



**UPDATED RESETTLEMENT ACTION PLAN FOR
RUMPHI WATER AND SANITATION SERVICES
IMPROVEMENT PROJECT**



Project Number: P-MW-E00-013

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Northern Region Water Board

Bloemwater Street

Private Bag 94,

Mzuzu

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ACRONYMS

ADC	Area Development Committee
AfDB	African Development Bank
CICT	Core Implementation Coordination Team
COI	Corridor of Impact
CSO	Civil Society Organisation
DESC	District Environmental and Social Committee
DPMT	District Project Monitoring Team
ESIA	Environmental and Social Impact Assessment
EP	Entitled person
GBV	Gender Based Violence
GR	Grievance Registry
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GRMC	Grievance Redress Mechanism Committee
GPS	Geographical Position System
GVH	Group Village Headman
IVSC	International Valuation Standards Council
NGO	Non-Governmental Organization
NRWB	Northern Region Water Board
PAP	Project Affected Person
PAH	Project Affected Household
PDO	Project Development Objective
RAP	Resettlement Action Plan
RDC	Rumphi District Council
RRB	Road Reserve Boundary
RWSSIP	Rumphi Water Supply and Sanitation Services Improvement Project
RoW	Right of Way
SIM	Surveyors Institute of Malawi
SRH	Sexual and Reproductive Health
TA	Traditional Authority

DEFINITIONS

The following definitions will be applicable unless otherwise stated specifically:

- *Building or Structure*: refers to a dwelling unit/house or anything constructed for habitation or housing of a business enterprise;
- *Corridor of impact (COI)*: Refers to the minimum land width required for sewer or water supply pipelines;
- *Cut-off date*: Date that was established and on which the PAP or his asset must be located within a direct impact zone of the Corridor/Way leave when the census was completed;
- *Dwelling unit*: It may be defined as any structure – permanent, semi-permanent or traditional where people live and sleep. This is irrespective of the size of the household and building size. A household may contain one or several dwelling units.
 - *Permanent structure*: Dwelling units built with durable materials, a roof made of iron sheets, tiles, concrete or asbestos and walls made of burnt bricks, concrete or stones.
 - *Semi-permanent structure*: Dwelling units lacking materials of a permanent structure for wall or roof. These are built with non-permanent walls such as sun-dried bricks or non-permanent roofing materials such as grass thatch.
 - *Traditional structure*: Dwelling units built with both thatched roof and mud walls.
- *Dwelling (or Structure) owner*: The owner of a dwelling unit/house or anything constructed for habitation or housing of a business enterprise;
- *Encroacher*: A person who has extended their building, agricultural lands, business premises or work places into public/government land without authority;
- *Entitled person (EP)*: A person who is adversely impacted by the project and is eligible for assistance as per the project entitlement framework;
- *Improvement*: In relation to any land, means any work or product of work which materially adds value to the land and which is suitable to the land and consistent with the character thereof;
- *Income*: Income of the Project Affected Person (PAP) shall mean the amount prior to the cut-off date from all occupations/sources taken together calculated by an objective assessment;
- *Kraal*: a pen or other enclosure for livestock, especially cattle;
- *Kiosk*: A kiosk is a booth/stall/cabin/cubicle made of wood or iron or any other building material which could be shifted to another location as a single unit without much damage

and is used for carrying out petty business/ commercial activities and has been in operation/existence prior to cut-off date;

- *Land*: Means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock or other substance, and includes the surface covered with water, all things growing on that surface, buildings, other things permanently affixed to land and free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the airspace imposed, and rights in the use of airspace granted, by international law.
 - *Private Land*: All land which is owned, held or occupied under a freehold title, or a leasehold title and is registered as such under the Registered Land Act;”
 - *Freehold land*: Land held absolutely privately in perpetuity on which no ground rent is paid.
 - *Leasehold land*: land held privately for a term of years
 - *Public land*: land held in trust for the people of Malawi and managed by government and includes any land held by the government or local authority and, land gazetted for national parks, forest reserves, recreation areas, historic or cultural sites.
- *Land Holder*: Means holder of a parcel of land or a proprietor of land, who is responsible for the payment of land revenue;
- *Person*: Includes an individual, a firm, a Company or an association or a body of individuals whether incorporated or not;
- *Project*: Refers to Rumphi Water and Sanitation Services Improvement Project;
- *Project Affected Area*: Refers to the area or locality under a project for which land will be acquired or for which land belonging to the Government/Project Proponent will be cleared of encumbrances;
- *Project Affected Person (PAP)*: Any tenure holder, tenant, Government lessee or owner of other property, or non-titleholder (unauthorized occupant) who on account of the project has been affected from such land or other property in the affected area will be considered as PAP;
- *Project Affected Household (PAH)*: A social unit consisting of a family and/or non-family members living together, and is affected by the project negatively and/or positively;
- *Replacement Cost*: Replacement Cost as a rate of compensation for lost assets must be calculated as market value plus transaction costs i.e., A replacement cost/value of any land

or other asset is the cost/value equivalent to or sufficient to replace/purchase the same land or other asset;

