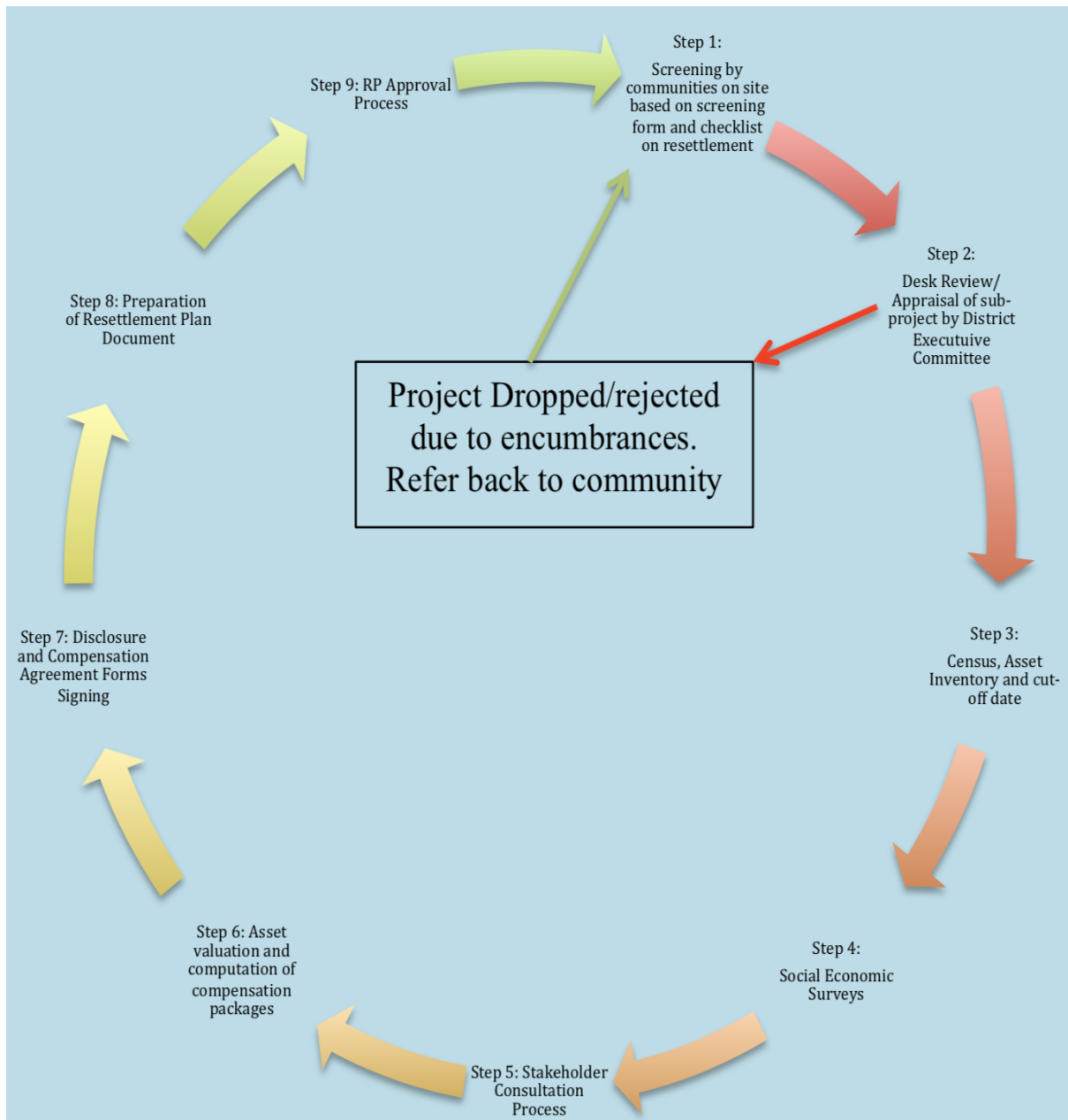


Figure 5-1 : Diagrammatic flow of the screening process

This step will be the first step in the resettlement screening process, and it will be done by the Village Development Committee or Area Development Committees on the proposed site of the project. The committee would be assisted by extension workers from the relevant sector for the intervention being requested. The committee will carry out the exercise based on checklist and screening form (sample in Annex). The committee will be trained on use of the screening forms and prepared checklists on social impacts.

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 or ways of avoiding any compensation issues including voluntary land donation.

5.3 Desk Appraisal of the Proposed Site

Desk appraisal of sub projects from the community will be carried out by District Executive Committee led by District Lands Officer in districts of site location. This would help to appreciate the scale and size of the proposed plans. The project appraisal form has to indicate that the proposed site is either free from hindrances or that all resettlement related issues have been sorted out by the community well in advance.

5.4 Field Appraisal of the Proposed Site and the Project

The purpose of the site visit would be for the 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, District Executive Committee members will undertake RP verification screening of the site and proposed activities. This will be undertaken by use of the 'Resettlement Screening Form' provided in Annex 3.

5.5 Preparation of Resettlement Plan

In implementation of project activities, most cases related to land would be ably sorted out by community prior to request for project funding from MFSRP and the AF. However, even when community sorts out the cases related to land, if there is any involuntary land acquisition, a RAP will be required. The RP will be prepared under Sample ToRs provided in Annex 6. If such is the case an Expert/Consultant/Firm will be engaged to prepare a Resettlement Plan within a reasonable time. An outline of the contents of a Resettlement Plan is provided in Annex 8. In general, a Resettlement Plan for a community-based sub project must consist at least the following aspects:

- a) Description of the location of the proposed sub project;
- b) The size of land which the sub project will take up and its existing uses;
- c) 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 homestead must be drawn. Sample Inventory of Land and assets to be affected has been provided in Annex 5.
- d) 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 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

- e) 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 District Executive Committee. Key officials to be involved would be the District Lands Officer, District Forestry Officer, District Water Officer, Environmental District Officer, Community Development Officer and extension workers. The Local Authorities will demand support from the Department of Lands at Ministry of Lands, Housing and Urban development where there are inadequate technical skills (such as valuation experts) at district level. As required by the Government regulations, Resettlement Plans prepared by the team of experts will be reviewed and approved by the Ministry of Lands, Housing and Urban Development. Nonetheless, since World Bank policies supersede the national legislation on involuntary resettlement, therefore, as an agreed project processing, MFSRP and the AF will be following World Bank Environmental and Social Framework which basically require that All Resettlement Plans undergo World Bank review and clearance.

5.6 Livelihood Restoration

The World Bank ESS5 outlines additional livelihood improvement measures for PAPs in order to improve livelihoods or restore livelihoods to pre-project levels in order 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 provision of effective training and sensitization; providing PAPs with construction related work that would enable them to supplement incomes; and inclusion into project activities.

5.7 Alternative to Land Acquisition - Voluntary Land Donation

Voluntary land donation for the implementation of project activities should be able to meet the basic principles of informed consent to donate land and the choice to agree or disagree. The act of land donation should be undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. Further, due diligence will be carried out to establish the status of ownership of the donated land and completion of transfer where applicable. The procedure for land donation is as follows: -

- i. Meeting with District Council Officers comprising at least District Lands Officer and District Environmental Officer to understand the land agreements that would be made before the land is donated;
- ii. Proceed to the proposed sites for land donation in the District to get the perspective of the communities on the ownership of any proposed structures;
- iii. Through the District Council, the signing of land agreement forms is facilitated;

- iv. The District Council will be requested to verify the signing of the land agreement form(s) for the proposed infrastructure development and send the signed form(s) to PIU.

The signed land donation agreement form will then be attached to the RP or ARP that will be prepared for the sub-project which will be sent to the Bank for approval.

Chapter Six: Eligibility Criteria, Entitlement, Valuation and Compensation

This chapter is a summary description of the category of the project affected groups under the MFSRP and the 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 processes by which valuation of assets will be undertaken. It also explains entitlement and compensation measures.

6.1 Asset Valuation Methodology

This section describes the approach and methodology used in the valuation of project affected assets. It also describes how the asset inventory was conducted in the sub-project areas.

6.1.1 Basis of Valuation Methods

The valuation of assets in this Project is based on national laws and World Bank Environmental and Social Standard on Land Acquisition, Restriction on Land use and Involuntary Resettlement (ESS5).

6.1.2 Malawi National and Legal Provisions

There are a number of legal provisions in Malawi that govern compensation in the event that an affected person's assets are affected. Section 28 of the *Constitution of Malawi* provides that every person shall be able to acquire property and that having acquired that property; no person shall be arbitrarily deprived of the property. Section 44 (4) further states that expropriation of property shall be permissible only when done for public utility and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law. The principal Act on Land Matters- *The Land Act 2016* - provides that any person who suffers any disturbance of, or loss or damage to any interest which he had shall be paid compensation for such disturbance, loss or damage as is reasonable. Additionally, the *Land Acquisition and Compensation Act 2016* provides the procedure for the assessment of appropriate compensation. It considers three steps as being necessary to arrive at an appropriate compensation, namely:

- a) The consideration which the person entitled to the land paid in acquiring it;
- b) The value of the unexhausted improvements to the land made at the expense of the person entitled thereto since the date of his acquisition thereof; and
- c) Any other appreciation in the value of the land since the date of such acquisition.

The approved 2002 Malawi National Land Policy (4:12, 16) carries the spirit with which valuations have to be conducted especially on customary lands. In part it says that land values shall be determined by open market procedures for customary lands acquired through compulsory acquisition by the government. It further notes that, "the inadequacy of compensation is always the direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation".

The World Bank requires international best practice in resettlement matters and expects the host government entity to apply Environmental and Social Standard 5 (ESS5) on involuntary resettlement to all activities under the project. The World Bank defines involuntary resettlement as physical displacement (relocation, loss residential land or shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. Nonetheless, it is appreciated that the ESS5 take precedence in the case where national practices are below those of the World Bank. The ESS5 states that Replacement Cost as a rate of compensation for lost assets must be calculated at market value plus transaction cost and other assistance as may be necessary to help improve or at least restore the standard of living or livelihoods. 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.

With regard to land and structures (buildings), the replacement cost is defined as follows:

- a. *Agricultural land*: The market value (MV) of land and the transaction cost of acquiring land of equal productive potential located in the vicinity of the affected land;
- b. *Land in urban areas*: The market value of the land of equal size and use and transaction cost of acquiring land with similar or improved public facilities and services located in the vicinity of the affected land;
- c. *Household and public structures*: the cost of purchasing or building a new structure within the area, with land size and quality similar or better than those of the affected structure or of repairing a partially affected structure

6.1.3 Valuation Practice in Malawi

Valuation in Malawi is undertaken by Real Estate professionals registered under the *Land Economy Surveyors, Valuers, Estate Agents and Auctioneers' Act of 1989 (CAP:53.08)* of the laws of Malawi. They are themselves members of the Surveyors Institute of Malawi (SIM). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council. As such, valuation of assets is done in accordance with Practice Statements and Guidance Notes published by the *International Valuation Standards Council (IVSC)*. The IVSC (2009) defines Market Value as, '*...the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion*'.

6.1.4 Valuation Methods Applied

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 asset are Cost approach, Investment approach and Comparison approach. The following categories will be affected:

- Loss of land;
- Loss of structures/ buildings;
- Loss of crops;

- Loss of trees (fruits, exotic and natural);
- Loss of access /damage to cultural heritage sites/burial grounds/shrines;
- Loss of livelihoods (businesses, farming, fishing, waged labour, access to resources, rents).

6.1.5 Valuation for Loss of Land, Structures, Crops and Trees

a) Valuation for Loss of Structures

Considering that the area of impact of the Project will be generally rural in nature where no structure is sold or bought, the Cost Approach/Replacement Cost method of valuation will be used for this RPF. The first step in this approach will be to carry market research within the sub project areas by collecting costs of materials having identified the types of structures impacted. It also will also involve meeting contractors in areas of potential impact where possible and applicable. The cost of the structures will be divided into three categories in order to simplify calculations. These categories were the main structure, the roof structure and the floor construction materials. These categories were mainly based on the material used, which determines the type of labour used and workmanship. This division will help to simplify the valuation of assets with different combinations of materials.

b) Valuation for Loss of Land

Land values are derived by using two main methods of valuation: Sales Comparison and Income/Investment Method. These are market-based valuation methods. The use of each one of these methods results in derivation of land market values. However, in cases of scarcity of market evidence on sales of land within the project area, the preferred method of valuation for such land has been investment method. The valuation of commercial, retail and industrial property is always based on the primary method of valuation being an income-based valuation method, rather than by the use of the direct comparison method (API, 1997). Despite the importance of agriculture to the Malawian economy, there has not been the same importance placed on the valuation of rural property based on the income potential and profit generation of this asset class compared to other income producing property sectors.

Profit based property sectors, such as the tourism and leisure sectors, as well as all businesses are valued by adopting an income method, which reflects the potential of the property, as well as the management ability of the current property owner / operator (Whipple, 1995; Fischer, 2002, API, 1997). It would be only on very rare instances that a valuer would value a hotel, resort or business -based property solely on the direct comparison method, as this method would not provide a value based on the actual income generated by the property. With such property sectors, value is not directly based on the size of the land and buildings or the construction and quality, but the income stream and the risk of maintaining that income stream.

A rural property is a property that has its value based on the level of productivity associated with the property with regards to location, soil type, climate and topography. The better these physical attributes combine with the management of these assets to produce income, the higher the value of the land (Eves, 1996, 2000, 2001). Although the location of the rural property will determine the general characteristics of a rural property and therefore the potential productivity, individual farmers within specific rural property markets can actually have considerable

variations in both the commodity yields achieved from year to year and commodity prices received. These production variations also result in considerable differences in farm net profits across all farms in any one location. As over 80% of Malawian land is under agriculture, it offers good reason to value rural registered freehold estate (in this project area) but agricultural land using the income approach. This gives an objective approach in deriving land value. This approach considers the gross revenue less production costs, the result of which is capitalized at a market cap rate for a period of time. In deriving the values in our current situation, the crops grown in the district of impact were identified through the District profile documents and other research articles including the data from the Ministry of Agriculture's Agri-economic Survey section, which provided the current prices of the crops on market. This helped to calculate the gross revenue and also the net revenue.

c) Loss of crops

The approach described in the section is provided for the damaged crops during the rehabilitation of roads, forestry, irrigation schemes and other infrastructures. In the event that annual crops have been damaged, the calculation of 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, Irrigation and Water Development. At the time of asset inventory crops will be avoided in line with principle 1 of this RPF. This is because the development project will have to wait until the crops are harvested

d) Tree Assessment

Unlike the assessment of land, the tree assessment will be based on Malawi Government Gazette of 2010 from The Department of Forestry. This provides different approaches for assessment of trees for both commercial and domestic purposes. In view of this report, assessment for commercial purposes has been considered to be more reasonable. An upward adjustment would be made to rates provided by the Forestry Department to cater for the prevailing market trends.

e) Fruit Tree Assessment

In terms of the assessment of fruit trees a consideration was made to use the average yield/tree/year, average current market price and expected productive life span. Fruit Compensation schedule is attached to the assessment report and number of each claimant's fruit trees, the assessors obtained the compensation payable to each fruit tree owner is based on the current market. Considering the productive life only, the establishment cost was calculated by averaging the cost of a tree with the duration and longest duration to production. In calculating the yield per fruit tree and average prices, the assessor disregarded the size of the trees as is the case with forest tree above. Prices adopted are the highest that could be obtained in the market at the time of the research.

f) Valuation and Compensation for Loss of Profit

Loss of profit refers to damages payable to the owner of the business whose business is to be shut down to give way for implementation of a certain project. Value for each type of loss of profit will be paid to the affected person. The appraisal will cover the type and number of such

losses that individual will suffer, in addition to total compensation payable in loss of Land and improvement thereon.

g) Disturbance allowance

Disturbance allowances shall be paid in addition to the compensation of value of land and exhausted improvements. A disturbance allowance is paid to a PAP as per Lands Acquisition and Compensation Act (2016).

6.2 Category of Project Affected Persons

It is estimated that the numbers of people that are likely to be affected under the MFSRP and the AF subprojects will not exceed 5000. The affected groups under MFSRP and the AF sub-project investments in this RPF will include:

- i. **Affected Individual** – An individual who suffers loss of land, property, other assets or investments made on land, livelihood, and/or access to natural and/or economic resources as a result of the sub project investments funded under MFSRP and the AF.
- ii. **Affected Household** – A household is affected if one or more of its members is affected by MFSRP and the AF sub projects, either by loss of property, land, and access, or otherwise his or her livelihood could be affected in any way by project activities. They include:
 - a) any members in the households, men, women, children, dependent relatives and friends, tenants;
 - b) vulnerable individuals who may be too old, disabled or sick to farm along with the others who are able to make ends meet;
 - c) relatives who depend on each another for their daily survival;
- iii. **Vulnerable Groups and Households** – Vulnerable groups, individuals or parts of households may have different land needs or needs unrelated to the amount of land available to them. Vulnerable people include:
 - a) **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. These women should not be resettled in a way that separates them from these sources of support because the very survival of their households may depend on them. When preparing compensation these factors must be considered.
 - b) **Disabled people and the elderly:** Disabled people and elderly are especially vulnerable as they depend on the assistance of family, relatives, friends, and neighbors. Land and any form of asset loss could severely affect their livelihoods.
 - c) **Persons 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.