- *Squatter*: A person who has settled on public/government land, land belonging to institutions, trust, etc. and or someone else's land illegally for residential, business and or other purposes and/or has been occupying land and building/asset without authority;
- *Temporary Impact*: Impact expected during implementation of the project in the form of earth spoil, tremors and vibrations, etc. affecting land and structure or loss of access;
- *Tenant*: A person who holds/occupies land-/structure of another person and (but for a special contract) would be liable to pay rent for that land/structure. This arrangement includes the predecessor and successor-in-interest of the tenant but does not include mortgage of the rights of a landowner or a person to whom holding has been transferred; or an estate/holding has been let in farm for the recovery of an arrear of land revenue; or of a sum recoverable as such an arrear or a person who takes from Government a lease of unoccupied land for the purpose of subletting it;
- *Fruit trees and perennial crop*: Any tree which is planted for fruit purposes are referred to as Fruit Trees while perennial crops are plants/crops that live for more than two years;
- *Other trees*: Natural trees and exotic trees as contained in the Forestry Gazette, Government of Malawi;
- *Annual crops*: Any plant that completes its life cycle in a single growing season such as maize, ground nuts, soya beans, cotton, pigeon peas;

EXECUTIVE SUMMARY

Introduction

This document is a RAP Update for Rumphu Water and Sanitation Services Improvement Project (RWSSIP). The original RAP was prepared and approved by the Bank in October 2022. The RAP was prepared on basis of preliminary project designs. The preliminary designs had proposed that the project extent would be from Rumphu town to Bwengu to the East; Thumbi, Luzi, Chinyolo, Mkombezi, Phwezi, Mhuju, Bula, and Ng'onga to the North East; Chikwawa, Bolero, Luviri, Mwazisi, Chilumba (Lake Kazuni) Lusani, Bembe, Kamphenda, Chanyoli through Luhono, Nkhamanga to the west; Vongo including Lumemo to the South; and Kacheche, Engucwini, Bila, Erukweni to the South East of Rumphu Town. However, the detailed design phase has reduced the scope in the project investments by leaving out Mhuju, Bula, and Ng'onga to the North-East; Mwazisi, Chilumba (Lake Kazuni) Lusani, Bembe, Kamphenda, Chanyoli through Luhono and Nkhamanga to the West. Furthermore, the Road Authority had compensated some PAPs along the M1 and M24 road corridors. Therefore, it became imperative to update the RAP to reflect the changes in the detailed designs as well as the activities of M1 Road project. The RAP. will be implemented in two phases follows:

- **Phase 1** focusing on 2 priority areas namely: water supply transmission pipeline corridors from water treatment plant to service reservoirs at Kacheche, Thumbi, Jaghala and Bolero. It also covers sites for water supply tanks, booster stations and other auxiliary buildings.
- **Phase 2:** covering water supply distribution lines and sites for wastes disposal facilities including the sewage pipelines.

This report, therefore, focusses on implementation of phase 1 of the RAP only while the report for phase 2 RAP implementation will be prepared once the designs for water supply distribution lines have been updated as well as sites for wastes disposal facilities including the sewage pipelines

Project Background

The Government of Malawi, through the Northern Region Water Board (NRWB) intends to implement the Rumphu Water Supply and Sanitation Services Improvement Project. The project seeks to improve access to potable water, improve waterborne sanitation and solid waste management services in Rumphu and parts of Mzimba District. This will be achieved by upgrading and expanding the existing Rumphu water supply scheme to unserved areas, constructing a sewage system and wastewater treatment plant, and a landfill for solid waste management. In addition, public commuter toilets facilities and improved pit latrines public schools and market centres will be constructed. The project, upon completion, is expected to serve population of 158,085 by year 2040 and it is projected to cost USD 29.8 million (MK 52.2 billion, USD 1 = MK 1,751).

The laying of pipelines for water supply and sewage and the construction of new facilities will affect some private land and property. The African Development Banks' (AfDB)

Operational Safeguard No. 2 on Involuntary Resettlement requires reparation of a RAP to address concerns related to involuntary resettlement and or the loss of assets or livelihood incomes as a result of the execution of a project. This Resettlement Action Plan (RAP) has, therefore, been prepared to assess likely impacts, outline procedures of compensation for losses by Project Affected Persons (PAPs). The document also provides institutional arrangements for RAP implementation, implementation mechanisms and schedules as well as processes designed for grievance redress, monitoring and evaluation.

Key areas of note in the updated phase 1 RAP are as follows:

	2022	2025
No of eligible PAPs:	736	648
Area of land affected (ha):	32.45	63.95
No of kiosk/hawkers affected:	44	65
No of trees affected:	85.01	5,546
Overall resettlement cost, USD	479,563.73	238,924.81

Project Overview and Description

The extents of the project are Bwengu to the East; Thumbi, Luzi, Chinyolo, Mkombezi, Phwezi, Ng'onga and Bula to the Northeast; Chikwawa, Bolero, Luviri, to the West; Vongo including Lumemo to the South; and Kacheche and Erukweni to the Southeast of Rumphi Town.

The source for the water supply system will be the South Rumphi River where a concrete intake weir will be constructed. The existing water treatment plant at Rumphi Boma will be upgraded from 1,500 m³/day to 19,415 m³/day. The project will also involve the rehabilitating, upgrading, and expanding of 323 km of pipelines and construction of concrete reservoirs with a total capacity of 7,350 m³.

In addition, the project will improve sanitation services by constructing new sanitation facilities such as schools and public latrines, commuter drop-stop toilet facilities, sewerage conveyance pipe networks and liquid waste treatment plant with a capacity of 148 m³/day, solid waste landfill for solid waste management with a capacity of 52,798 m³ and purchasing of associated equipment such as waste collection vehicles.

Although the activities described above will not result in physical resettlement of people, the activities listed below will lead the economic resettlement of people to allow for installation of pipelines as well as construction of new facilities.

- i. Installation of a total of 344 km pipelines for conveyance of potable water and wastewater throughout the project area.

- ii. Construction of storage reservoirs, sumps, booster stations and associated auxiliary buildings such guard and staff houses at Bolero, Kacheche and Thumbi.
- iii. Construction of an office building at Rumphi town.
- iv. Construction of a sanitary landfill at Thulwe.
- v. Construction of wastewater treatment plant at Rumphi Town.
- vi. Construction of commuter toilet facility at Mzokoto.

Objective of the RAP

The updated Resettlement Action Plan (RAP) was prepared following the AfDB Integrated Safeguards Systems (2013) - Operational safeguard number 2, and Malawi government laws. The Bank's ISS (2023) were also used. The objectives of the RAP are as follows:

- i. To describe national and AfDB requirements for resettlement due to the project activities
- ii. To identify the Project Affected Persons and Households (PAH) and their potential losses.
- iii. To provide for an agreed plan for their compensation and resettlement due to the project activities.
- iv. To provide principles, policies, institutional framework schedules and funding mechanisms for any loss and resettlement needs that may occur as a result of implementing the project.

Scope and Aim of the RAP

The scope of work for the RAP is to prepare an inventory (register) of people likely to be affected by project activities, a register of the assets that are likely to be displaced by the project and the proposed compensation and resettlement packages and recommend mitigation measures:

- i. Identify the existing Right of Way and new Right of Way;
- ii. The zone of impact of activities.
- iii. Alternatives considered to avoid or minimize resettlement.
- iv. Mechanisms established to minimize resettlement, to the extent possible, during project implementation.
- v. Provision of appropriate maps (in various scales) to describe the project area, population settlements and location of PAPs.

Approach and Methodology

The methodology for updating the RAP involved literature review, stakeholder and community engagement and field assessments. Key aspects of the approved RAP have been retained such as the socio-economic survey, valuation methodology, eligibility criteria, monitoring and evaluation, and grievance mechanism. Legal and Regulatory framework have been revised to include new enactments and amendments. Following which determinations of impacts on the RAP preparation and implementation, and of impacts to the gap analysis between AfDB policy

and Malawi legal framework were made. Field assessments involved consultations, community meetings, surveying, pegging the centre line and an assessment of impacted assets along the Corridor of Impact (CoI). The updated RAP includes RAP implementation, and updated disclosure sheets, compensation schedules, asset inventory list, and PAP list.

An Asset Inventory survey was undertaken to record details of the PAPs with respect to the property and land to be affected by pipeline laying activities and construction of new sites. Measuring tapes were used to take the dimensions of structures, visual checking of the building materials, and general description of the buildings. Coordinates for each structure was captured using a GPS. The data collected included:

- i. Property sizes, location, ownership, construction materials for structures, current use and condition etc.;
- ii. Number and sizes of trees to be affected by the project, including types (whether indigenous or exotic; or fruit or not) and stage of growth; and
- iii. Type of crops likely to be affected by the project.

Stakeholder Consultations

Stakeholder consultations that were carried across the project area included: Project Affected People (PAPs), Chiefs and block leaders, Rumphu and M'mbelwa Council Officials and Ward Councillors. The objectives were to: create general awareness amongst the potential PAPs about the project; to define and identify people affected by the project (PAPs), increase their knowledge about the project; explain the RAP process; increase project acceptability and PAP readiness to support the project. The exercise also explained the nature, extent, limit, and method of compensation as that would help PAPs understand the processes better. Major concerns expressed were with respect to how households will be connected to the network, timing of compensation and mode of payment. Other concerns included: institutions that would be responsible to handle grievances, provision of work opportunities during construction. In order to address these concerns, community sensitization and consultation would be a continuous process aimed to address awareness, knowledge and behaviour change during and after the implementation of the project by using personal communication, interviews, etc.

Socio-Economic Conditions

The social and economic baseline was undertaken for purposes of informing stakeholders on the current state of affairs in project areas. The foregoing has attempted at explain the key social and economic activities of the communities in question. It also went on to explain some of the major challenges that people in these areas face, particularly those that will have a bearing on the implementation of the water supply and sanitation project. The key findings of the socio-economic baseline are summarised below:

Household Characteristics, Ethnicity and Religion

The total population to be affected by the project resettlement is 3680 people from 736 Project Affected Households considering Malawi's average household of 5 people per household. A socio-economic survey of 287 households in the project area established that the average

household size is 5.1. The average age of households is 25 and there was no child-headed household recorded. The number of female-headed households recorded was 30, representing 10.5% of the sampled households.