- d) **Orphaned children:** Due to the impacts of the HIV/AIDS crisis in Malawi, there are a considerable number of children who are orphans because their parents died from AIDS related diseases. 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. These children tend to live in proximity to large towns and cities engaging in any form of economic activities to provide for themselves and their siblings, including selling different items, artisanal mining, and exploitative employment, among others. Many orphaned children also end up in the streets as street children. Should they be impacted by any subproject, consideration should be made for compensation in the form of rehabilitation and vocational training.
- e) **PAPs below poverty line:** These are project affected persons living on less than a dollar a day. These are people who may not meet their daily needs such as food, shelter and clothing.

Vulnerable groups will be identified during preparation of investment specific MFSRP and the AF Resettlement Plan preparation during the census survey.

6.3 Vulnerable Assistance Measures

A Vulnerable Assistance Programme will be developed by MFSRP and the AF for specific RP to provide a safety net for vulnerable households. The objective will be to identify, assess, support, remediate, and monitor project-affected households experiencing severe hardship, as part of the overall Livelihood Assistance Package for each household. Vulnerable persons will be specifically identified, registered, and tracked through the following means:

- a) Analysis of RP socio-economic survey data and case work on household composition, assets, source of income, and food security
- b) Community identified households receiving charity
- c) Analysis of records or case work on each household being compensated.

6.4 Eligibility for Vulnerability Assistance

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

- a) Predisposition to economic vulnerability;
- b) Age;
- c) Disability and Infirmity; and
- d) Gender.

6.5 Form of Assistance to Vulnerable Groups

Assistance may take the following forms, depending upon vulnerable persons' requests and needs:

- a) Assistance in the compensation payment procedure (e.g., specifically explain the process and procedures, make sure that documents are well understood);

- b) Assistance in the post-payment period to secure the compensation money and reduce risks of misuse/robbery;
- c) Additional cash to enable them restore their livelihood
- d) Counselling in matters such as family and health;
- e) Ensuring that the vulnerable enjoy equal opportunity during employment procedures; and
- f) Where alternative farming land is to be found, ensure it is at the most easily accessible locations.

6.6 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 MFSRP and the AF, where other types of impacts could be identified.

- a) Land
- b) Property
- c) Land and property
- d) Structures on land
- e) Crops and trees
- f) Livelihoods
- g) Grazing land
- h) Businesses
- i) Community assets
- j) Sacred sites

All affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out for the preparation of investment specific RPs. Table 6-1 below summarizes the entitlements for each group of affected persons.

Table 6-1: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected Land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
		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 Land does not become economically viable.	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 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. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + livelihood rehabilitation assistance)
Land users	Impact on livelihood	Land less, encroachers	Cash 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).

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		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)
		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), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.
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)
	Land and assets used for residence severely affected	Title holder	Land for land replacement or compensation in cash according to PAP's choice, based on the replacement cost. 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,

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining area insufficient for continuing use or become smaller than minimally accepted under zoning laws		<p>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> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	<p>Land and assets used for residence severely affected</p> <p>Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</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> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and structures	Structures are partially affected	Owner	<p>Cash compensation for affected building and other fixed assets</p> <p>Cash assistance to cover costs of restoration of the remaining structure</p>
	Remaining structures viable for continued use	Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</p> <p>Disturbance compensation equivalent to two months rental costs</p>
	<p>Entire structures are affected or partially affected</p> <p>Remaining structures not suitable for continued use</p>	Owner	<p>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.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant)

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<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/Persons without formal legal rights to land	<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> <p>Assistance to obtain alternative site to re- establish the business.</p>
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 cost.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Loss of access to grazing	On livelihood	Households undertaking grazing activities in the affected areas.	<i>Alternate Arrangements:</i> Encourage adoption of zero-grazing techniques,

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<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 Social Buildings, Dispensaries etc	Loss of access to these sites, temporarily or permanently, loss of investment made.	Communities affected	<p>Replacing the social building such as schools and dispensaries.</p> <p>Ensure replacement is made before demolition of existing structures to minimise disturbance</p>
Loss of burial grounds and places of worship, community centres etc	Loss of access to these sites, temporarily or permanently, loss of investment made.	Communities affected	<i>Consultation:</i> Undertake consultations with affected communities to determine appropriate arrangements and compensation if suitable. Should it be agreed during consultations that there is need to relocate burial sites and Shrines, then the Department of Museums and Monument will be consulted for guidance in relation to Monuments and Relics Act of 1990.
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. Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of loss of income.
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	<p>An additional financial assistance of 20% on the base compensation amount payable.</p> <p>Provision of livelihood support if eligible as per criteria.</p>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			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

6.7 Eligibility Criteria for Compensations for Project Affected People

In cases of the need for resettlement in relation to implementation of sub projects in their chosen sites, it is necessary to ensure that necessary compensations are taken care of and sorted out prior to submission of project for funding from MFSRP and the AF. The procedures for determining eligibility for compensation, resettlement assistance and the actual displaced persons shall consider the following:

- a) Those who have formal legal rights to land, including customary and traditional rights recognized under the laws of Malawi. This class of people includes those holding leasehold land, freehold land and land held within the family or passed through generations;
- b) Those who have no formal legal rights to land at the time the census 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 the community and given land by the local chief to settle;
- c) Those who have no legal right and/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. These include squatters on titled private land or on public land as well as squatters on community land held in trust by the traditional authorities but who have no recognizable claim to such land, as well as any squatters without recognizable membership to the ranches. All PAPs who are eligible for compensation under any of the three eligibility criteria, including unregistered community lands and squatters, will be compensated for all their eligibility entitlements, especially land, prior to start of works in accordance with the provisions of this RPF and the RPs that will be prepared for the subprojects on the basis of this RPF.
- d) Impacted persons classified under paragraph (a) and (b) 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). Impacted persons classified under paragraph 4(c) shall be eligible for assistance from the community for the assets but not land. 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.

6.8 Entitlements for Compensations

Entitlements for compensation by project affected persons from the local community shall be based on the criteria outlined in 6.7 and the various categories of losses identified in the desk studies and field consultations. The matrix in Table 6-1 will be used in the settlement of claims for compensation for lost assets of project affected persons based on the aforementioned principles in 6.7 above and legal framework where land is involuntarily taken. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be given by the local community to head of households and not individuals.

Table 6-1 provides details of entitlements to compensations to various potential categories of project affected persons.

6.9 Approach and Procedures for Delivery of Compensations

Once valuation of land and assets has been finalized, there is need to disclose the compensation schedules and values to the PAPs. This helps to get views from the PAPs in terms of rejecting and or accepting the values as this eventually reduces levels of queries in the schedules. The PAPs shall accept the compensation payment values by signing on forms that will be designed. After disclosure the District Land Officer will circulate the compensation schedule to District Executive Committee for their information and knowledge while the same is submitted to the Chief Valuation Officer for approval. The process of compensation payments which is done by the office of the respective District Commissioner has to be fast tracked to reduce risks of inflation and devaluation of the sums of the money. Normally the compensations have to be delivered to project affected persons before resettlement of the affected persons. The recommended procedure for the community to deliver compensation to project affected people is as follows:

- a) Delivery of compensation based on official valuations. These are arrived at after applying guiding principles for compensation under ESS5.
- b) This delivery mechanism is based on what the project offers such sums deemed adequate as compensation to displaced person; and that person may accept that amount as compensation payable to him. Normally, the sums are disbursed to the District Commissioners or Chief Executive Officer (CEO) for the district in question for payment to the displaced persons. Local village headmen, traditional authority and council shall maintain records of impacted persons their claims and entitlements. During compensation payment the RCC is used to identify the PAPs in case some PAPs do not have identification cards. After payment of such sums, council documents the name(s) of the impacted 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, local authorities and the general public.
- c) Delivery of Compensation based Values Arbitrated by Formal court

Normally this approach is based on the recommended figures for compensations from courts. Such incidents occur when some people appeal to courts for review of the compensation packages. What is decided by the courts can be 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 have to be done in writing to District Commissioner or Commissioner for Lands within 21 working days after the public notice; or formal complaint lodged via 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 6 months after the execution of the purpose out of which the claim has arisen in respect of any damage done to the land acquired.

6.10 Establishment of Resettlement and Compensation Committee (RCC)

Each project area will have a Resettlement and Compensation Committee (RCC) that will be established to help ensure that all legal processes involving valuation and compensation are followed in a just and transparent manner. This committee is proposed to ensure participation and inclusion of stakeholders.

The RCC will ensure effective communication among affected persons, Ministry of Lands, Housing and Urban Development, District Councils and implementing entities. The RCC will include representative of District Councils, Ministry of Lands, Housing and Urban Development, representative of implementing entity, representative of NGOs, and gendered representation of the PAPs, among other members.

Chapter Seven: Stakeholder Consultations, Public Disclosure and Grievance Redress Mechanism

7.1 Requirements of ESS 10: Stakeholder Engagement and Information Disclosure

A separate Stakeholders Engagement Plan (SEP) has been prepared for MFSRP and AF which will be the main guiding document for the MFSRP and the AF sub-projects. The following sections are summarizing the RPF requirements for stakeholder's consultations and disclosures specifically for preparing RP.

7.2 Stakeholder Consultations and Disclosure

In the context of the above, Field surveys, consultations with different stakeholders, focus group discussions (FGDs) that were carried out to develop this RPF of MFSRP and the AF sub-projects, are not enough considering the project area and dimension of the stakeholders. Extensive field visits are required at the specific sub-project environmental and social assessment stage to overcome this shortcoming and conduct extensive discussions with the relevant stakeholders throughout the project sites to discuss components, sub-components, activities, potential positive and negative impacts and measures taken to mitigate those impacts. It is also required to record the views of each of the respondents of the consultations, irrespective of gender, profession, religion, and age groups. The ToR of the environmental and social assessments should be described in the public meetings during the initial stage of the assessment studies in all the sites of the proposed project. Findings of the environmental and social assessment will also be presented in local language going back to the same stakeholders while the draft is ready to submit for Ministry of Lands clearance. Consultation meetings are necessary to identify issues and problems to enable MFSRP and the AF to include corrective measures and to identify lessons and opportunities to enhance project implementation mechanism.

7.2.1 Objective of the Consultations

The GoM and the World Bank place great importance on involving primary and secondary stakeholders for determining the environmental and social impacts associated with project implementation. To gather local knowledge for baseline conditions, understand perceptions of the community regarding impact significance, and propose meaningful mitigation measures, participation of stakeholders is an integral part of the environmental assessment process. The consultation process has been conceived, planned, and initiated with the following key objectives:

- To provide key project information and create awareness among various stakeholders about project intervention;
- To have interaction for primary and secondary data collection with project beneficiaries, and other stakeholders;
- To identify environmental and social issues such as displacement, safety hazards, employment, and vulnerable persons;

- To begin establishing communication and an evolving mechanism for the resolution of social and environmental problems at local and project level;
- To involve project stakeholders in an inclusive manner; and
- To receive feedback from primary stakeholders on mitigation and enhancement measures to address the environmental and social impacts of the project.

7.2.2 Methodology and Tools for the Consultation

The process for developing the RPF requires full participation of key stakeholders who are likely to be affected by the project. The stakeholder and public consultation were undertaken by aiming at ensuring the quality, comprehensiveness, and effectiveness of the RPF development for the proposed MFSRP. This was also conducted to ensure that interested and affected parties' views and concerns are considered. The approaches used were conducting meetings with key national and district stakeholders as well as farmer organizations (beneficiaries) representatives of phase 1 of AGCOM project (participants lists are annexed).

Stakeholder analysis involved stakeholder identification, initial consultation, analysis of stakeholders' interests and experience with participation of the stakeholders in accordance with their capacity and relevance to each issue. The consultants organized consultation meetings soliciting public opinions from districts and communities to which phase 1 of AGCOM project was implemented (Table 7-1). The consultant team also held interviews and meetings with officials from government ministries, departments, and agencies, that were involved in the implementation of phase 1 of AGCOM project.

Table 7-1: Stakeholders mapping

Stakeholder	Justification
Project Proponent – Ministry of Agriculture	As client for the project are responsible for provision of all necessary information regarding the proposed project for ESMF development purposes.
Ministries, departments, and agencies	As those supporting project planning, implementation monitoring and evaluation
District Councils	As development custodians responsible for facilitating and monitoring implementation of the projects as well as reinforcing the social and environmental management plans developed for the phase 1 of AGCOM project.
District grievance redress committees from each district of AGCOM project implementation	As a district level arm, responsible for receiving and addressing grievances reported from the community grievance redress committee regarding AGCOM project, including further reporting to National Grievance redress committee where district level resolution was not possible.
Farmer organizations/ cooperatives	As AGCOM project implementation unit

Stakeholder	Justification
Community Grievance redress committees	As community entity responsible for receiving and addressing grievances reported from the community about AGCOM project implementation

7.3 Outcomes of consultation meetings

During preparation of the RPF, MFSRP and the AF has taken stakeholders opinion and those are incorporated with the entitlement matrix preparation. It should be noted that since the beginning of AGCOM 1 and MFSRP, no one has been displaced by the project. As for MFSRP, we are at the initial stage where all the activities are happening on the land owned by the PO. A summary of consultations at different levels is provided in the sub-sections that follow.

7.3.1 Consultations with District Councils and Line Offices

District consultations involved conducting round-table meetings and key informant interviews with the council structures and/or authorities such as the District Environment Sub-committees, and district grievance redress committees (DGRCs). The issues discussed and information gathered includes the following:

- Their awareness and understanding of their respective councils and sectors roles in the proposed MFSRP
- Known issues with regards to Environmental and Social risks and management under the ongoing AGCOM project including challenges various sectors have encountered and solutions.
- Anticipated Environmental and social risks and management under MFSRP and the AF; suggested mitigation/ management measures, roles of district sectors in addressing these impacts and how the council can be empowered.
- Stakeholder Engagement issues under MFSRP with reference to previous stakeholder engagement activities at district in relation to MFSRP and the AF project implementation.
- Labour Management Procedures under MFSRP and the AF with reference to types of workers to be engaged at district level, child and forced labour, issues of utilizing community workers, recruitment issues and challenges including PPE availability.
- Grievance redress mechanisms with respect to existence and effectiveness of district's MFSRP committee, grievances received/recorded and resolved, uptake locations, timelines for handling the grievances, including flaws and challenges of the district GRM process.
- Other issues that should be included in the ESMF and or programming of the upcoming project.

Members from different district council committees made their different and unique contributions with respect to the guide. The summary of aggregated issues councils submitted have been presented in Table 7-2.

Table 7-2: Key issues from district consultations

Guiding Question	Opinion and questions	Response Provided
Awareness of proposed project and understanding of councils and sectors roles in the proposed MFSRP and the AF	The councils have not been officially sensitized of the proposed MFSRP and the AF	The project will conduct consultations at National, District and Community levels. At community level the project will utilise the District Councils to use existing local structures.
	Since are not sensitized, have no chance to choose roles but only playing along when contacted.	
	If sensitized and fully engaged, councils can participate in the design, implementation, and monitoring of the sub-projects including grievance resolutions	
Environmental and Social risks and management under the ongoing AGCOM project including challenges various sectors have encountered and solutions.	Environmental and social risks encountered are generally: Land wrangles, GBV issues, Contractor versus contractual agreement bypass issues, monitoring financial resources not provided or trimmed, delays of input distribution, AGCOM project participants being removed on the AIP list, DGRC commitment issues, limited efforts on catchment management, non-involvement of other equally important district sectors,	The project will empower existing GRCs to ensure that grievances are captured and resolved within the shortest period. The RPF will also capture these challenges and provide relevant mitigation measures that can be carried along by the site specific environmental and social assessments
	Most challenges have been addressed through CGRCs and DGRCs structures except major ones like input distribution challenges, AGCOM project participants being removed on the AIP list, non-involvement of other equally important district sectors etc. which are yet to be resolved by NGRC/ Project PIU	
Anticipated Environmental and social risks and management under MFSRP and the AF; suggested mitigation/management measures	GBV and child labour, land issues, HIV/AIDS and COVID-19, dust pollution, catchment degradation, labour related issues and accidents, Inequalities among households participating in the project and those not, mismanagement of funds, devaluation, and inflation effects on budgets	Suggested enhancement/ mitigation measures are issue specific but modes to ensure those are through sensitization/awareness and trainings, empowering CGRCs and DGRCs, financing monitoring and effective stakeholder engagement.
Stakeholder Engagement issues under MFSRP and the AF	Current structure of command in the project is through Ministries and departments at national level and districts are taken as guides or reduced to mere spectators	The SEP will be prepared that indicates the key roles of the councils in the project.
	Councils feel excluded and decentralization structures undermined	

Guiding Question	Opinion and questions	Response Provided
	Non-involvement of district structures and other equally important district sectors but only a few officers.	The SEP will be prepared that points out that District Councils should take lead in sensitising district councils.
	Publicity of the projects was through newspapers or radios and not through councils and hence, undermining communication for action	The SEP will put in place processes to ensure that national sensitisation is supported by the districts such as use of community radios and using existing district agriculture structures.
	Child labour and forced labour issues that can be experienced during MFSRP and the AF implementation e.g. sending school going children to sell merchandise at the project sites during school time and forcing school going children under 18 years to participate in work on behalf of their parents can be addressed through sensitizations.	The project will sensitise communities about child labour, and this will be done with the support from the District Labour Office which is conversant with Child Labour issues in the districts.
Labour Management Procedures under MFSRP and the AF	If non- paid community workers will be engaged, there must be clear agreements with the contractor to avoid conflicts	A Labour Management Plan (LMP) will be prepared that will identify community workers.
	Districts have several project specific Grievance redress committees and not harmonized into one. It is therefore difficult for the district council to make these committees accountable.	MFSRP and the AF will train and support the GRCs with financial resources so that they perform their tasks more effectively.
Grievance redress mechanisms and effectiveness	Membership of DGRC is available but they do not meet regularly due to Coordination problems	MFSRP and the AF will train and support the GRCs with financial resources so that they perform their tasks more effectively.
	Need to utilize already existing DGRC than formulating project specific DGRC	



Figure 7-1: Round table consultations with DESC at Mwanza District council



Figure 7-2: Round table consultations with DESC at Machinga District council

7.3.2 Consultations with Producer organizations and CERC projects beneficiaries

Producer organizations/ Cooperatives as AGCOM project implementation unit and CERC projects beneficiaries were also consulted in all the selected districts where district level consultations were conducted. This was done to assess their attitudes towards the AGCOM project activities being implemented in their areas and/or by them. The consultant received feedback from the sampled producer organizations and CERC projects beneficiaries through formal participatory consultation process, so that they can raise their views, concerns and areas that need improvements in the upcoming project(s). The community was also made aware of the proposed MFSRP and the AF. project. The sampled producer organizations and CERC

projects consulted in each of the selected districts and the questions, views, and suggestions made are summarized in Table 7-3.