In terms of ethnicity, 273 (95%) of the respondents are Tumbuka, with 9 (3%) Chewa and 3 (1%) Ngoni and Ngonde respectively.

The dominant religion amongst the households is Christianity (99.3%) followed by Islam (0.7%).

Gender and Societal Roles

Of the sampled households, 303 individuals were male and 286 were female, representing 51.4% and 48.6% respectively. Since the area is largely comprised of people of Tumbuka ethnicity, their culture is mainly patrilocal and patrilineal in the sense that women move to live in the husband's home area and inheritance is passed through the father's lineage. In this culture, although farming is done by both men and women, most domestic or household chores are mainly done by women, particularly drawing water, cooking and fetching firewood. In discussions with the community members, it was mostly the women who complained in detail about the challenges that they face in ensuring that they have water at the homestead.

Vulnerability and Living with Disability

The project census found 70 PAPs out of 736 PAPs vulnerable people representing 9.51%. Out of vulnerable group, 4.85% of PAPs had disabilities that ranged from speech impairment and physical disability. None of the people encountered had visual impairment. The project and RAP implementation need to be inclusive enough and provide necessary attention to this group of people.

Education

The survey results showed that 187 of the household members reported that they were still in primary school. Of the adults, 115 reported that they did not finish primary school whereas 44 reported that they did not finish secondary school. Only 10 of the individuals were reported to have attained higher education level. In terms of literacy, 106 individuals were reported not able to read. This included children under the age of 11 and very old persons. This represented 76% literacy rate.

Livelihoods and Land Use

The predominant livelihood of the households is agriculture followed informal employment such as piece/casual work. From the survey results, a large number of the individuals in the sample (207) are still going to school, which also speaks to the young population in the project area.

A large proportion of the respondents reported having at least one piece of land (44%) seconded by those with 2 pieces of land (32%). A further 16% reported that they had access to 3 pieces of land. Only 3 % of the respondents reported that they did not have access to land.

In terms of tenure, 70% reported that it was customary land whereas 17% reported that it was individual titled land. Others reported that they were renting and paid in cash (9%), rented and paid in kind (1%) and freehold (3%). The titled and freehold land was mostly reported in the townships. Land was reported to be used for farming all year round by only 12.2% compared to those who farmed seasonally reported by 87.1%. Land size/holdings ranged from 0.25 to 24 acres, with the majority (93.9%) holding between 0.25 and 3 acres.

According to the respondents, 89.9% use firewood for cooking, whereas 8.7% use charcoal for cooking. Only 1% reported that they use electricity for cooking. Combining charcoal and firewood for cooking shows that there is a high burden on the trees in the area.

During the RAP update, key stakeholders were also engaged and included the Roads Authority, Regional Commissioner of Lands, M'mbelwa and Rumphi District Council officials, traditional leadership, Area and Village development committees, and PAPs. The aim of engaging these stakeholders were to provide criteria of identification and assessment of project affected persons and to identify PAPs along M1 and M24 roads stretch who had already been assessed or compensated under the road construction works. The stakeholders were able to provide information on compensation payments in some of the project impact areas such as the M1 and M24 road projects, and how to access permissions to undertake works along the road reserve. The traditional leadership and ADC and VDC members supported the process in PAP engagement and mobilisation, while ADC members specifically supported the RAP assessment teams during assessments.

Legal and Institutional Framework

Malawian Legislation

The key instruments for managing land acquisition in Malawi include:

- **The Constitution of the Republic of Malawi (1995):** Articles 28.1 to 28.2 deal with issue on individual property rights and article 44.4 which details the exceptions of the provisions of articles 28.1 to 28.2 and other related rights granted citizens of Malawi.
- **Malawi National Land Policy (2002):** Guides land management and administration in Malawi.
- **The National Gender Policy (2015):** Advocates the need for women to have control over agricultural productive services and resources such as land and income.
- **National Forestry policy (2016):** Prohibits land use changes or encroachments that may result in deforestation or degradation of areas of cultural importance and forests with catchment management importance.
- **The Land (Amendment) Act (2022):** Principal law in land matters. Section 7 classifies land into public and private land with subcategories whilst Section 18 provides for compensation to individuals for loss, damages or disturbances.
- **Land Acquisition and Compensation (Amendment) Act (2022):** Main legislation that addresses compensation issues. Section 4 of this act explicitly states cases in which expropriation can take place. Section 9 of the Land Acquisition (Amendment) Act 2016 defines “appropriate compensation”. Section 12 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

- **Property Valuation Act (2024):** The Act provides for regulation and practice of property valuation and provides for matters incidental thereto or connected.
- **Customary Land (Amendment) Act (2022):** The Act has formalized the powers and duties of Traditional Leaders in land administration and management through creation of committees and tribunals to carry out allocations, adjudication and management of land and settlement of customary land disputes
- **Registered Land (Amendment) Act (2022):** The Act serves as the primary legislation governing the registration of land, and rights, and interests in Malawi. It sets out the procedures and requirements for transferring the rights and interests in land from the lessee to the proprietor.
- **Physical Planning (Amendment) Act (2022):** Section 67 to 70 of the Act provides for acquisition of land and its compensation for planning actions. The Act requires that any acquisition of land and any payment of compensation should be in accordance with Land Acquisition Act.
- **Public Roads Act (2016):** Covers the management of road reserves and streets. The act make provision for legally occupier or owners of land in a road reserve who suffers damage as a result of works carried out on such land by to be entitled to compensation in respect of such damage in accordance with Part II.
- **The Monuments and Relics Act (1991):** Stipulates the proper management and conservation of monuments that are of importance both nationally and locally. Section 18 provides for the protection of monuments and relics through the provisions of the Land Act or the Lands Acquisition and Compensation Act.
- **Forestry Act (1997):** Affirms the role of Department of Forestry Provides in the control, protection and management of forest reserves and protected forest areas. Section 86 of Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees.
- **Water Works Act (1995):** Gives water boards the power to acquire land for constructing and maintaining water works for the purpose of creating, maintaining and extending waterworks for the supply of water. Section 13 requires Water Boards to pay compensation to the affected people for loss or damage.

AfDB Requirements

AfDB's integrated Safeguards System (2013), Operational Safeguard (OS) 2 on Involuntary Resettlement: Outlines the guidelines that need be followed in the implementation of AfDB financed projects relating to displacement and involuntary resettlement of people. It seeks to ensure that when people must be displaced, they are treated fairly, equitably, and in a socially and culturally sensitive manner; that they receive compensation and resettlement assistance so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved; and that they share in the benefits of the project that involves their Resettlement. The policy requires that all Project Affected Persons (PAPs) be compensated for all their losses at full replacement value before their land and related assets are taken or damaged. The policy also provides procedures for

consultations, resettlement planning, compensation, implementation, monitoring and evaluation.

Implementation Framework

The implementing agency, NRW, has implemented similar water and sanitation projects financed by multilateral Banks. The projects have strengthened NRW's internal capacity that has enabled the institution meeting different requirements and ensuring compliance with national and financiers safeguard requirements.

To ensure smooth implementation of the RAP, the Project Implementation Unit (PIU) will have personnel trained in Environmental Management and Social Safeguards, Community Mobilisation and Engagement, Gender, and Monitoring and Evaluation. The personnel have participated in different projects financed by different Banks, and shall ensure the RAP is implemented satisfactory, and all related complains are addressed.

The Environmental and Social Safeguards Expert shall be responsible for overall implementation and coordination of the RAP activities, and shall work hand in hand with Gender Officer, and Community Mobilisation and Engagement Expert where their expertise shall be required. The RAP implementation team shall therefore composed of the following experts;

- i. Environmental and Social Safeguard Experts
- ii. Environmental and Social Safeguard Officer
- iii. Community Mobilisation and Engagement Expert
- iv. Gender and Social Welfare Expert
- v. Monitoring and Evaluation Officer
- vi. District Lands Officer

Implementation Arrangement of RAP

The successful implementation of the project RAP shall require seamless interaction and coordination from different stakeholders involved in the project including AfDB, NRW and Ministry of Lands, District Environmental Office, and District Councils among others.

NRWB as the implementing entity shall be responsible for implementation of the RAP, ensuring swift grievances redress, monitoring RAP implementation, and reporting to AfDB on monthly basis. The NRW will perform the roles in collaboration with the Ministry of Lands and Project Monitoring Team (PMT).

All compensation payments will be made by NRW in the presence of responsible officials from the Ministry of Lands and/or the District Council. Where possible and practical, the compensation cash or cheques will be deposited directly to the PAPs account.

The AfDB shall provide oversight to the implementing entity, NRW, to ensure compliance with Bank's E & S safeguard standards on involuntary resettlement during implementation of the project.

Eligibility Criteria

All PAPs, including those who have no recognisable legal right or claim to the land they are occupying, are eligible for compensation or other assistance commensurate with the nature and extent of the impact involved. Eligibility to entitlements require the following;

- i. PAP must have been located within a direct impact zone of the Corridor before the cut-off date established when the census was completed.
- ii. Suffered a loss that is quantifiable i.e., loses an asset partially or fully, either permanently on or a temporary basis or can be quantified in monetary terms etc.
- iii. His/her ownership of the asset is either formally registered or at least recognized and his/her presence or association with the location is recognized or well known within the local community.

Cut-Off Date

The concept of a cut-off date was explained to PAPs and stakeholder during consultation and engagement meetings and it was agreed that the date when asset verification was completed would become the cut – off date. Any assets created or improvements done to existing assets, change in use or ownership, potential newcomers within the project areas after this date would not be eligible for compensation or resettlement assistance. The Asset Inventory Verification were completed on 30th June, 2025 which became the cut-off date. However, PAPs and stakeholder reaction to Cut-Off date was that the concept would only be applicable if compensations were done in time followed by immediate implementation of the project. Delays in project implementation would not stop them from developing their land.

Valuation of Assets

The valuation of assets was based on the local Malawian provisions and the AfDB policy on Involuntary Resettlement.