Table 7-3: Key issues from POs and CERC projects beneficiaries'

Guiding Question	Opinion and questions	Response Provided
Awareness of proposed MFSRP and What they heard about	No one from MFSRP PIU or the council informed them about MFSRP but through radio they are aware of the upcoming project and that it will focus on value addition, and will consider only those cooperatives who were successful in Phase I, and are showing seriousness and willingness in their commercial farming.	The project will conduct consultations at District and Community levels. At community level the project will utilise the District Councils to use existing local structures.
Anticipated positive impacts of MFSRP and the AF project	The project will improve their agriculture productivity, incomes and living standards.	MFSRP and the AF has been designed to promote these beneficial impacts and will also reach out to a wider group of farmers
	Provide a source of funding to finance their desired projects to facilitate their agriculture improvement journey e.g. transportation means/ vehicle, ware houses, etc.	
	More participation of farmers and producers into joining cooperative for agriculture commercialization	
	Extension of their value chains and focus on value addition/ processing and manufacturing	
	Job creation and increased capital base per member including size of their enterprises	
	Improved market accessibility.	
	Improvement of knowledge and skills base through trainings	
Anticipated negative impacts of the project	Loss of vegetation and biodiversity around the project area owing to large scale farming and more vegetative feed needs for livestock.	Site specific ESIA's or ESMPs will have biodiversity management interventions.
	Intensive Agro-chemical use e.g., antibiotics and herbicides residues can affect soil, water and health of people.	Project will put in place an Integrated Pest Management Plan
	Dust emissions from construction activities and Air pollution from cow dung emissions in dairy value chains and noise pollution from installed machinery	The project will promote use of water sprays to prevent dust generation from earth works. Further, the project will promote modern livestock management practices to prevent air pollution from livestock waste.
	Land conflicts and encroachment	The project has an RFP that will guide in land acquisition procedures to avoid such conflicts

Guiding Question	Opinion and questions	Response Provided
Potential Social negative impacts of the project	Increased production may drive prices of produce and products to lower side.	The project will equip the farmers is finding good markets
	Frequency of the meetings may enhance social interactions and therefore increase possibility of people engaging in risky behaviors that may increase spreading of HIV/AIDS, STIs and Covid-19.	The project will continuously sensitise the POs and other stakeholders on avoiding and protecting themselves from contracting and spreading of HIV/AIDS, STIs and Covid-19
	Risk of accidents during construction activities	The project will have Rules for Contractors which specify on Occupational Safety and Health for the workers but also protect the communities.
	Increased theft and vandalism of equipment	
	Disruptions of marriages	The project will continuously sensitise the POs and other stakeholders on prevention of marriages. A code of conduct for workers will also be put in place with clearly laid up punishments for disturbing marriages.
	Corruption and favouritism by/on other members of producer's groups	The GRCs will be empowered to encourage reporting of such cases
	Child labour and breaking of other labour laws	The project will sensitise communities about child labour and this will be done with the support from the District Labour Office which is conversant with Child Labour issues in the districts.
How best can information about MFSRP and the AF reach out to the group and even a wider audience in the community? (Community sensitization)	The cooperative members should be on the forefront sensitizing other communities' members on MFSRP and the AF and its objectives. During sensitizations, the members are expected to wear caps, cloths, t-shirts with MFSRP and the AF messaging	The SEP will put in place processes to ensure that national sensitisation is supported by the districts such as use of community radios and using existing district agriculture structures.
	Public Address System use and shows	
	Local chiefs should also participate in sensitizing their communities about MFSRP and the AF.	
	Posters and flyers should be made and distributed around the area, focusing on communities and cooperatives.	

7.4 Public Disclosure

Public disclosure of the project is important to allow stakeholders/public to appreciate the impacts of the project on their lives and environment. Project disclosure can take place during feasibility stage or planning stage or implementation stage. Disclosure of the project activities helps to gather wider views on the project and enlist support from local communities. Among others public disclosure of the project must cover rationale of the project, nature of the project, period of implementation, areas of implementation, potential impacts and proposed mitigation measures.

Public disclosure for Malawi Agricultural Commercialization Project will follow several stages through various stages and means. These include:

- a) Briefs by government officials to news reporters and district information officers at district consultative meetings and briefs to local leaders and non-governmental agencies. These have already been done.
- b) Presentation, briefings, and debates in Malawi's National Assembly sometime in May 2017 or June 2017. The presentation and debates will help members of Parliament and local people to know more about Malawi Agricultural Commercialization Project and why government of Malawi planned the project activities.
- c) Another important public disclosure has been through radio announcement. Government officials announced publicly through radio and Malawi Broadcasting Television regarding Malawi Agricultural Commercialization Project.
- d) Some members of public will be informed of the project through distribution of the project documents in district commissioner's offices, libraries in towns and districts.
- e) The Environmental and Social Management Framework, Resettlement Policy Framework and Integrated Pest Management Plan will be posted on websites for various government agencies. The arrangement will allow more people access information on the project and make informed views and opinions.
- f) Subsequent to approval, the RPF/RAP will be disclosed to the communities and PAPs with translation into a language they understand. It will also be disclosed in the World bank external website in accordance with the Bank Policy on Disclosure of Information. For any changes to the disclosed RPF/RAP the same approval/disclosure protocols will be followed. A summary of the voluntary land donation agreement with detailed information of the subproject will be disclosed to the public in local language through leaflets and other platforms that will be made available to community committees at every project site.

7.5 Grievance Redress Mechanisms on Sub-Project Activities

Implementation of projects activities under MFSRP and the AF will take place in various locations of the districts. Implementation of the activities may generate several challenges and complaints especially to those which relate to infringement of rights of sections of the society. Examples of complaints include procurement related grievances, payment related grievances where contractors, consultants, and providers of goods, supplies and services may be aggrieved

by delays in their payments, investor related grievances discrimination among farmers on irrigation schemes, compensation related grievances, encroachment on private land, gender-based violence, harassment of women, and marginalization of women and other vulnerable groups. Such grievances are likely to crop up in one way or another in implementation sub-projects under MFSRP and the AF. Since commercial farms will be community based, negotiation and agreement by consensus will provide the first avenue to iron out and resolve any compliant/grievances expressed by the individuals, the landowners, or households whose land and properties might be affected. The communities will ensure that resettlement related grievances should be addressed during the identification and appraisal of sites.

In relation to RFP, Grievance Redress Mechanism (GRM) is required to ensure that Project Affected Persons (PAPs) have the ability and opportunity to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The GRM process should also ensure that the redress is effectively rendered to Project Affected Persons (PAPs). All PAPs will be informed of the grievance redress mechanism, and the procedures at the time of the preparation of investments' specific Resettlement Plans (RPs). Examples include unfair compensation, delayed compensations, encroachment on private land, etc

Proper channels of grievance redress mechanisms will be put in place, and the project affected people sensitized to make use of them. This GRM will adopt a cascade model in which grievances will be managed, successively, through grievances redress committees. The committees are the National Project Grievance Redress Committee (NPGRC), the District Grievance Redress Committee (DGRC) and the Community Grievance Redress Committee (CGRC). There will also be a Workers Grievance Redress Committee (WGRC) for work/labour related grievances.

A notion of multiple-entry points for a grievance is encouraged in this GRM. For example, a grievance can lodged at WGRC, CGRC, DGRC or NPGRC depending on where/committee level the grievance has emerged. It is nevertheless emphasized here that the same grievance cannot be lodged simultaneously at different Grievances Redress Committees. A grievance can only be referred to a higher committee through an appeals process. Below is the brief description of the Committees:

National Project Grievance Redress Committee (NPGRC) will manage grievances at national level. Chairperson of MFSRP Project Technical Committee (PTC) will chair the committee while the MFSRP National Project Coordinator will be Secretary. Others that may attend will include MFSRP Social Safeguards Specialist, District Commissioner, Director of Agriculture and Natural Resources (DANR), Traditional Authority (TA), Group Village Head (GVH) or Village Head from where the grievance originated. Where applicable, a contractor or consultant and a representative of a contractor or consultant employees will attend. Their inclusion will ensure that they are aware of the existence of the GRM platform

District Grievance Redress Committee (DGRC) will manage grievances at District level. District of Administration will chair the committee while Environmental District Officer (EDO) will be Secretary. A TA or Group Village Head where the grievance originated from may attend. Where applicable, a contractor or consultant and a representative of a contractor or consultant employees will attend.

Community Grievance Redress Committee (CGRC) will be established at and manage grievances at community level. For the purpose of this GRM, a community comprises villages in a catchment area served by an MFSRP and the AF sub-project (e.g. a producer organization sponsored by MFSRP and the AF or an irrigation scheme or a road being constructed or rehabilitated under MFSRP and the AF support). The Committee will elect their own chairperson and secretary. A Village Head where the grievance originated from will attend. Group Village Head will be advisor. Where applicable, a contractor or consultant and a representative of a contractor or consultant employees may attend.

Workers Grievance Redress Committee: In the case of work-related grievance, employed workers will present their complaints or grievances to the Workers Grievance Redress Committee (WGRC). Membership will be (1) Two worker representatives, (2) Client representative, (3) Consultant representative, (4) Contractor representative and (5) District Labour Officer. Annex 4 presents the composition and Terms of Reference for this Committee.

Access to World Bank Grievance Redress system: Malawi Government will also ensure that communities and individuals in project locations are aware of World Bank Grievance Redress System. Government will disclose simple system of submitting issues of concern through letters or newspapers. People who believe that they are adversely affected by project activities carried by contractors or communities may submit complaints (through letters/phones) to Grievance Redress Service (GRS) World Bank Malawi office. The letters would be reviewed by offices. The system ensures that complaints received are promptly reviewed to address project-related concerns. Project affected communities and individuals may also submit their complaint to the Bank's independent Inspection Panel, after having brought the complaint to the attention International Development Association through Malawi Country Office. Information on how to submit complaints to the Bank's Grievance Redress Service and the Bank Inspection Panel will be disclosed to the public during public disclosure of RPF.

7.5.1 GRM Stages

The grievance procedure for MFSRP and the AF will have five major stages. 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). A designated person, who is the representative of the people directly impacted by the project will be responsible for overall overseeing that all complaints have been managed. He or she will be the Chairperson

of the committee. The documentation and paperwork including referral will be managed by the secretary of the committee who is the Extension worker and neither has voting powers nor contribute to the discussions of the CGRMC.

The CGRMC will record all received complaints or grievances in a Grievance Community Log and Resolution Form. The case shall only be referred to DGRMC when it has 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 the complaints.

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 it has not been resolved at WGMRC. One committee member from the workers will undertake the responsibility to ensure the cases are followed up and feedback is provided.

Stage 2: Assessment, Analysis and Response:

When a complaint is received, a maximum of 5 days has been provided for the CGRMC/WGRMC to resolve the complaint or respond to the 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 MFSRP and the AF activity implementation or not. In a situation where the complaints are not related to the project, PAPs shall be advised to channel their complaints to the right institutions. For MFSRP and the AF complaints or grievances, CGRMC and WGRMC shall hear such cases and make necessary follow ups to gather evidence and make necessary determination. 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 Community Grievance Log and Resolution Form or Workers Grievance 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 resolved and closed.

Stage 4: GRM Registry

A register shall be kept at all GRM committees at all levels to ensure proper record of all complaints and their resolutions. For any case heard, closed or referred at the CGRMC, a copy of logs and resolution forms for every case shall be submitted to the two upper levels for records, i.e., the DGRMC and the NPGRMC. Similarly, if a case is handled at DGRMC, a copy shall be sent to NPGRMC 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 Evaluation

The GRM evaluation can be undertaken alongside any other evaluation exercises for the project. This will be possible using copies of registers that Councils and MFSRP and the AF Secretariat will be keeping. This may assist to trace whether the GRM system was efficient and effective 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.

7.5.2 Gender Based Violence and Sexual Exploitation and Abuse (GBV and SEA)

Implementation of the project will generally have positive impacts on communities. However, where benefits are introduced within communities and households, relations can shift and raise the potential for Gender Based Violence (GBV) and Sexual Exploitation and Abuse (SEA). Such incidences may arise especially in situations whereby household representatives that receive project benefits are forced to surrender the cash to spouses; where benefits may be used to lure adolescents into unsafe sexual practices; or cases of forced sexual relationships in return for favours, among other examples.

The project will use community sessions to create awareness and to mitigate the possible effects of GBV and SEA. In all cases, the incidents will be reported and dealt with through the project GRM. However, since GBV cases are substantively different from other complaints that are typically handled through the grievance redress mechanisms such cases will need a specific channel within the GRM for their management whereby all information must be treated as confidential. The CGRMC will have a specially trained GBV focal point persons whose role will be widely disseminated for the confidential receiving of GBV/SEA cases. All GBV/SEA victims will report their cases to these persons. GBV survivors will be assisted with a referral pathway to access support from the victim support unit located within local Police unit that services the project area.

While interpersonal channels of communication that are primarily interactive will most likely be used to present grievances to the committees, the project will also establish a specific telephone number to receive calls, Short Message Service (SMS), including WhatsApp messages. In addition, a special email address will be created as an additional pathway of receiving grievances and information. Any information or grievance received through the above two channels will be directed to an appropriate committee for action. Table 7-4 below provides an overview of types of Gender based Violence.

Table 7-4: Overview of GBV types

Sexual Violence	Include actual, attempted or threatened (vaginal, anal or oral) rape, including marital rape; sexual abuse and exploitation; forced
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	prostitution; transactional/survival sex, sexual harassment; intimidation and humiliation
Physical Violence	Includes actual, attempted or threatened physical assault or battery; slavery and slave-like practices; and trafficking.
Emotional and psychological violence	Includes abuse and humiliation, such as insults; cruel and degrading treatment; compelling a person to engage in humiliating acts; and placing restrictions on liberty and freedom of movement.
Harmful traditional practices	Include forced marriage; child marriage; honour or dowry killings or maiming; infanticide, sex-selective abortion practices; sex-selective neglect and abuse; and denial of education and economic opportunities for women and girls.
Socio-economic violence	Includes discrimination and denial of opportunities or services on the basis of sex, gender, or sexual orientation; social exclusion; obstructive legal practices, such as denial of the exercise and enjoyment of civil, social, economic, cultural and political rights, mainly to women and girls

Chapter Eight: Organizational Arrangements for Implementation of RPF

8.1 RPF implementation arrangements

The implementation of the RPF is the responsibility of the Ministry of Agriculture (MoA) through Project Implementation Unit (PIU). This section describes the implementation arrangements for the RPF and subsequent site-specific RPs. PIU and governmental institutions are to benefit from the Project, and their regulatory and advisory roles will be needed, recognized, and utilized when necessary. For example, those public institutions that are important at the preparatory stage (mainly for technical advice and regulatory information provision) will include the Ministry of Lands, district councils, who will support screening of sub-project and categorization, and eventually monitoring the implementation of the sub-projects RPs; Ministry of Agriculture (MoA) who will provide support in the selection of sub-projects and other related project interventions; the local authorities such as the offices of the District Environment Office, District Labour Office and other District Environmental Sub-Committee (DESC). Local government councils have long-established relationships with beneficiaries' communities and, therefore, can play a role, for example, in convening and facilitating discussions between the Project and stakeholders on issues related to resettlement. The stakeholder roles and responsibilities in ESMF implementation are presented in subsequent sections.