Malawian Provisions: The Land Acquisition and Compensation (Amendment) Act (2022) provides for what must be considered in the process of valuation of assets for compensation purposes. First, the Act (section 10 sub section 2) stipulates the 11 grounds for compensation as loss of occupational rights, loss of land, loss of structure, loss of business, relocation costs, loss of good will, injurious affection, nuisance, loss or reduction of tenure and costs of professional advice, subject to the provision of a relevant Act, and when the grounds are established, a disturbance allowance is added.

In the assessment of compensation, the law requires that where there is an indication that a property shall be acquired compulsorily and that this has the effect of reducing the market value of the property, the valuation of the said property shall ignore the blighting effect.”

AfDB Policy on Involuntary Resettlement: The policy requires that affected persons be compensated on actual replacement costs of expropriated assets. The Policy describes replacement cost as the method of valuation of assets that help determine the amount sufficient to replace the lost asset and cover transaction costs. In applying this method depreciation is not taken into account. The principle of replacement costs is to ensure that the affected persons secure assets equivalent to those lost. These replacement costs address compensation for tangible assets like land, houses, trees and other improvements on land. The replacement costs include all administrative fees, provision for inflation if payments are delayed.

Valuation Methods Used

Based on the knowledge of the assets impacted by the project, the appropriate method used in the valuation of the affected asset are Cost approach, Investment approach and Comparison approach. The following categories of assets were affected:

- **Land (for booster, offices and tank sites):** Land values were derived by using one method of valuation – Comparable sales Method. The comparable sales approach is the most common method of property valuation. It relies on market information to value the property. The underlying concept is that a recent sale from a willing seller to a willing buyer of a property (the comparable property) can best reflect the value of a similar property (the subject property) in the vicinity.
- **Structures along the pipeline corridor:** Considering that the area of impact of the project is not urban in nature and that even at Rumphi Boma, the market evidence is scarce, the Cost and Comparison approaches (comparison approach for land valuation) have been considered relevant approach for this RAP.
- **Trees along the pipeline corridor:** For loss of trees along the corridor, the Government Forestry Gazette of 2010 offered a basis for calculation of values. Trees, during inventory, were categorized into three, namely:
 - Small with a circumference/girth of 6 cm to 10 cm around the trunk;
 - Medium with a circumference/girth of 11 cm to 20 cm around the trunk; and
 - Large with a circumference/girth of 21 cm and above.

The large category enjoyed the full rate of that species of trees, while the medium and the small were valued at half the value of the large tree and a third respectively.

- **Fruit trees along the pipeline corridor:** In the construction of rates for fruit trees, it was recognized that most of these fruits are not only for consumption but also for commercial purposes. The annual yield per fruit tree was obtained together with its market price per kg. This gave an annual income per fruit. An estimated annual expense in caring for such a fruit tree was deducted from the gross annual income to obtain a net income per tree. An estimated 15% All-Risks Yield was applied to obtain the value as used in this RAP

Impacts of Project

The approved of RAP of 2022 had 736 PAPs (households) out of which 127 PAPs were female-headed, and 583 PAPs were female headed. This included 26 institutional PAPs. 53.45% of the PAPs were in Rumphi and the rest in Mzimba.

The RAP update looked at changes in the project scope whereby some areas of project impact were dropped from original project plan. The areas were Mhuju and Bula to the North-East; Mwazisi, Chilumba (Lake Kazuni) Lusani, Bembe, Kamphenda, Chanyoli through Luhono and Nkhamanga to the West. As such, 99 PAPs on Bembe Mwazisi corridor were struck out the compensation schedule. The M1 road upgrading project had also compensated 9 PAPs along the project road corridor. Thus, the total number of PAPs effectively reduced from 736 in the approved RAP to 648 PAPs in the updated RAP. However, the project is expected to have an overall positive impact of improving access to potable water supply and improved sanitation services in the project area. Phase 1 implementation of RAP will have adverse impacts as follows:

:

- i. **Total Number of PAPs affected:** 648 PAPs out of which, 311 PAPs are female-headed, 298 male-headed and 19 institutional PAPs
- ii. Land required has increased from 32.45 ha to 63.95 ha, owing to additional land required for construction of Office Complex and Liquid Waste Treatment plant. The breakdown of land tenure is as follows:
 - 0.28 ha is leasehold land.
 - 7.48 ha of customary land purchased for different project infrastructure.
 - 1.0 ha of public land for reservoir tanks.
 - 55.19 ha of farmland and non-farmland affected for pipe installation along Road Reserve public land.
- iii. **Trees:** This project will affect 5,546 trees, broken down as follows
 - Natural trees (42.9%) that are serving as source of firewood and ecosystem services such as habitats for fauna, natural medicines, timber, etc
 - Exotic trees (46.0%) such as gmelina, pines, bluegums and acacia from which communities derive timber for construction activities
 - Fruit trees (11.1%) which provide communities with nutritional needs
- iv. **Impacts on Resources serving the community and Institutional PAPs:** There are also 19 institutional PAPs which include churches and schools that serve the communities in the area. The assets to be impacted include signposts, trees and hedges
- v. **Structures affected:** 65 hawkers and kiosks. No dwelling houses will be affected
- vi. **Loss of livelihood, if any:** It is expected that those losing shops and benches will temporarily lose income and thus affect their livelihood.

Updated RAP Implementation Schedule

RAP Activities	Responsible Institution	Timeline
Planning phase		
Stakeholder and Community consultations	NRWB	Apr -May 2025
Establishment and training of the GRM Committee	NRWB	Apr – July 2025
PAP Identification, Consultation and biodata Survey	NRWB/Lands Office	May – June 2025
Asset verification and Updating of Compensation Schedule	NRWB/Lands Office	June 2025
Disclosure of entitlement and Signing of Consent Forms	NRWB	July 2025
The Resettlement Implementation Phase		
Consultation with the PAPs on Payment Plans	NRWB	Oct 2025
Disbursing payment to the PAPs	NRWB/Lands Office	Oct 2025
Vacation Notice	NRWB/Lands Office	Oct – Nov 2025
RAP Completion Audit	NRWB	Jan – Dec 2026
Implementation of GRM	GRC & NRWB	Apr'25– Mar;26

Grievance Redressal

A grievance redress mechanism has been set up to resolve grievances at the community and technical levels. The grievance redress mechanism will allow the institutions engaged in grievance resolution to receive and address specific concerns about compensation raised by PAPs or any issues related to implementation of resettlement action plan in a timely fashion.

For the purpose of handling grievances related to environmental and social concerns, the project will have to establish a grievance redress mechanism which will have to include a GRM committee at Project Level (NRWB), District level, Community Development Committee level and Area Development Committee level. These committees will have to be presented to the public through meetings and media. In these committees, grievances will have to be recorded in grievance reporting forms, sorted and assigned to appropriate party for resolution.

The Grievance redressal procedure shall comprise of time bound steps i.e., from lodging of the Grievance with the committee and then recording in the Grievance Form, to its redressal. If the affected person is not satisfied with the decision of the committee, s/he will be informed of his/her rights to take the grievance to the court of law, as a last resort. However, the Complainant will also be informed that to do so will be at their own expense, unless the court awards damages to the Complainant. The decision of the court of law will be final.

To successfully implement the GRM, the project shall train and build capacity of GRC members from all 8 community level ADC GRCs, District council and NRW GRCs. It shall also sensitize the community on the availability of the redress mechanism through community meetings and local radio adverts. The GRC performance review meetings shall also be conducted bi-annually to assess how the GRCs have performed. The total budget requirement for GRM implementation is estimated at MK 52,500,000.00 for 4 year project period.

Monitoring and Evaluation

In order to track progress, highlight bottlenecks, and redress the issues effectively and in a timely manner and project milestones are met as per schedule, it is proposed that NRW will undertake Internal Monitoring on a monthly and quarterly basis. The monitoring shall cover aspects such as the number of households compensated appropriately and timely compensated, planned versus actual compensation and reasons for the discrepancy, total funds disbursed for compensation, the assistance to vulnerable groups/people, and complaints logged and resolved. Monitoring reports will be prepared on a monthly and quarterly basis until payment of compensation is completed. At the end of the compensation, a resettlement completion report will be prepared to explain the process, achievements and lessons learnt. Key parameters, timelines and frequency of monitoring are summarised below.

Indicator/Parameter	Timeline (Months)	Frequency
Undertaking of listed RAP activities with respect to proposed schedule: i. Operationalizing of GRM, ii. Number of PAPs compensated, iii. Time taken for compensation, iv. Total compensation disbursement, v. Total number of vulnerable groups assisted. vi. Total number of complaints logged, vii. Total number of complaints resolved.	1,2,3, 4,5 6	monthly
Variation in budget allocated in RAP estimate versus actual disbursed amount	2,3,4	quarterly
Variation in final number of PAPs vis a vis the numbers given in the final RAP	1	Once
Payment of compensation prior to issuing notice for vacation of lands and commencement of construction works	2,3,4,5	quarterly

In addition, NRW will engage an external audit firm annually to conduct annual RAP implementation audit. Furthermore, an exercise would be carried out at the end of RAP implementation period to ascertain if, indeed, the planned activities did enable achievement of the originally set objectives i.e., whether RAP objectives were met living standards of PAPs were restored to pre-project status or enhanced. For this purpose, NRW will contract an External agency to conduct an Implementation Completion Audit for the RAP.

Budget Estimates

The resettlement cost for the Phase 1 implementation of revised RAP has considered the base compensation value, additional compensation assistance for PAPs (disturbance, relocation and vulnerability) and administration costs. The total cost is in the sum of
Therefore, the remaining balance of **USD240,298.32** on the approved RAP budget of USD479,563.73 will cover phase 2 of RAP implementation and if there will be any shortfall, it will be covered by Project counter-part-funding from Malawi Government.

Conclusion

The implementation of the project will lead to some adverse impacts, these can be mitigated. To achieve this, there must be a prioritisation on community engagement in the RAP implementation phase, to ensure that the communities and especially the PAPs are supporting the project even during the construction phase. In general, there was no dissenting opinion about the proposed project from the affected communities. However, conducting effective engagement with the communities would inspire strong support from the people. It is also recommended that the Project should consider compensating the PAPs in a fair and timely manner, to avoid claims of undervaluation, due to delayed payment of compensation. PAPs will need to be prepared socially and economically (e.g. in financial literacy, skill and business development trainings livestock production, crop management and diversification and irrigation water management, for proper use of the compensation packages and improvement of livelihoods.