8.1.1 Project Implementation Unit (PIU):

The daily management of the project will be vested in a dedicated PIU. The staff of the PIU will include an Environmental Specialist and a Social Specialist who will be responsible for the follow-up of the implementation all aspects of the RPF/RPs of the Project.

- ***Project Coordinator:*** the coordinator will oversee the Project's implementation. He will be responsible for initiating the RPs process of subprojects that require clearance from Ministry of Lands.
- ***Environmental Specialist and Social Specialist of the PIU:*** These specialists will provide progress reports on all environmental and social issues and activities, including implementation of the RPF and RAPs. Progress reports will be submitted to the Ministry of Agriculture and World Bank.

8.1.2 Ministry of Lands

Ministry of Lands will be responsible for overall external monitoring of the implementation of this RPF and subsequent RPs. It will provide technical support and participate in training and sensitization of stakeholders (if requested) to enhance understanding of the national environmental and social safeguard instruments. The Ministry has a monitoring and supervisory role and shall be responsible for confirming the results of the screening process, reviewing and clearing subproject-specific safeguard instruments, and conducting compliance monitoring within the context of the national laws and regulations, as well as the World Banks' policies and procedures.

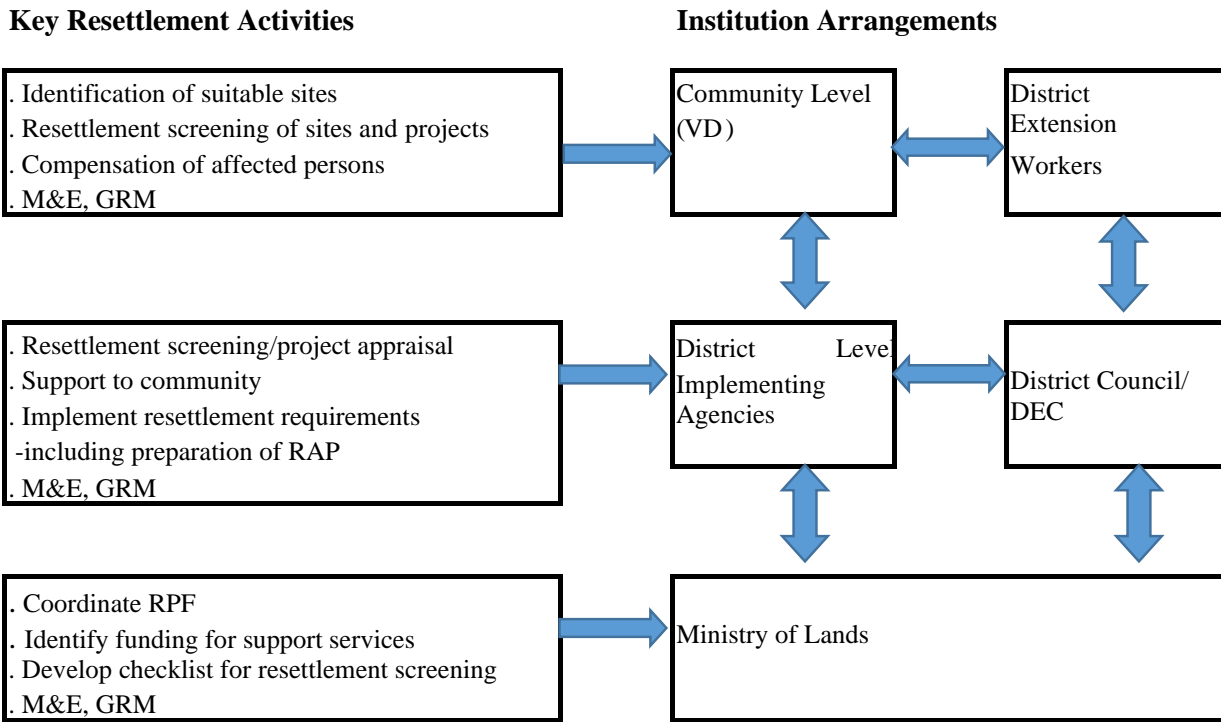


Figure 8-1: Diagrammatic Arrangements of Key Institutions in Resettlement Activities

The district extension workers and the village development committees will be responsible for identifying suitable sites, screening sites and projects for resettlement, compensating the affected persons as well as monitoring, evaluating and grievance redress mechanism. The district council and district implementing agencies will be responsible for appraising the project and screening for resettlement, supporting the community, implementing resettlement requirements including preparation of RAP, Monitoring and evaluation as well as district grievance redress mechanism. Lastly, the Ministry of lands is the overall coordinator of RPF, identifies funding for support services and develops a checklist for resettlement screening as well as conducting monitoring and evaluation and grievance redress mechanism at national level.

Chapter Nine: Capacity Development and Training

9.1 Capacity Building

Capacity building for effective implementation of the environmental and social safeguard requirements is a key element of the RPF. Capacity building for environmental and social safeguard management will need to be carried out at all tiers of the project. At the district level, it is envisaged that the DESC will need capacity building. The orientation of the DESC will be a sub-set of the orientation of District Executive Committee on proposed project works in the districts. At the construction site, PIU will take the lead in implementing the capacity building plan, though the contractors will also be responsible to conduct trainings for their own staff and workers. The various aspects that are covered under the capacity building will include general environmental and social awareness, key environmental and social sensitivities of the area, key environmental and social impacts of the program, RPs requirements, GRM mechanism, Livelihood restoration, monitoring and evaluation of safeguards.

9.2 Identification of Capacity Building Needs

The first step in pursuing capacity building will be to identify the capacity building needs of the various stakeholders. However, in addition to the needs identified, an indicative list of areas of training has been proposed which includes the following:

- Infrastructural development activities under Malawi Agricultural Commercialization Project
- Impact Screening Checklist.
- Preparation of RPs and Livelihood restoration plans for sub-projects.
- World Bank Environmental and Social Standards.
- Environmental and Social Clauses in procurement process and in local Contractors' contract.
- GRM
- Monitoring and evaluation of social safeguards.
- Gender assessment and mainstreaming within project activities.
- HIV /AIDS mainstreaming within project activities.

Specific information, education and communication materials will be prepared to guide on matters of environmental and social screening to councils, non-governmental organizations. Materials will include fact sheets and briefing notes. There will be 2 Training of Trainers Programs; one for national participants and the second one for District Council staff and the tentative training program is indicated in Table 9-1.

Table 9-1: Tentative Training Program

Day	Topic
Day 1	• RPF process
	• Concept of RPF
	• World Bank ESSs (ESS5)
	• Malawi Land and related Policy and Regulatory Framework
	• Difference between RPF and RAP
	• Brief overview of other safeguards instruments
Day 2	• Screening Process and tools to be used (Social Screening Form/Checklist)
	• Roles of stakeholders
	• Environment and Social priority issues;
	• Environmental and Social Clauses in Local contractor's contract documents
	• HIV and AIDS and other STIs
	• Gender Based Violence
	• Child Labour
	• Occupational and public/learners health and safety risks
	• COVID-19 prevention
	• Grievance Redress Mechanism
Day 3	• RP Development
	• identifying mitigation measures and filling into RP'
	• Responsibilities and Budget for implementation of RP
	• Monitoring implementation of Social safeguards instruments
	• Project monitoring and reporting
	• Incident reporting
Day 4	• Practical Session on how to conduct Screening and develop RP at the identified site

9.3 Technical Support in Preparation of RPs for Sub-Projects

Consultants have to prepare detailed resettlement plans for the sub-projects such as building/rehabilitation of rural warehouses, construction/rehabilitation of small-scale irrigation schemes, feeder roads, electricity and potable water facilities. Malawi Government has agreed to provide financial resources to implement activities listed above. Ministry of Agriculture will provide the resources to Project Implementation Unit in each financial year to carry out social impact assessment reports and develop resettlement plans for sub-projects and compensate PAPs.

9.4 Estimated Costs to Implement the RPF

This section estimates all costs that will be incurred to implement the requirements or recommendations of this RPF. The RPF requires that implementation of the project integrates environmental and social issues for the long term environmental and social sustainability of the project as well as its components and sub-components. Among other things the RPF recommends the following key issues, namely; preparation of site-specific RPs, training and capacity building, reviewing and monitoring mechanisms among other requirements.

Building the capacity of staff from the implementing unit and the project implementers as well as local government officials at district level will be very important. This will enable them to screen, review and monitor environmental issues in the project to ensure compliance with requirements of the national policies and Acts as well as World Bank ESF. Details of these costs are presented in Table 9-2. PIU and local government officials at district level will be responsible in the implementation of capacity development activities on Environmental and Social Management Framework. Budget estimated costs for the various activities under this project will be built in the overall project budget. Malawi Government has agreed to provide financial resources to implement activities listed above. Ministry of Agriculture will provide the resources to Project Implementation Unit each financial year to implement the list activities above.

Table 9-2: Summary of budget estimates for environmental and social management activities per component of the project

No	Activity	Timeframe	Responsibility	Cost (USD)
1	Training of project implementers, District Council staff and other MoA staff	Years 1 and 3 of project implementation	MoA / PIU	250,000.00
2	Preparation of site-specific RPs	Years 1, 2 and 3 of project implementation	PIU / Consultants	400,000.00
3	Capacity building of POs in environmental and social risk management	Years 1, 2 and 3 of project implementation	PIU / District Council	150,000.00
4	Support extension work and training of farmers in integrated pest management.	Years 1 of project implementation	MoA	50,000.00
5	Institutional strengthening in implementation of environmental and social mitigation measures at District levels	Throughout the project management period	PIU / District Council	200,000.00
6	RPs Monitoring – supervision and control missions	Throughout the project management period	MoA / PIU	300,000.00
Total				1,350,000.00

Chapter Ten: Arrangements for Monitoring and Evaluation and Reporting

10.1 Overview

The arrangements for monitoring activities under RPF will fit the overall monitoring plan of the entire MFSRP and the AF, which will be through Project Implementation Unit (PIU) All RPs will set socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts (iv) project affected persons reporting satisfaction with the resettlement operation. In order to assess whether these goals are met, RPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The objective of the monitoring will be to determine;

- a) If affected people are satisfied with the actual resettlement process.
- b) If affected people have been paid in full, before implementation of any MFSRP and the AF sub project that is causing resettlement.
- c) If affected individuals, households, and communities have been able to maintain their pre-project standard of living, and even improve on it.

The data from the census and/or household survey , which is the basis for the preparation of investment specific RPs under the MFSRP and the AF, will be used as the base line for the evaluation of the individual RPs.

10.2 Indicators to Determine Status of Affected People

A number of indicators from the above studies will be used in order to determine the status of all affected people under MFSRP and the AF sub projects. These include:

- a) Size of land being used compared to before,
- b) Standard of house compared to before,
- c) Status of income compared to before
- d) Level of participation in project activities;
- e) Access to water, access to schools and health centres as it was before the project
- f) Status of vulnerable people compared to before

Specific indicators may include the following, which would indicate a change:

- a) Access/ distance/ quality of agricultural plots
- b) Quality of, and access to, water
- c) Number of people employed
- d) Number of 'vulnerable' people
- e) Number of grievances and time taken to resolve them. If not resolved, what were the next steps
- f) Status of income of the project affected persons
- g) The local communities remaining supportive of the project.

- h) The local communities reporting satisfaction with project resettlement

Most of the information for these indicators will be collected through survey, interviews and focus group discussions with the affected communities. The data for these indicators will be collected every six months during the RP implementation by the implementing agency, RCC and an independent NGO working in the area to ensure triangulation of data.

The pre-project census information will provide most, if not all of the required information to set a baseline against which performance can be tracked. In addition to the existing baseline data, the following steps will be taken to ensure the proper monitoring of the RPs:

- a) Questionnaire data will be entered into a database for comparative analysis;
- b) Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- c) Resettlement and Compensation Committee (RCC), specifically the land's office and Ministry of Gender Office will maintain a complete database on every individual impacted by the sub-project land use requirements; and
- d) Regular resettlement status reports submitted by the PIU will be reviewed.

10.3 Monitoring of RP Implementation

The Resettlement and Compensation Committee (RCC) will assist in compiling basic information related to compensation and send them to the implementing agency, through Monitoring and Evaluation (M&E) Section of participating District Councils, as part of the regular monitoring. This information will be relayed to the project through M&E Specialist that will be engaged by MFSRP and the AF. The M&E Specialist will set up an M&E system for the MFSRP and the AF and this will be used by RCC and participating District Councils.

Some of the information which will be collected at the RCC level will include:

- a) Number of unresolved grievances.
- b) Number of vulnerable people assisted.
- c) Length of time from project identification to payment of compensation to PAPs;
- d) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- e) Number of people raising grievances in relation to each project investment;
- f) Timing of compensation in relation to commencement of physical works;
- g) Number of livelihoods restored and types of the livelihood restoration;
- h) Amount of land acquired and method used;
- i) Number of structures, trees, grazing land etc., acquired;
- j) Amount compensated with timelines; and
- k) Number of consultations held.

The PIU will review the statistics to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. Financial records will be maintained by the Implementing Entity to permit calculation of the final cost of resettlement and compensation

per individual or household and they will be included in the monitoring report. The statistics will also be provided to the external independent consultant/agency that will be contracted on an annual basis to monitor the implementation of the RPs.

Quarterly Reporting and Performance Review on RP

Quarterly progress reports will be prepared on RP by the Coordinator at MFSRP and the AF and the preparation of the progress reports will be supported by the environmental and social safeguards experts in the MFSRP and the AF and district and community levels. These reports will be submitted to the PMSU and will form part of overall ESF report to the Bank.

Chapter Eleven: Conclusion and Recommendation

The proposed MFSRP and the AF Project has potential to increase the commercialization of primary and value-added agricultural products and enhance the resilience of the food system in the country. This is anticipated through enhanced diffusion of productive alliances concept, development and improved public and last mile infrastructures.

The civil works of the various infrastructures are envisaged to lead loss of land, loss of access to land and other natural resources, loss of livelihoods which have the potential to undermine the gains of the project. To ensure negative impacts are minimise and eliminate, measures have been predefined and documented in the resettlement policy framework (RPF) aimed to avoid, minimise and compensate the resettlement led by subproject activities during land acquisition.

It is therefore recommended that:

- All subprojects must be screened for adverse impacts on land, assets, property, loss of access and livelihoods.
- RPs must be developed for subprojects where PAPs will be resettled.
- Ensure the PAPs are involved and consulted during the resettlement process.
- Ensure a Grievance Redress Mechanism is in place during the resettlement process to ensure grievances related to the project are resolved.
- Ensure the resettlement plans (RPs) are disclosed as per national and World bank requirements.
- Continually monitor and evaluate the implementation of the RPF and RPs.
- Ensure the stakeholders including PAPs are capacitated on the RPF process
- Ensure the RPF and associated RPs is adequately funded.

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Annex 1: Terms of reference (ToRs)for Environmental and Social Management Framework (ESMF)

TERMS OF REFERENCE FOR CONSULTANCY SERVICES TO UPGRAD ENVIRONMENTAL AND SOCIAL MANAGEMENT INSTRUMENTS FOR THE AGCOM PROJECT

Reference No MW-MOAIWD-288674-CS-INDV

1. PROJECT BACKGROUND

The Government of Malawi is implementing a six-year (2018-2023) Agriculture Commercialization (AGCOM) project with funding from the World Bank through an International Development Association (IDA) credit amounting to USD 95 million. The Project Development Objective is to increase commercialization of agriculture value chain products with strong prospective market/commercial (value chain – buyer) linkages.

The Project is implemented by Ministry of Agriculture (MoA) in collaboration with Ministry of Trade and Industry Trade (MoTI). Other key implementing agencies are the Ministry of Lands, Housing and Urban Development (MLHUD), Malawi Bureau of Standards (MBS) and Malawi Investment and Trade Centre (MITC). The Project is implemented through a governance structure that comprises a Project Steering Committee (PSC), a Project Technical Committee (PTC) and a Project Implementation Unit (PIU).

Based on the success of AGCOM, the Government of Malawi is preparing a second phase MFSRP and the AF . The new project will primarily foster the agricultural commercialization agenda in line with the Malawi Vision 2063. The building blocks of the second phase include scaling up the productive alliance approach, financing strategic infrastructure, and continuing to improve the systems, policies, and public service delivery to stimulate agricultural growth and job creation, as well as climate resilience.

2. BRIEF BACKGROUND OF THE AREA OF INTERVENTION

Implementation of the MFSRP will have to be undertaken in line with Government of Malawi and World Bank Legal Safeguards requirements. The implementation of various project activities is expected to interact with both the social and physical environments in various dimensions. This interaction will certainly lead to some impacts that may be positive or negative in nature.

To enable the Project enhance or mitigate any such impacts the Project activities would generate, the Project is supposed to develop a set of Safeguards Instruments. These instruments would guide the Project Implementation on how environmental and social impact assessments would be conducted if the Project is to be implemented sustainably. Furthermore, the instruments will provide a general guidance on how the Project should implement the anticipated mitigation measures plus engaging both the affected and interested parties so that they are all part and parcel of Project Implementation.

It is therefore required that a consultant be identified that should support to develop various Environmental and Social Safeguard Instruments that will guide both the preparation and implementation of MFSRP, in accordance with the Environmental Management Act (1997) and World Bank Environmental and Social Framework (ESF).

3. OBJECTIVES OF THE ASSIGNMENT

The general objective of this assignment is to develop Environmental and Social Safeguards (ESS) instruments for the Project in fulfilling the requirements for Environmental and Social Framework (ESF) and Environmental Management Act (2017). Specifically, the objectives of the assignment are:

- a. To develop a Stakeholder Engagement Plan (SEP) that will be used by MFSRP and the AF Project; the SEP will include a summary of updated MFSRP GRM.
- b. To develop an Environmental and Social Management Framework (ESMF) that shall guide the implementation of activities under MFSRP and the AF Project;
- c. To develop Labour Management Procedures (LMP) that have to be applied to various construction works under MFSRP and the AF Project
- d. To develop MFSRP and the AF's Resettlement Framework (RPF);
- e. To update MFSRP and the AF's Grievance Redress Mechanism (GRM);

AGCOM prepared a set of instruments and, the consultant will, for the new project, build on those instruments to develop new set of safeguards instruments.

4. SCOPE OF THE ASSIGNMENT

The assignment contains five elements a) the ESMF b) the SEP c) the LMP d) RPF and e) GRM. These documents are the key environmental and social instruments to ensure compliance with the World Bank Environmental and Social Framework. While these documents are prepared separately, they are interrelated and the consultant should ensure their consistency throughout.

4.1 Preparation of the ESMF

The following are terms of reference (TORs) for the preparation of an Environmental and Social Management Framework (ESMF) which will inform the approach to environmental and social Management which is to be adopted under the new Project. In particular, the ESMF will provide guidance for environmental and social assessment and management during preparation of the sub-projects to be identified during project preparation. An ESMF (as opposed to an ESIA – environmental and social impact assessment) is chosen because the specific portfolio of projects is not yet defined, dimensions and designs for the investments (e.g. roads, electricity line routes, buildings, offices, etc) and their specific locations are not yet clear, and a detailed assessment of potential environmental and social impacts is thus not feasible at this time. The ESMF will be prepared in line with international good practice and the World Bank's Environmental and Social Framework (ESF) and the World Bank Group Environmental, Health and Safety Guidelines (ESHG) and national environmental legislation.

The Project is expected to trigger the following Environmental and Social Standards: ESS 1 Assessment and Management of Environmental and Social Risks and Impacts; ESS 2 Labor and Working Conditions; ESS 3 Resource Efficiency and Pollution Prevention and Management; ESS 4 Community Health and Safety; ESS 8 Cultural Heritage and, ESS 10 Stakeholder Engagement and Information Disclosure (predicated on the assumption that the agricultural infrastructure investments that may result from the project, particularly the civil work activities, could result in significant impacts on the biophysical and social environments). These TORs represent the one of the environmental and social instruments to be submitted before appraisal of the Project, and will thus be subject to public disclosure, review and comments.

Objectives of consultancy for preparing the ESMF

The main objective of this assignment is to develop an environmental and social management framework (ESMF), including the collection of all required data, information and materials. This shall provide clear, comprehensive and practical guidance to the Government of Malawi on integrating an environmental/social due diligence process into MFSRP implementation.

The ESMF will at a minimum:

- i. Identify all relevant potential environmental risks and social concerns that may arise as a result of the proposed Project and the sub-projects that it will support;
- ii. Specify appropriate roles and responsibilities of involved actors and parties;
- iii. Develop a screening and assessment methodology for potential sub-projects, that will allow an environmental and social risk classification in line with the ESF and the identification of appropriate safeguards instruments;
- iv. Develop environmental and social criteria for screening and prioritization within a portfolio of potential projects and activities;
- v. Outline the required procedures for managing and monitoring environmental risks and social concerns related to the projects, and identify the need for developing the TOR for appropriate environmental and social instruments (such as ESIA, ESMP or other studies) as appropriate and required;
- vi. Determine the training, capacity building and technical assistance needed to successfully and effectively develop and implement the required ESF instruments for investments planned during the MFSRP and the AF Project;
- vii. Establish the funding required to implement the ESMF requirements; and
- viii. Provide practical information resources for implementing the ESMF.

After the completion of the assignment, the Government of Malawi should be knowledgeable on the key due diligence issues to be expected within the project portfolio identified under the MFSRP and the AF Project, and have the capabilities and capacity to manage them in line with national requirements, the World Bank ESF and international good practice.

Scope of Work for preparing the ESMF

Preparation of an ESMF that ensures that sufficient guidance is provided to the Project in the selection, preparation and implementation of sub-projects in order to avoid or minimize environmental and social risks and negative impacts and enhance the environmental and social performance. This will be accomplished through the development and application of proper selection criteria for specific investment projects, planning that takes into account environmental and social criteria, sound implementation and monitoring, and disclosure, consultation and feedback. To achieve this objective, the consultant/s will carry out the following tasks through research, interviews and fieldwork:

- i. Based on a detailed description of the MFSRP and the AF Project, its components (especially those relating to the identification and development of specific investment projects), and implementation arrangements develop and provide guidance on environmental and social criteria to be used during the identification and selection of priority investment projects. Also, develop a negative list of activities and potential investments not recommendable for support, due to their poor environmental or social performance.
- ii. Compile a summary of key domestic legislative, regulatory and administrative regimes; the requirements of the World Bank ESF's ESS and the World Bank Group ESHS within which the Program will operate, with a focus on requirements that will apply to the planning, approval and implementation of projects; research and summarize regional agreements and treaties that are relevant to project planning and implementation, as well as environmental management and due diligence.
- iii. Establish a clear understanding of the institutional requirements, roles and responsibilities for adopting and implementing the ESMF. Importantly, this should

include a thorough review of the authority and capability of MFSRP and the AF Project institutions at different levels (e.g. local, district, and national) and their capacity to manage and monitor ESMF implementation. The ESMF should also consider relevant implications for management procedures and training, staffing, operation and maintenance, budgeting and financial support.

- iv. Develop a screening and assessment methodology for potential specific investment projects, that will include environmental and social performance criteria, allow an environmental and social risk classification and the identification of appropriate safeguards instruments in line with the requirements of the World Bank ESF; identify all relevant potential environmental risks and social concerns that may arise as a result of the MFSRP and the AF Project and specific investments;
- v. Identify and describe the required instruments and procedures for managing and monitoring environmental and social risks related to the sub-projects, such as assessments (e.g. ESIA), management plans (e.g. ESMP) and respective monitoring instruments;
- vi. Propose realistic and effective arrangements for the Government of Malawi to develop the capacity to manage environmental and social processes and activities in the project portfolio; propose reporting lines, review and approval functions; identify the required resources and technical assistance measures to establish and maintain the Government of Malawi's capacity for the MFSRP and the AF Project duration and beyond; develop a process (including timeline, budget, organizational requirements, required trainer profiles and expertise) for building and enhancing the capacity of the institutions responsible for implementing the ESMF;
- vii. Define the requirements for technical assistance (where appropriate) to the Government of Malawi, civil society organizations (CSO), service providers and public sector institutions to implement, manage, supervise, observe or support the implementation of the ESMF.
- ix. Estimate a realistic budget to be allocated for timely implementation of the ESMF.

It is expected that the consultancy will involve a series of in-country consultations at various levels and fieldwork to all levels where subprojects are likely to be proposed in order to prepare the ESMF.

Deliverables of the ESMF

The key deliverable will be the ESMF report, which will have the following suggested sections:

- a) Executive Summary;
- b) Introduction describing the ESMF purpose, objectives, principles and methodology;
- c) Description of environmental and social-relevant aspects of the planned MFSRP and the AF Project, summary of approximate nature and scale of the portfolio, project types, locations and dimensions;
- d) Description - in appropriate level of detail – of environmental and social baseline conditions for the anticipated project areas, including physical and biological conditions, as well as socio-economic information;
- e) Summary of the regulatory framework, including key national policies, laws and regulations, as well as regional agreements and treaties; requirements of the World Bank ESF and identification of any gaps between national and World Bank ESF requirements as well as proposed measures to address such gaps;
- f) Summary of types of risks and impacts that may result from the anticipated MFSRP and the AF Project activities interacting with environmental and social baseline typologies, and what probability, magnitude, duration and geographic scope these risk and impacts could assume; the assessment would include cumulative and induced impacts;

- g) List of realistic, effective, practical mitigation measures to address and manage the spectrum of potential environmental and social risks and impacts; develop environmental management plans for similar impact typologies, and produce rough estimates for the cost of mitigation measures;
- h) Methodology for screening, categorization and typology of identified investment projects: ESS triggered, risk classification, instruments required to be prepared for policy compliance; for due-diligence-related management and decision making;
- i) List of environmental and social screening and selection criteria, to be used for project identification, characterization and prioritization, including negative ones;
- j) Range of appropriate safeguards instruments for identified investment projects (ESIA, ESMP, etc); description, required expertise, timeframe, review and clearances, disclosure and consultation procedures, expected tables of contents, guidance for preparation;
- k) Roles and responsibilities for project screening and selection, determination of environmental and social risk, instruments and process, for disclosure and consultations, financing, supervision of studies and subsequently implementation of works, quality assurance, and decision making.
- l) Capacity analysis and proposals for improving and consolidating capacity and skills required for Program implementation and beyond the Program for general due diligence management.

Annexes should complement the main ESMF Report with detailed, additional information and resources. As a minimum, the following Annexes are suggested:

- a) List of persons and organizations involved with the preparation of the ESMF;
- b) References: documents, whether published or not, that were used to prepare the studies and outputs; list of related reports;
- c) Minutes of meetings among the relevant institutions and of consultations, including those undertaken to obtain the authorized views of the affected populations and local non-governmental organizations (NGOs). The annex should also include specific formats used (such as surveys) to obtain these views;
- d) Table of contents, templates, samples and guidance for ESIA, ESMP, etc

4.2 Preparation of the SEP

The following are terms of reference for the preparation of a Social Engagement Plan (SEP) which will inform on the approach to engaging with stakeholder to be adopted under the Project (which is described above). The objective is to establish a systematic approach for stakeholder engagement, maintain a constructive relationship with them, consider stakeholders' views, promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life-cycle, and ensure that appropriate project information is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner. The project will set up a project-specific Grievance Redress and Feedback Mechanism for people to report concerns or complaints if they feel unfairly treated or are affected by any of the sub-projects. The SEP will be disclosed publicly and will be updated as and when necessary.

Objectives of consultancy for preparing the SEP

The overall objectives of SEP as stated in the World Bank's Environmental and Social Framework ESS-10 are to:

- a. To identify the roles and responsibilities of all stakeholders and ensure their participation in the complete project cycle

- b. To establish a systematic approach to stakeholder engagements that will help SPESSE identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties
- c. To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be considered in project design and implementation
- d. To promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them.
- e. To ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible and appropriate manner and format with special consideration for the disadvantaged or vulnerable groups.
- f. To provide project-affected parties with accessible and inclusive means to raise issues and grievances and allow relevant authorities to respond to and manage such grievances.
- g. To devise a plan of action that clearly identifies the means and frequency of engagement of each stakeholder
- h. To allocate budgetary and other resources in the project design, project implementation, and Monitoring and Evaluation (M&E) for stakeholder engagement and participation

The SEP will provide an opportunity for all-inclusive approach in project preparation, planning, implementation and monitoring processes. It is geared toward ensuring meaningful and a wide consultative process guided by World Bank's Environmental and Social Framework (ESF), particularly ESS-10.

Scope of the consultancy for preparing the SEP

The key tasks of the consultant will be to prepare the SEP. The Consultant shall carry out the assignment and organize the required information taking into account the World Bank Environmental and Social Framework procedures and the relevant legal and policy frameworks of the Government of Malawi. Furthermore, the consultant will in coordination with the MFSRP and the AF Project Task Force consult the potential beneficiaries for specific subprojects and also to consult key concerned stakeholders and ensure that all their views have been incorporated into the reports, whose evidence shall be appended to each report.

The key deliverable will be the SEP report, which will have the following suggested sections:

- a. Overview and Description of Project
 - i. Context
 - ii. Objectives
 - iii. Application of SEP
- b. Previous stakeholder engagement activities
- c. Stakeholder Engagement Program
 - i. Stakeholder identification and analysis
 - ii. Stakeholder engagement program
- d. Resources and Responsibilities for Stakeholder Engagement

- i. Resources
- ii. Management functions and responsibilities
- e. Grievance Redress Mechanism – The Borrower will respond to concerns and grievances of a project-affected parties related to the environmental and social performance of the project in a timely manner. For this purpose, the consultant is expected to update the AGCOM 1 GRM based on lessons learnt during project implementation. The GRM will receive and facilitate resolutions of concerns and grievances.

The grievance mechanism should be proportionate to the potential risks and impacts of the project and should be accessible and inclusive. The grievance mechanism is expected to address concerns promptly and effectively, in a transparent manner and that is culturally appropriate and readily accessible to all project-affected parties, at no cost and without retribution. The mechanism, process or procedure should not prevent access to judicial or administrative remedies.

- f. Monitoring and Reporting

4.3 Preparation of the LMP

The following are terms of reference for the preparation of a Labor Management Procedure (LMP), which will inform the approach to meeting national requirements as well as the objectives of the World Bank’s Environmental and Social Framework, specific objectives of Environmental and Social Standard 2: Labour and Working Conditions (ESS2) and Standard 4: Community Health and Safety (ESS4) under the Project (which is described above).

Objectives of consultancy for preparing the LMP

The LMP sets out how the MFSRP and the AF Project will identify the types of workers who will be engaged in the Project with tenures of respective groups to be recruited and involved, including Direct, Contracted (and sub-contracted, as appropriate), and Primary Supply Workers. The key objective of this document is to categorically identify, assess, and prescribe on how to address the issues of Child and Forced Labour, Labour Influx, Gender-based Violence, Occupational Health and Safety, and Trafficking. In addition, the impacts of and restrictions due to COVID-19 should be identified.

Scope of the consultancy for preparing the LMP

The key deliverable will be the SEP report, which will have the following suggested sections:

- a. Overview of labor use on the project
 - i. Number of Project Workers and types of workers
 - ii. Characteristics of Project Workers (lo, national or international migrants, female workers, workers between the minimum age and 18)
 - iii. Timing of Labor Requirements:
 - iv. Contracted Workers: The anticipated or known contracting structure for the project, with numbers and types of contractors/subcontractors and the likely number of project workers to be employed or engaged by each contractor/subcontractor. If it is likely that project workers will be engaged through brokers, intermediaries or agents, this should be noted together with an estimate how many workers are expected to be recruited in this way.
 - v. Migrant Workers: If it is likely that migrant workers (either domestic or international) are expected to work on the project, this should be noted and details provided.
- b. Brief overview of labor legislation: terms and conditions

- i. National labor legislation with regards to terms and conditions of work, and how national legislation applies to different categories of workers identified in Section 1. The overview focuses on legislation which relates to the items set out in ESS2, paragraph 11 (i.e. wages, deductions and benefits).
- c. Responsible Staff
 - i. This section identifies the functions and/or individuals within the project responsible for (as relevant):
 - ii. Engagement and management of project workers
 - iii. Engagement and management of contractors/subcontractors
 - iv. Occupational health and safety (OHS)
 - v. Training of workers
 - vi. Addressing worker grievances
 - vii. In some cases, this section will identify functions and/or individuals from contractors or subcontractors, particularly in projects where project workers are employed by third parties
- d. Policies and procedures
 - i. This section sets out information on OHS, reporting and monitoring and other general project policies. Where relevant, it identifies applicable national legislation. Where significant safety risks have been identified as part of Section 2, this section outlines how these will be addressed. Where the risk of forced labor has been identified, this section outlines how these will be addressed. Where risks of child labor have been identified, these are addressed in Section 7.
 - ii. Where the Borrower has stand-alone policies or procedures, these can be referenced or annexed to the LMP, together with any other supporting documentation.
- e. Age of employment
 - i. The minimum age for employment on the project
 - ii. The process that will be followed to verify the age of project workers
 - iii. The procedure that will be followed if underage workers are found working on the project
 - iv. The procedure for conducting risk assessments for workers aged between the minimum age and 18
- f. Terms and conditions
 - i. Specific wages, hours and other provisions that apply to the project
 - ii. Maximum number of hours that can be worked on the project
 - iii. Any collective agreements that apply to the project. When relevant, provide a list of agreements and describe key features and provisions
 - iv. Other specific terms and conditions
- g. Grievance mechanism
 - i. This section sets out details of the grievance mechanism that will be provided for direct and contracted workers and describes the way in which these workers will be made aware of the mechanism.
- h. Contractor Management
 - i. The selection process for contractors.
 - ii. The contractual provisions that will put in place relating to contractors for the management of labor issues, including occupational health and safety.
 - iii. The procedure for managing and monitoring the performance of contractors.

- i. Community Workers
 - i. Details of the terms and conditions of work and identifies measures to check that community labour is provided on a voluntary basis
 - ii. Details of the type of agreements that are required and how they will be documented. This section sets out details of the grievance mechanism for community workers and the roles and responsibilities for monitoring such workers
- j. Primary supply workers
 - i. Where a significant risk of child or forced labour or serious safety issues in relation to primary suppliers has been identified, this section sets out the procedure for monitoring and reporting on primary supply workers

4.4 Preparation of the RPF

The following are terms of reference for the preparation of a Resettlement Policy Framework (RPF), which will inform the approach to meeting national requirements as well as the objectives of the World Bank's Environmental and Social Framework as outlined in ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement.

Objectives of consultancy for preparing the RPF

The purpose of the resettlement framework is to clarify principles, organizational arrangement, and design criteria to be applied in subprojects or project components to be prepared during project implementation. The framework is prepared where the likely nature or magnitude of the land acquisition or restrictions on land use related to the project with potential to cause physical and/or economic displacement is known.

Scope of the consultancy for preparing the RPF

The resettlement policy framework should cover the following elements:

- a) A brief description of the project and components of which land acquisition and resettlement are required, and the explanation of why a resettlement policy framework rather than a resettlement plan is being prepared;
- b) Principles and objectives governing resettlement preparation and implementation;
- c) A description of the process for preparing and approving resettlement plans;
- d) Estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;
- e) Eligibility criteria for defining various categories of displaced peoples;
- f) A legal framework reviewing the fit between borrowers' law and regulations and Bank policy requirements and measures proposed to bridge any gap between them;
- g) Methods of assessing affected assets;
- h) Organizational procedures for delivery of compensation and other resettlement assistance, including the projects involving private sector intermediaries, the responsibility of the financial intermediary, the government and the private developer;
- i) A description of implementation process, linking resettlement implementation to civil works;
- j) A description of grievance redress mechanisms;
- k) A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- l) A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation and monitoring; and
- m) Arrangements for monitoring by implementing agency and, if required, by third-party monitors.

4 DELIVERABLES

The following table includes deliverables and timeline, expressed in calendar days after contract signature:

Instruments	First draft	Final product
SEP	15	30
ESMF	30	60
RPF	30	60
GRM	60	90
LMP	30	60

The PIU will make available the MFSRP original safeguards instruments and any other information the consultant may require to fulfil the assignment.

5 QUALIFICATIONS

The consultant will meet the following minimum requirements:

- i. At least a Master’s Degree in a relevant field e.g. environmental/social/development study.
- ii. At least 7 years’ postgraduate experience with relevant and proven track record in similar assignments related to the environmental and social management;
- iii. Work experience in social (including gender, youth and social inclusion), environmental and natural resources management, climate change adaptation, protected areas, wildlife management, and/or integrated water resources management.
- iv. Experience in the preparation and implementation of environmental and social safeguards, following World Bank policies or comparable policies of international organizations;
- v. Excellent written communication skills, demonstrated by at least one document produced with the complexity of ESMF or a similar document; and
- vi. Fluency in spoken and written English.
- vii. Understanding of local cultures and values of Malawi.

6 SELECTION OF CONSULTANT

The attention of interested Consultants is drawn to Section III, paragraphs, 3.14, 3.16, and 3.17 of the World Bank’s “Procurement Regulations for IPF Borrowers” July 2016 Revised November 2017 and August 2018 (“Procurement Regulations”), setting forth the World Bank’s policy on conflict of interest.

A Consultant will be selected in accordance with the Individual Consultant (INDV) selection method set out in the Procurement Regulations. The REOI has also been sent to the following:

7 REPORTING REQUIREMENTS

This overall assignment will be managed by the Ministry of Agriculture through the MFSRP and the AF Project. Technically and administratively, the consultant will work with PIU safeguards team and will report to the MFSRP National Project Coordinator.

Annex 2: Glossary of Terms

DEFINITIONS

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

“Replacement cost for houses and other structures” means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labour and contractors’ fees; and (c) any registration costs.

“Resettlement Assistance” means the measures to ensure that MFSRP and the AF Affected Persons and Displaced Persons under various investments 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.

“The Resettlement Policy framework (RPF)” is an instrument to be used throughout the MFSRP and the AF Program implementation. The RPF sets out the resettlement objectives and principles, organisational arrangements and funding mechanisms for any resettlement, that may be necessary during MFSRP and the AF investments implementation. The RPF guides the preparation of Resettlement Plans of individual investments in order to meet the needs of the people who may be affected by the project. The **Resettlement Plans (“RPs”)** for various investments under the MFSRP and the AF will therefore be prepared in conformity with the provisions of this RPF.

“Census” means a field survey carried out to identify and determine the number of Projected Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts under various investments in the MFSRP and the AF. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

“Cut-off date” is the date of commencement of the census of project affected persons, within various projects areas under MFSRP and the AF, when those who will move to the area after the time of census will not be compensated.

“Displaced Persons” mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the various investments in MFSRP and the AF, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

“Involuntary Displacement” means the involuntary acquisition 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 the Displaced Persons has moved to another location or not.

“Involuntary Land Acquisition” is when the project affected people need to be relocated or give up their rights to land and other assets as a result of development projects or other reasons which are beyond their control in this case the MFSRP and the AF PAPs.

“Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the MFSRP and the AF.

“Land acquisition” means the possession of or alienation of land, buildings or other assets thereon for purposes of the MFSRP and the AF.

“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 MFSRP and the AF Program Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre- MFSRP and the AF levels.

“Resettlement and Compensation Plan”, also known as a “Resettlement Plan (RP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared for each individual investment under MFSRP and the AF which is prepared based on the principles of this RPF. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. Individual RPs are prepared by the agencies in charge of the development projects under the MFSRP and the AF. RPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of a given investment Under MFSRP and the AF program activities commences.

“Replacement cost” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. It includes expenses that a person will incur in order to replace his or her house or land (at market price) which could include taxes and moving allowance. In terms of land, this may be categorised as follows; (a) “Replacement cost for agricultural land” means the pre-MFSRP and the AF 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 others costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

Program Affected Person(s) (PAPs) are persons affected by land and other assets loss as a result of a number of projects under MFSRP and the AF program. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location.

“Compensation” means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from MFSRP and the AF activities.

“Occupier” means a person who occupies a piece of land or building/property but is not a legal owner of the land or property.

Annex 3: Sample Resettlement Screening Form

Project name:

Project Location

(Include map/sketch): (e.g. Area, Division, Ward, Location, and etc.).

Type of activity: (e.g. new construction, rehabilitation, periodic maintenance)

Estimated Cost:

(Malawian Kwacha)

Proposed Date of Commencement of Work:

Technical

Drawing/Specifications

Reviewed : (circle answer): Yes No

This report is to be kept short and concise.

I. Site Selection:

When considering the location of a project, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low Medium High	Low Medium High	Low Medium High	
Involuntary Resettlement	Low population density; dispersed population; legal tenure is well-defined.	Medium population density; mixed ownership and land tenure.	High population density; major towns and villages; low income families and/or illegal ownership of land; communal Properties.	

2. Checklist questions:

Physical data:	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project	
Any plans for new construction	

Refer to project application for this information.

Land and resettlement:	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Will the project involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the subproject?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the Resettlement Environmental and social framework.

Actions:	
List outstanding actions to be cleared before project appraisal.	
Approval/rejection	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>

Recommendations:

Requires a RP to be submitted on date: _____

Does not require further studies

Reviewer: _____

Name: _____

Signature: _____

Date: _____

Annex 4: Census and Land Asset Inventory Form

Socio-economic Household Datasheet of PAPs

<i>Name of Interviewer</i>		<i>Signature</i>
<i>ID Code</i>		
<i>Name of Supervisor</i>		<i>(after verification of interview)</i>
<i>ID Code</i>		

<i>Cell Name</i>		<i>Number of Concession in Village</i> <i>(GPS Coordinates)</i>	
<i>ID Code</i>			

Date:
Day Month Year

<i>Name of Head of Extended Family:</i>	
<i>Number of Nuclear Families in Extended Residential Group</i> <i>(including household of head of extended family)</i>	

Household Interview

Name and Surname	Relationship to Head of Family	Sex		Place of Birth	Age	Marital Status	Residence Tenure	Ethnic Group	Religion	Educational Level	Income Earner		Economic Activities	
		M	F								Yes	No	Primary	Secondary
1.														
2.														
3.														
4.														
5.														
6.														
7.														

Relation to Head of Family: 1 HoH; 2 Spouse of HoH ; 3 Child of HoH; 4 Spouse of child of HoH ; 5 Grandchild of HoH; 6 Parent of HoH; 7; 8 9 Other (specify) ; 0 No Answer.

Marital Status: 1 Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No Answer.

Residential Status: 1 PRP (Permanent Resident) ; 2 RA (Resident absent) ; 3 Member of non-resident HH; 4 Visitor; 9 Other (specify) ; 0 No Answer.

Occupations: -

Principle Occupation: 1. Farmer ; 2 Shepherd; 3 Household ; 4 Merchant; 5 Religious leader, teacher ; 6 Artisan ; 7 Transport ; 8 Unemployed; 9 Other (specify) ; 0 No Answer Secondary Occupations: idem.

Educational Level : 1 Illiterate ; 2 Three years or less; 3 Primary School ; 4 Secondary School ; 5 Technical School ; 6 Religious School; 0 No Answer

Religion: 1 Christian (specify denomination) ; 2 Muslim ; 9 Other (specify) ; 0 No Answer

Annex 5: Land Asset Inventory for project Affected People

Village: _____
 Cell: _____

Date: _____

<i>Survey no.</i>	<i>Name of Head of Household</i>	<i>No. of Persons in household</i>	<i>Total land holding of Hhold (m²)</i>	<i>Land to be acquired (m²)</i>	<i>Land Use Type *</i>	<i>Loss of % total</i>	<i>Loss of assets</i>	<i>Loss of crops</i>	<i>Loss of other assets</i>	<i>Other losses</i>						
							<i>Structures Permanent (m²)</i>	<i>Structures temporary (m²)</i>	<i>Area of residential land lost (m²)</i>	<i>Fruit trees lost type and number</i>	<i>Agricultural land lost (m²)</i>	<i>Other (specify)</i>	<i>e.g. graveyards, wells, etc. (type and no.)</i>	<i>Residence (rented)</i>	<i>Business lost</i>	<i>Income loss</i>

* Land types are as follows (please fill in the types of land for Malawi)

- | | |
|----|----|
| 1. | 3. |
| 2. | 4. |

Entitlements of Project Affected People

Location: _____

Date: _____

Village: _____

Survey no.	Name of Head of Household	Compensation for Land			Compensation for structures			Compensation for crops and Trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc)			<i>Total (MK)</i>
		Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	Quantity (m ²)	Unit price (MK) per m	Entitlement (MK)	Quantity (m ²)	Unit price (MK) per M	Entitlement (MK)	

Annex 5.1: Community Assets and Infrastructure

1. Village/town/city					
2. Location					
3. Camera and Photograph Number					
4. Type of structure or asset					
01	School	08	Well	15	Water Supply
02	Clinic	09	Public Latrine	16	Sewerage
03	Church, Mosque or Temple	10	Public Laundry	17	Garbage Site/Dump
04	Shrine	11	Play ground	18	Fish Pond
05	Town Hall	12	Cemetery	20	Other
06	Meeting Hall	13	Electric	If other (please Specify)	
07	Well	14	Public Telephone		
Name of structure					
5. Formal owner of the structure					
01	Sub-County Government				
02	Community or Voluntary Organization				
03	Private Individual				
04	Other (please Specify)				
6. Name and Address of owner (Please state name and address of responsible chairman or secretary if the structure is owned by a community organization or by government)					
6. Plot Number					
7. Telephone Number					
8. Number of users of structure per month					
9. Plot Dimensions M					
10. Plot Area M²					
11. Land value per m² MWK					
12. Land Value (no.s 11x12 from Above) MWK					
13. Estimate of building area M²					
14. Building materials					
a. Floor			b. Walls		
1.	Earthen	1.	Earthen	1.	Earthen
2.	2Cement-plastered earthen walls	2.	Cement-plastered earthen walls	2.	Cement-plastered earthen walls
3.	Straw or bamboo	3.	Straw or bamboo	3.	Straw or bamboo
4.	Unbaked brick	4.	Unbaked brick	4.	Unbaked brick
5.	Baked Brick	5.	Baked Brick	5.	Baked Brick
6.	Cement block	6.	Cement block	6.	Cement block
7.	Galvanized tin	7.	Galvanized tin	7.	Galvanized tin
8.	Tile	8.	Tile	8.	Tile
9.	Other (Specify)	9.	Other (Specify)	9.	Other (Specify)

15. Building Value per m²		M ²
16. Building Value		
Signature of owner of structure		
Print name (Block Capitals)		
Signature of Valuation Surveyor		
Print name (Block Capitals)		
Date		

Annex 5.2: Land Donation Agreement Form

CONSENT FOR VOLUNTARY LAND DONATION

I/We _____ household head male/female and or persons exercising customary rights over land as described as (legal description (GPS coordinates if available) in Village _____ TA _____ District _____ hereby declare that I/we/the group is the owners/ users of the land required for (description) _____ I/ we are voluntarily donating the use of land based assets (land area, land assets/trees/crops etc.

The owner(s)/user(s) is aware of the following World Bank requirements:

Item	World Bank requirement	Confirmed (Tick where applicable)
1	the potential land donor or donors have been appropriately informed and consulted about the project and the choices available to them	
2	donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation	
3	the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;	
4	no household relocation is involved;	
5	the donor is expected to benefit directly from the project; and	
6	for community or collective land, donation can only occur with the consent of individuals using or occupying the land;	

7	a transparent record of all consultations and agreements reached is maintained.	
---	---	--

In addition, the owner(s)/user(s) will have access to the GRM at the local levels.

We agreed to this purpose from (date)_____ for as long as the purpose is served or until (specify end date, typically life expectancy of the structure)_____ I/we make the donation on my/our own free will.

I/We are waiving my/our right to compensation of any kind for the duration of the activity prior to agreement has not been any form of coercion. Understand that I/We have the right to refuse and to seek redress of any grievance concerning this transaction.

Household Head _____Signature_____

Village _____Signature_____

GVH Head _____Signature_____

Traditional Authority _____Signature_____

Witnessed by VDC/ADC Chair _____Signature_____

VCPC/ACPC Chair _____Signature_____

Annex 6.1: Community Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant Sub Component:	Household Identification:	Phone Number, E-Mail:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of Grievance	Summary description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair _____

Name & Signature of Project Affected Person /Beneficiary _____

GRM Committee Secretary _____

Date: _____

SECTION D: REFERRAL OF CASES

Referred to DGRMC

Ref No.	Date of Referral	Follow up / Investigation		Summary of action undertaken
		Date	Person Assigned	
G1				
G2				
G3				

RECEIPT: SUBMISSION OF GRM

Form number

Complaint:	
Household ID:	TA:
Districts:	Program:
Name of Complainant:	Reporting officer:
Case: - Closed { } - Referred { }	Signature of complainant:

Annex 6.2: Workers Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant Sub Component:	Household Identification:	Phone Number, E-Mail:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of Grievance	Summary description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

WGRM Committee Chair _____

Name & Signature of Project Affected Person /Beneficiary _____

WGRM Committee Secretary _____

Date: _____

SECTION D: REFERRAL OF CASES

Referred to DGRMC

Ref No.	Date of Referral	Follow up / Investigation		Summary of action undertaken
		Date	Person Assigned	
G1				
G2				
G3				

RECEIPT: SUBMISSION OF GRM

Form number

Complaint:	
Household ID:	TA:
Districts:	Program:
Name of Complainant:	Reporting officer:
Case: - Closed { } - Referred { }	Signature of complainant:

Annex 6.3: District Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

.....

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant Sub component:	Household Identification:	Phone Number, EMail:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of receipts of Grievance	Summary Description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair _____

Name & Signature of Project Affected Person /Beneficiary _____

GRM Committee Secretary _____

Date: _____

SECTION D: REFERRAL OF CASES

Referred to PMUGRMC

Ref No.	Date of Referral	Follow up / Investigation		Summary of actions Undertaken
		Date	Person Assigned	
G1				
G2				
G3				

RECEIPT: SUBMISSION OF GRM

Form number

Complaint:	
Household ID:	TA:
Districts:	Program:
Name of Complainant:	Reporting officer:
Case: - Closed { } - Referred { }	Signature of complainant:

Annex 6.4: District Grievance Redress Mechanism Register



DISTRICT GRIEVANCE REGISTER

GRM...../..... District Reference No.

Name of the District:

Ref #	Recording Date	Name of the Household	Household Identification	TA	Type of Grievance/Complaint:	Resolution Made:	Program	Status (Open, Closed)
G 1								
G 2								
G 3								
G 4								
..								
..								
...								
..								
..								
..								
..								
..								
Gx								

Include an annex on Summary of issues raised from Stakeholder Consultations done and List of Names of People Consulted

Annex 6.5: Project Grievance Log & Resolution Form

SECTION A: GENERAL INFORMATION

Form Number

District Name: TA.....GVH.....

Name of Project Location/ Catchment Area:	Name of Community/ Village:	Reporting Dates:	
Name of Complainant	Complainant sub component	Household Identification:	Phone Number, Email:

SECTION B: DETAILS OF THE GRIEVANCE

Ref No.	Date of receipt of Grievance	Summary description of Grievance/Complaint	Follow-up/Investigation		Resolution Made
			Date	Person Assigned	
G1					
G2					
G3					

Name of Reporting Officer:

SECTION C: SUBMISSION OF GRIEVANCE

If case is closed, GRM Committee members & complainant to sign below

GRM Committee Chair _____

Name & Signature of Project Affected Person /Beneficiary _____

GRM Committee Secretary _____

Date: _____

RECEIPT: SUBMISSION OF GRM

Form number

Complaint:	
Household ID:	TA:
Districts:	Program:
Name of Complainant:	Reporting officer:
Case: - Closed { } - Referred { }	Signature of complainant:

Annex 7: Draft ToR for Development of RP

The scope and level of detail for the development of Resettlement Plan will involve the following the following.

a) Description of the investment/project under MFSRP and the 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; MFSRP and the AF objectives and strategy; the investment/project objectives; the main objectives of the resettlement program as apply to the subprojects, 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; the alternatives considered to avoid or minimize resettlement, and the mechanisms established to minimize resettlement to the extent possible during implementation.

c) 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 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 socio-economic 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;

d) Legal Framework: 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 RP 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 RP 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.

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 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

The institutional framework generally covers:

- Agencies and offices responsible for resettlement activities and civil society groups (such as NGOs) that may have a role in RP implementation;
- Institutional capacities of these agencies, offices, and civil society groups in carrying out RP implementation, monitoring, and evaluation; and
- Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

(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 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 Environmental and Social Standard 5 (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), displaced persons should be provided with enhancement measures to assist 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) Resettlement Measures: A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of ESS 5. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

k) 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.

l) 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.

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

n) 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.

o) Grievance procedures: The RP 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 consider the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

p) 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.

q) 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 after the resettlement activities have been completed are also presented.

r) 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 RP.

s) 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 Environmental and social framework

Annex 8: Outline of Resettlement Plan

Introduction

- It briefly describes the project.
- Lists project components including associated facilities (if any).
- Describes project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.

Minimizing Resettlement

- Describes efforts made to minimize displacement.
- Describes the results of these efforts.
- Describes mechanisms used to minimize displacement during implementation.

Census and Socio-economic Surveys

- Provides the results of the census, assets inventories, natural resource assessments, and socioeconomic surveys.
- Identifies all categories of impacts and people affected.
- Summarizes consultations on the results of the various surveys with affected people.
- Describes need for updates to census, assets inventories, resource assessments, and socio-economic surveys, if necessary, as part of RP monitoring and evaluation.

Legal Framework

- Describes all relevant local laws and customs that apply to resettlement.
- Identifies gaps between local laws and World Bank Group policies and describe project-specific mechanisms to address conflicts.
- Describes entitlement policies for each category of impact and specify that resettlement implementation will be based on specific provisions of agreed RP.
- Describes method of valuation used for affected structures, land, trees, and other assets.
- Prepares entitlement matrix.

Resettlement Sites

- Describes the specific process of involving affected populations in identifying potential housing sites, assessing advantages and disadvantages, and selecting sites.
- Describes the feasibility studies conducted to determine the suitability of the proposed sites, including natural resource assessments (soils and land use capability, vegetation and livestock carrying capacity, water resource surveys) and environmental and social impact assessments of the sites.
- Demonstrates that the land quality and area are adequate for allocation to all of the people eligible for allocation of agricultural land.
- Provides data on land quality and capability, productive potential, and quantity.
- Give calculations relating to site requirements and availability.
- Describes mechanisms for: 1) procuring, 2) developing and 3) allotting resettlement sites, including the awarding of title or use rights to allotted lands.
- Provides detailed description of the arrangements for site development for agriculture, including funding of development costs.
- Have the host communities been consulted about the RP? Have they participated in the identification of likely impacts on their communities, appropriate mitigation measures, and preparation of the RP.

- Do the host communities have a share of the resettlement benefits.

Income Restoration

- Describes if there are compensation entitlements sufficient to restore income streams for each category of impact.
- Describes additional economic rehabilitation measures are necessary.
- Briefly spell out the restoration strategies for each category of impact and describe their institutional, financial, and technical aspects.
- Describes the process of consultation with affected populations and their participation in finalizing strategies for income restoration.
- Explains if income restoration requires change in livelihoods, development of alternative farmlands or some other activities that require a substantial amount of training, time for preparation, and implementation.
- Describes how the risks of impoverishment are to be addressed.
- Describes the main institutional and other risks for the smooth implementation of the resettlement programmes.
- Describes the process for monitoring the effectiveness of the income restoration measures.
- Describes any social or community development programmes currently operating in or around the project area.
- If programmes exist, do they meet the development priorities of their target communities. Are there opportunities for the project proponent to support new programme or expand existing programmes to meet the development priorities of communities in the project area.

Institutional Arrangements

- Describes the institution(s) responsible for delivery of each item/activity in the entitlement policy.
- Describes the Implementation of income restoration programmes; and coordination of the activities associated with and described in the Resettlement Plan.
- States how coordination issues will be addressed in cases where resettlement is spread over a number of jurisdictions or where resettlement will be implemented in stages over a long period of time.
- Identifies the agency that will coordinate all implementing agencies. Does it have the necessary mandate and resources.
- Describes the external (non-project) institutions involved in the process of income restoration (land development, land allocation, credit, and training) and the mechanisms to ensure adequate performance of these institutions.
- Discusses institutional capacity for and commitment to resettlement.
- Describes mechanisms for ensuring independent monitoring, evaluation, and financial audit of the RP and for ensuring that corrective measures are carried out in a timely manner.

Implementation Schedule

- Lists the chronological steps in implementation of the RP, including identification of agencies responsible for each activity and with a brief explanation of each activity.
- Prepares a month-by-month implementation schedule of activities to be undertaken as part of resettlement implementation.
- Describes the linkage between resettlement implementation and initiation of civil works for each of the project components.

Participation and Consultation

- Describes the various stakeholders.
- Describes the process of promoting consultation/participation of affected populations and stakeholders in resettlement preparation and planning.
- Describes the process of involving affected populations and other stakeholders in implementation and monitoring.
- Describes the plan for disseminating RP information to affected populations and stakeholders, including information about compensation for lost assets, eligibility for compensation, resettlement assistance, and grievance redress.

Grievance Redress

- Describes the step-by-step process for registering and addressing grievances and provide specific details regarding a cost-free process for registering complaints, response time, and communication methods.
- Describes the mechanism for appeal.
- Describes the provisions for approaching civil courts if other options fail.

Monitoring and Evaluation

- Describes the internal/performance monitoring process.
- Defines key monitoring indicators derived from baseline survey. Provide a list of monitoring indicators that will be used for internal monitoring.
- Describes institutional (including financial) arrangements.
- Describes frequency of reporting and content for internal monitoring.
- Describes process for integrating feedback from internal monitoring into implementation.
- Defines methodology for external monitoring.
- Defines key indicators for external monitoring.
- Describes frequency of reporting and content for external monitoring.
- Describes process for integrating feedback from external monitoring into implementation.
- Describes arrangements for final external evaluation.

Costs and Budgets

- Provides a clear statement of financial responsibility and authority.
- Lists the sources of funds for resettlement and describe the flow of funds.
- Ensures that the budget for resettlement is sufficient and included in the overall project budget.
- Identifies resettlement costs, if any, to be funded by the government and the mechanisms that will be established to ensure coordination of disbursements with the RP and the project schedule.
- Prepares an estimated budget, by cost and by item, for all resettlement costs including planning and implementation, management and administration, monitoring and evaluation, and contingencies.
- Describes the specific mechanisms to adjust cost estimates and compensation payments for inflation and currency fluctuations.
- Describes the provisions to account for physical and price contingencies.

- Describes the financial arrangements for external monitoring and evaluation including the process for awarding and maintenance of contracts for the entire duration of resettlement.

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools.
- Information on all public consultation including announcements and schedules of public meetings,
- Meeting minutes and lists of attendees.

Annex 9: Proof of Stakeholder Consultation

A9.1 DESC Signing Sheets

SALIMA DESC

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 19/09/22 Start Time: 09:15 Finish Time: 10:30

Name	Institution	Designation / Role	Contact Details (Phone & Email)	Signature
1 Lyton Chinoko	S-District Council Environment	Envir. Officer	0999365025	
2 Patrick Kamukuzeni	EAM	Project Coordinator	0881706051	
3 Festina Mxandawire	Information	DIO	0991512730	Festina
4 IVY Thole	SA-DC	Ass EDO	0886050832	
5 Nellisa Banda	SA-DC	Ass EDO	0999409590	Banda
6 Friness Samaliya	SA-DC Gender	DGDD	0999210426	Friness
7 Pearson Malinda	SA-D-Tourism	DYO	0995264331	
8 Patrick Zakeya	FISHERIES	DFO	0881005079	
9 Gift Mngoma	Agric	LReo	0999014075	
10 Festus Chiotha	Environment	Ass EDO	0885178077	Chiotha
11 Alexius Mawatha	Sociaal/pe	SeoD	0881507703	Mawatha
12 Omega Msumba	Irrigation	DIO	0999649304	
13 George Botla	SA-DC	Man/CO	0884874014	
14 Brighton Chungwa	Com. Dev.	SeDO	0888301940	Brighton

SALIMA DESC

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 19/09/22 Start Time: 09:15 Finish Time: 10:30

Name	Institution	Designation / Role	Contact Details (Phone & Email)	Signature
15 Waki Chungwa	Water Dept	DWDO	0999661149 wchungwa@gmail.com	
16 Samuel Chimosa	Env	EDO	0997708532	
17 Taze Mawawala	SDZ	Support	0990847843	

NKHATABAY DESC

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: _____ Start Time: _____ Finish Time: _____

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Francisco Mbotwa	Go-Green	Monitoring & Evaluating officer	0990005852	<i>[Signature]</i>
Youngson Ngwira	NB-Youth	DyD	0995928680	<i>[Signature]</i>
Beome wbalage	NB-Council	District	088852445	<i>[Signature]</i>
Gerald Nkhwekwe	NB-DAO	Grass Officer	0995387725	<i>[Signature]</i>
Nezer Mulungu	NB-cwt	EDD	0996752802	<i>[Signature]</i>
Davison Kaonga	NB-DAO	LRCO	0888552216	<i>[Signature]</i>
Ellen Kadammanga	Social welfare	SWA	0997522670	<i>[Signature]</i>
Paul K. Leand	NB-Council	E.O	0882827796	<i>[Signature]</i>
William Mwanberi	NB-Council	E.O	0887492311	<i>[Signature]</i>
Watford Banda	NB-DAO	CAO	0994650000	<i>[Signature]</i>
Ellen Sibanda	NB-Council	DSO	0881762129	<i>[Signature]</i>
Oiven Chikoko	NB-Council	Planning	0999179326	<i>[Signature]</i>
Larwell Mkisi	Labour	BLD	0888524194	<i>[Signature]</i>
Emmanuel Kanywala	NB-DC	MqEO	0801240259	<i>[Signature]</i>
John B. Baluti	NB-DC	D2A	0898512918	<i>[Signature]</i>

NKHATABAY DESC

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: _____ Start Time: _____ Finish Time: _____

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
MEL Msomba	Forestry	DFO	099468821 melmsomba@gmail.com	<i>[Signature]</i>
Atukye Jere	Comm. Dev.	DCDD-UP	0995279066	<i>[Signature]</i>
Edward Ngwenya	Lesson officer	NB-DC	0881543827	<i>[Signature]</i>
Gift Kelize	MISO	NB-DC	0999250891	<i>[Signature]</i>
Dedel Kamanga	NB-Council	RPO	0882624702	<i>[Signature]</i>
Jox Nglangabi	Fisheries	ADFO	0995246720	<i>[Signature]</i>

Mwanza

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 28-09-22

Start Time:

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Bonke Chikwangu	Agriculture	CRS officer	0888732820	
Wesley Sindi	Com. Dev	DCO	0999709724	
Enzoic Matemba	Mt-Lands	Lands Officer	0584052655	
Rodrigo Kanungu	MN-DC	ME	099447288	
Cesmond Chapotoka	MN-DC	DAENR	0999766739	
Mphahle Phiri	RO-NRS	RO	0999717836	
Rex Namwala	ms-forestry	DFD	0995420162	
Ernest Kabokaya	MN-DC	DPD	0999315318	
Georgia Kaudema	MN DHO	DEHO	0999934523	
Alinafe Makenani	Green Waste	T.L	0999588090	
Brian Wasili	MN-DC	PRO	0999004348	
MARIAH MKANDIWA	MN-DC	DTO	0882989552	
Chifundo Thungwa	MN-DC	DLO	0999413585	
Ivy Chamudzi	MN-DC	RRO	0999929484	

MWANZA DESC

STAKEHOLDER CONSULTATION SIGNING SHEET

Date:

Start Time:

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Edgar Nalivata	Agriculture	Extension	ednalivata@gmail.com 0999166534	
Timothy Kamthunzi	Fisheries	DFD	timothykamthunzi@gmail.com 0999768805	
Joyce Chinyama	Lands	Clerk	0880822000	
Laston Chagunda	Wite	DWOO	0995162355	
LEMSON MATAKWA	CONCEAVERS	RO	0991113266	
Jackson Million	Irrigation	Intern	0880864808	
Michael PHIRI	MN-DC	DLO	0888072030	

Thyolo DESC

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 28/09/2022

Start Time:

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
TOBBY MILAPZI	Social	SWO	0999245831	
Tuyasane Banda	Gender	GO	0881107054	
Mercy Garnet	Information	DIO Rep.	0992713115	
Dungari Mbandawie	Irigation	SIC	0999366506	
Akwasinda Sisiga	Agriculture	LRCO	0888305623	
Innocent Yohane	Fisheries	INTERN	0884852755	
Maregije Mayi	com dev	ACDO	0858574934	
Peter Livison	Community	Messenger	0882477818	
JAMU MASTER	MASGINGU	Thyolo	0881214838	
Jackson Mkwembezi	Agri. & NR	EMENR	0888366095	
PHILLIP PETSUSO	IR	INTERN	0880864885	
Clement Kition	com. dev	Intern	0992121054	
Athani Mvula	LRCO	Intern	0881100788	
Eunice Phiri	Police	To. Police	0884436482	

Thyolo DESC

ALLOWANCE SIGNING SHEET

Date: 28/09/2022

Name	Institution	Designation Role	Contact Details (Phone & Email)	Amount (MWK)	Signature
TOBBY MILAPZI	Social	SWO	0999245831	6,000	
Mercy Garnet	Information	DIO Rep.	0992713115	6,000	
Tuyasane Banda	Gender	GO	0881107054	6,000	
Dungari Mbandawie	Irigation	SIC	0999366506	6,000	
Akwasinda Sisiga	Agri	LRCO	0888305623	6,000	
Innocent Yohane	Fisheries	INTERN	0884852755	6,000	
Maregije Mayi	com dev	ACDO	0858574934	6,000	
Peter Livison	Community	Messenger	0882477818	6,000	
JAMU MASTER	DEM	Thyolo	0881214838	6,000	
Jackson Mkwembezi	Agri. & NR	EMENR	0888366095	6,000	
PHILLIP PETSUSO	IR	INTERN	0880864885	6,000	
Clement Kition	com. dev	INTERN	0992121054	6,000	
Athani Mvula	LRCO	Intern	0881100788	6,000	
Eunice Phiri	Police	To. Police	0884436482	6,000	

STAKEHOLDER CONSULTATION SIGNING SHEET

Chikwawa DESC

Date: 27/09/2022

Start Time: _____

Finish Time: _____

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Fans Chithira	CD-C	Environment	0883658077 fanschithira@gmail.com	
Thokozani Maseuico	CD-C	Environment	0883658077 thokozanimaseuico@gmail.com	
Lloyd Kachonde	CK-DAO	Ops officer	Kachondeliasd7@gmail.com	
Emmanuel Banda	CK-Secretary	SSWA	emmanuelbanda@gmail.com	
Rodney Mibuka	Labour	ALO	rodneymibuka@gmail.com	
Auama Phiri	CK-DAO	CPO	auamaphiri@gmail.com	
Steve Chirombo	CK-Infor	DIO	stevechirombo@gmail.com	
Immaculate Hussein	CK-comm Devt	CDO	susanfambalade@gmail.com	
Felix Bawon	police		0888715975	
Naziah Mlonge	CK-DHO	HO	0997595758 naziahm@gmail.com	
Francis Sayenda	Environment	EDA	0882497883	
Lapkin Chikolw	fisheries	DFD	0884126907	
Thandive Matyatsya	Lands	Housing officer	0888591931	
Andrea Gumbuleu	lands	intern	0887540577	

A9.2 Community Consultation Signing Sheets

KAMUZU VIEW COOPERATIVE Producer Organisation (Male + female)

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022 Start Time: 16:00 Finish Time: _____

Name	Institution	Designation / Role	Contact Details (Phone & Email)	Signature
Ruth Lawanda	Kamuzu view	Chair wa draw	0999776449	R. Lawanda
Lydia Longwe	Kamuzu view	Chair wa Production	0883428945	L Longwe
Mary Gondwe	Kamuzu view	member	0880660491	M Gondwe
Hilda Mkwandawira	Kamuzu view	member		H. Mkwandawira
Mbatesi Phiri	Kamuzu view	V.S production	0886565043	m phiri
Queen Nkhata	Kamuzu view	member	0884395899	Q. Nkhata
Alick Phiri	Kamuzu view	member	0988511040	A.A
Ulemu Phiri	Kamuzu view	member	098511040	U. Phiri
HUSA James Ukhade	Kamuzu view	Vice chair	0886428949	J. Ukhade

KANYIKA COMMUNITY GRIEVANCE COMMITTEE, MZUZA

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022 Start Time: 11:00am Finish Time: 11:50am

Name	Institution	Designation / Role	Contact Details (Phone & Email)	Signature
Patricia Phiri	Kanyika GRC	V. Chairperson	0999212194	P. Phiri
Selina Nqumayo	Kanyika GRC	Member	0992227100	Selina
Lusungu Mufale	Kanyika GRC	member	0884212031	L. M
XAMIKAM CHIGALU	KANYIKA GRC	V. secretary	0882332759	Xamikam
CLEMENI GONDWE	KANYIKA GRC	Senior Block leader	0884402323	C. Gondwe

LUNGA COMMUNITY GRIEVANCE REDRESS COMMITTEE, MZIMBA NORTH

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022 Start Time: 9:00am Finish Time: 9:50am

Name	Institution	Designation / Role	Contact Details (Phone & Email)	Signature
Kethie Chaula	L.G.R.C Agriculture	Secretary	0996260113	Kethie
ELIZABETH SINDANI	L.G.R.C	Chair lady	0888158017	E. Sindani
DARLISON PUSOWA	L.G.R.C	member	0975301387	D. Pusowa
Austine Sakala	L.G.R.C	v/char	0888155660	A. Sakala
PAULWE TEMBO	L.G.R.C	Member	0998174833	P. Tembo

HIGHLANDS MACADAMIA COOPERATIVE UNION LIMITED (HMACUL) Popular Organisation.

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 20/09/2022 Start Time: 09:35 Finish Time: 10:38

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Mwai Moses	HMACUL	Administrator	099540021 mwa.moses@2gm.com	M. Moses
Thomson Banda	HMACUL	Member	0994002929	Thomson
Samuel Pitiri	HMACUL	Member	0996512134	[Signature]
OSWIN CHAVITA	HMACUL	MEMBER	0999723900	[Signature]
Rosemary Kapfakale	HMACUL	Member	0991476024	RK
Elias Kapfakale	HMACUL	Member	0999319647	[Signature]

CGRC - Hamalco, Ntchen (Attac)

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 20/09/2022 Start Time: 10:00 am Finish Time: 10:45 am

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Treza Chiziko	Hamacul GRC	Secretary	0995330951	Chiziko
STANFORD JENABAN	HAMACUL	CHAIR	0999922284	[Signature]
MUFAT Mkhawana	Hamacul GRC	Member	0994077749	[Signature]
Tereza Malisen	Hamacul GRC	member	0993359005	[Signature]

RAWICO (RETIRED ARMY WIVES COOPERATIVE), LILONGWE

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 23/09/2022 Start Time: 10:55 Finish Time: 11:50

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Nina Ghambi (Mrs)	RAWICO	Chair person Procurement	0999987909 nngghambi997@gmail.com	[Signature]
Grace Chimboya (Mrs)	RAWICO	President	0999933265 gracechimboya@yahoo.com	[Signature]
Jean Banda (Mrs)	RAWICO	ENVIRON-MEMBER	099407833	[Signature]
Ivy Ngwira (Mrs)	RAWICO	Envim-Member	m2omerainy@gmail.com 099413203	[Signature]
Allida Marungu	RAWICO	Secretary	naphiri2000@yahoo.com 0999850628	[Signature]

SANKHANI CGRC, LILONGWE
BHG Cooperative

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 9:15am 24/09/2022 Start Time: 9:15am Finish Time: 10:00am

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
MATIAS SANKHANI	SANKHANI GRC	CHAR	0991163463	[Signature]
P. J. M Gladson	GRC	F. Member	0995486821	[Signature]
mercy chika	GRC	member		MC
Lovene chikoso	GRC	member		LC
Zeres Banda	GRC	member	0998921528	ZB
Noria Unyolo	GRC	Secretary	0999360260	[Signature]

CHALELA CGRC, LILONGWE

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 23/09/2022 Start Time: 2pm Finish Time: 14:45pm

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Tikhathe wison	Chalela	chair	0998555188	Twison
mang'anda Banda	Chalela	CGRC member	-	Banda
Kopankop Chingira	Chalela	CGRC member	-	Chingira
Jenifa Mafikeni	Chalela	CGRC vavisi chair	-	J. mafikeni
Patilisha yohane	Chalela	CGRC member	-	P. yohane
Awayiwakio Manuel	Chalela	CGRC member	0883530893	M. yohane

LUVUWO CGRC - NKHATABA

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022 Start Time: 02:15pm Finish Time: 15:00pm

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
WESTON. KIMUDA	LUVUWO	CGRC VICE CHAIR	0888 15 9414	W. Kimuda
Tamala Botha	LUVUWO	VH SAKALAN member	0886308555	T. Botha
REJINA CHISALE	LUVUWO	VH DUWE member	088 47 97 866	R. Chisale
Ruth Longwe	LUVUWO	VH DUWE member	0884973283	R. Longwe
Matrida njoni	LUVUWO	VH CHIKWILA member	088 11 79545	M. njoni
Erisey masewo	LUVUWO	member	0888302977	E. masewo
ILESS mbizi	LUVUWO	member	088 83 89544	I. mbizi

KAMUZU VIEW COMMUNITY GRIEVANCE RESOLVES COMMITTEE FGD

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022 Start Time: 15:40 Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Grace Botha	KAMUZU VIEW	PROCUREMENT CHAIR	0999720441	G. Botha
PATRICK CHISALE	KAMUZU VIEW	MEMBER	0883627169	P. Chisale
Moses Kagumi	KAMUZU VIEW	MEMBER	0981899445	M. Kagumi
MERINA PHIRI	KAMUZU VIEW	MEMBER	0888192969	M. Phiri
DICKSON H. PHIRI	KAMUZU VIEW	Mtshonyi Chair	0995122613	D. Phiri
Lans Gaura	VH Fwizanyuzi	Madenda	0884520003	L. Gaura
Saima maula	VH Fwizanyuzi	member	884558582	S. Maula

Tisanga Cooperative

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022

Start Time: 10:48

Finish Time: 11:55

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Huxter Chomo	TISANGA	Acting Treasurer	0885053775	Huxter Chomo
Mathews G Phiri	"	member	0888029034	Mathews G Phiri
Martha Chigalu	"	Secretary	0882412413	Martha Chigalu
Dipoo Ngesi	"	member	0884547507	Dipoo Ngesi
Joyce Mtaawali	"	Director	0992607483	Joyce Mtaawali
Fyness Botha	"	Chairlady	0888603875	Fyness Botha

CHILUKA & HONEY PROCESSING AND MARKETING CO-OPERATIVE

STAKEHOLDER CONSULTATION SIGNING SHEET

(MEN'S GROUP)

Date: 19/09/2022

Start Time:

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Joseph Dalien	vic secretary	Chiluka honey cooperative	0873743258 0997092977	Joseph Dalien
MAXWELL MWARE	c. mamba	"	0991057431	Maxwell Mware
Binaya Namgwe	Treasure	"	0998020706	Binaya Namgwe
Braxton Wilson	member	"	0991040882	Braxton Wilson
MANUEL THOKOZANI	sect	"	0999806127	Manuel Thokozani
BLACKSONI Banda	member	"	0998274682	Blacksoni Banda
Harrison As Samuel	Member	"	0995019688	Harrison As Samuel
Felsoni Mazoni	member	"	0941973949	Felsoni Mazoni
MAXWELL DALIEN	PROCUREMENT	"	0996739208	Maxwell Dalien
MAJAYA CHAKHAZA	member	"	0990944472	M. Chakhaza

CHALELA MUSHROOM PRODUCTION COOPERATIVE

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 23/09/2022 Start Time: 1:15 Finish Time: 3:00

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Notice Chishasha	Chalela mushroom coop	Chairperson	0993302720	Ntsh
Chifundo M. Chithonje	Chalela m. coop	Secretary		
Esnat KaniPinde	Vice	Vice cher.	0999364070	Kamad
JoyLeti manuwelo				
LINDA Chithonje	Va	Chalela Chair wa		L.
Manuel Ndamanga	MAATWATO	Chalela Chair wa zachilengedwe		
ALISE	Chalela	Rec. M&E		
MwaJawako	maFikeni	Loan chair		
Lesita	Bakashoni	Chair Loan Committee	0992569859	
Getrude sombanje	Chalela mushroom coop	committee		
Alice njerwa	Chalela mushroom coop	member	0990213241	
ALPMEKEZEKE WAWISONI	Chalela	member		
Siteliya kopakopa	Chalela	member		

BY HIS GRACE (BHG) COOPERATIVE

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 24/09/2022 Start Time: 9:30 Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Eliza Ngwiru	BHG	Member	0881222666	
Lyma Unyoto	BHG	Member	0991078472	
Agnès waison	BHG	member		agnès
Alice Daka	BHG	Member	0885338683	
Gideon yohane	BHG	production	0992061762	
Yotam Reson	BHG	Member	0994021266	
Clémentine Chirwa	BHG	Chairperson	0993952293	
Bruwea Inengo	BHG	Member	0999897639	

NAMBAMBA SEED MULTIPLICATION COOPERATIVE

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 20/09/2022

Start Time: 13:30

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Eliza Julius	Nambamba	Nice chair	0994130936	E Julius
Emily Phiri	Nambamba	finance	0999189293	
BRIGHT OTHARA	NAMBAMBA	CHAIR NAMBAMBA	0995439737	
Isaac Sawba	Nambamba	member GRC	0997746715	
Eunice Moyo	Nambamba	Member	0991323177	E. Moyo
Alex Mthemwende	Nambamba	GRC Chair	0999793113	
Christina Cosmas	Nambamba	GRC Secretary	0997416676	C. Cosmas
Gloria Rutchemba	Nambamba	Member	0995514025	
Alexander Kamata	Nambamba	member	0999394695	
MNOKOTE GAMA	Nambamba	Member	0999109586	

Chilwa Cooperative {Women}

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 19/09/2022

Start Time: 10:15

Finish Time: 11:00

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Rute Magombo	Chilwa	V Chair	0997625300	R magombo
Dolore Langitoni		Member	091156858	D. Langitoni
Grece Dembe		C member	0992912503	G. Dembe
Lades Chilombo		member		L. Chilombo
Violeti Folotiya		member	0982219485	V. Folotiya
Khristina Matiyasi		member		K Matiyasi
Feliya Saithe		member		F. Saithe
Zelina Chikawonda		member		Z. Chikawonda
Febe Katiyi		C member	0980638165	F. Katiyi
Malita Mchenga		member	083923446	M. Mchenga

MZUZU LIVESTOCK COOPERATIVE (EXECUTIVE COMMITTEE)

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022

Start Time: 8:55

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Albert Kumbanda	Mzuzu Livestock	Secretary	0999930687/0881023922	[Signature]
Sellina Ntsewanda	Mzuzu Livestock	Chairman	099528995	[Signature]
LEONARD SOKO	Mzuzu Livestock	EX MEMBER	0495323907	[Signature]
Andi D. P. Mwale	MLICO	Treasurer	0992555007	[Signature]
CHARITY MTHANGO	MLICO	Member	0884487537	[Signature]
Lameck Ntsewanda	MLICO	Vice Chair	0888548924	L Ntsewanda

LUVUWO IRIS POTATOES PRODUCTION.

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 21/09/2022

Start Time: 02:15

Finish Time: 02:50

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
SHARBRICK SALIMU	LUVU	CHAIRMAN	09995720720	[Signature]
Pius LONGWE	LUVUWO COOPERATIVE	FINANCE	0888555042	[Signature]
Jane mkandawire	" "	irrigation	-	[Signature]
STOCKER NYONI	" "	MARKETING	0880501387	[Signature]
Rose nyoni	" "	displin.		R. nyoni
Doreen mpata	" " "	Vice Chair	0880848644	D. mpata
MAC ANSTY MKANDAWIRE	" "	Auditor	0884464570	[Signature]
Jesadi nenda	" "	displin.	" "	J. Nenda
Osten Kabichi	" "	displin.	" "	O. Kabichi

Salima Dairy Cooperative (women).

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 19/09/2022

Start Time: 3:30

Finish Time: 3:50

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Joyce Njilima	SBC	Vice Chair	0888560009	[Signature]
Chifundo Chifwala		member	0888119194	[Signature]
Mervice Makwera		Member	0999795569	Mervice
PATRICIA KASAWA		MSB Secretary	0992193691	P. Kasawa
Magdalena Mpongolome		member	0991371141	M. Mpongolome
Gertrude Singano		Member	0994442691	G. Singano

SALIMA DAIRY FARMERS' COOPERATIVE, SALIMA

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 19/09/2022

Start Time: 2:30pm

Finish Time:

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Clemence Mabwaa	SDFC	M & E V/s	0996947590	C Mabwaa
Welzani Nkambani	SDFC	Secretary	0888669966	[Signature]
Innocent E-kalazi	SDFC	finance member	0999675890	[Signature]
Kiddie Lusungu Chaula	SDFC	Environment member	099912005	[Signature]
Shadrack Chidwale	SDFC	M & E	0995312774	[Signature]
MICHAEL MWASIYA	SDFC	Member	0998659988	[Signature]
John Kwekani	SDFC	Member	0999682638	J. Ki
Nelson Mkochi	SDF.C.	Chairperson	0999930907	[Signature]
Lumbani Chavi	"	Treasurer	099944755	[Signature]
Stanley Chintaya	"	Member	0997361575	Shintaya
Hestini Muli	"	Member	0999193259	[Signature]

CHILWA COMMUNITY GRIEVANCE REDRESS COMMITTEE - SALIMA

STAKEHOLDER CONSULTATION SIGNING SHEET

Date: 19/09/2022

Start Time: 10:00 AM

Finish Time: 10:45 AM

Name	Institution	Designation Role	Contact Details (Phone & Email)	Signature
Annie Banda	Agriculture	Chilwa GRC AEDO Secretary	0999371795	A Banda
Anne Kamanya	mtangizi wa kumud	Chilwa GRC	0991160791	A kamanya
Lunesi Helebatu	olimila kopeletuli	Chilwa GRC	0991523038	L. Helebatu
Honest Chingalawa	VDC Chair	chilwa GRC	0990878766	[Signature]
NAPHTALIE sindya	WAPC chair	"	0998394471	[Signature]
Samuele Sitivin	Police Fortu	"		[Signature]
Evasoni Thyoke	chair	"	0996857355	E. Thyoke

A9.3 Minutes from Stakeholder Consultations

SALIMA DAIRY FARMERS (WOMEN) MEETING ON AGRICULTURE COMMERCIALISATION PROJECT IN SALIMA DISTRICT, MALAWI HELD ON 19th SEPTEMBER 2022.



ENVIRONMENTAL AND SOCIAL CONSULTATIVE MEETING ON AGRICULTURAL COMMERCIALISATION (AGCOM) PROJECT WITH SANKHANI WOYERA (BHG) GRIEVANCE REDRESS COMMITTEE IN LILONGWE, MALAWI HELD ON 23RD SEPTEMBER 2022



ENVIRONMENTAL AND SOCIAL CONSULTATIVE MEETING ON AGRICULTURAL COMMERCIALISATION (AGCOM) PROJECT

WITH CHALERA GRIEVANCE REDRESS COMMITTEE IN LILONGWE, MALAWI HELD ON 23RD SEPTEMBER 2022



ENVIRONMENTAL AND SOCIAL CONSULTATIVE MEETING ON AGRICULTURAL COMMERCIALISATION (AGCOM) PROJECT WITH CHILIMNTHAKA COOPERATIVE IN NTCHEU HELD ON 19TH SEPTEMBER 2022