Updated Compensation Summary Sheet

#	Variables	Data -2022	Data -2025 (Phase 1)	Data – 2025 (Phase 2)
A. General				
1	Region/Province/Department ...	Northern Region	Northern Region	Northern Region
2	Municipality/District...	Rumphi and Mzimba	Rumphi and Mzimba	Rumphi and Mzimba
3	Village/Suburb ...	Traditional Authorities Jalavikuba , Mtwalo in Mzimba and Chikulamayembe, Mwankhunikira and Mwahenga in Rumphi	Traditional Authorities Jalavikuba , Mtwalo in Mzimba and Chikulamayembe, Mwankhunikira and Mwahenga in Rumphi	Traditional Authorities Jalavikuba , Mtwalo in Mzimba and Chikulamayembe, Mwankhunikira and Mwahenga in Rumphi
4	Activity(ies) that trigger resettlement	Water Supply and sanitation service along the road reserves	Water Supply and sanitation service along the road reserves	Water Supply and sanitation service along the road reserves
5	Project overall cost	US\$29.8 million	US\$29.8 million	US\$29.8 million
6	Overall resettlement cost	US\$479,563.73		USD240,298.32
7	Applied cut-off date (s)	02 nd October, 2022	30 th June 2025	Not yet determined
8	Dates of consultation with (PAP)	20 th to 27 th September, 2022	April 2025	Oct - Nov 2025
9	Dates of the negotiations of the compensation rates / prices	Land acquisition agreements from 12 th August 2022-14 th September 2022. Pipeline RRBs Wayleave compensation before project signing	Land acquisition agreements from 12 th August 2022-14 th September 2022. Pipeline RRBs Wayleave compensation before commencement of civil works	Land acquisition agreements from 12 th August 2022-14 th September 2022. Pipeline RRBs Wayleave compensation before commencement of civil works
B. Specific information				
10	Number of people affected by the project (PAP)	736	648	No yet determined
11	Number of Physically displaced	0	0	No yet determined
12	Number of economically displaced	736	619	No yet determined
13	Number of affected households	736	619	No yet determined
14	Number of females affected	127	311	No yet determined
15	Number of vulnerable affected	70	117	No yet determined

16	Number of major PAP (>=MK1,500,000)	46	121	No yet determined
17	Number of minor PAP (<=MK1, 500,000)	690	498	No yet determined
18	Number of total right-owners and beneficiaries	736	619	No yet determined
19	Number of households losing their shelters	75	0	No yet determined
20	Total area of lost arable/productive lands (ha)	32.45	63.95	No yet determined
21	No of households losing their crops and/or revenues	693	587	No yet determined
22	Total areas of farmlands lost (ha)	6.23	23.29	No yet determined
23	Estimation of agricultural revenue lost (USD)	US\$24,343	US\$24,343	No yet determined
24	Number of building to demolish totally	75	0	No yet determined
25	Number of building to demolish totally at 50%	29	0	No yet determined
26	Number of building to demolish totally at 25%	46	0	No yet determined
27	Number of tree-crops lost	716	618	No yet determined
28	Number of commercial kiosks to demolish	44	65	No yet determined
29	Number of ambulant/street sailors affected	21	0	No yet determined
30	Number of community-level service infrastructures disrupted or dismantled	1	0	No yet determined
31	Number of households whose livelihood restoration is at risk	0	0	No yet determined

1 INTRODUCTION

This document is an updated Resettlement Action Plan (RAP) for Rumphi Water and Sanitation Services Improvement Project (RWSSIP). The original RAP was prepared and approved by the Bank in October 2022. However, considering time lapse, pertinent activities and other developments have been implemented which consequently caused some remarkable changes rendering it necessary to update the RAP before implementation. For instance, the approved RAP was prepared on basis of preliminary designs. However, over time, the consultant updated the preliminary designs and prepared detailed designs. The detailed designs resulted in change of project scope in some areas of project impact such as Mhuju, Bula, and Ng'onga to the North-East; Mwazisi, Chilumba (Lake Kazuni) Lusani, Bembe, Kamphenda, Chanyoli through Luhono, to the west. As such, 99 PAPs on Bembe Mwazisi corridor were struck out. Secondly, the originally approved RAP included PAPs along M1 road. However, with the Government's roads construction projects, the Roads Authority had compensated 9 PAPs along the M1 road corridor.

These changes in project design and the road upgrading project have effectively reduced the number of PAPs from 736 in the approved RAP to 648 PAPs in the updated RAP. Thus, it was necessary to update the RAP to reflect changes in the detailed designs as well as the activities of M1 Road project. Annex IX provides the list of PAPs from the approved RAP who have since been compensated under the M1 Road upgrading project whilst Annex X provides a list of PAPs that were struck out as a result of change in project scope that dropped out the Bembe-Mwazisi areas of impact. The updated RAP will be implemented in two phases as follows:

- Phase 1 focusing on 2 priority areas namely: Water supply transmission pipeline corridors from water treatment plant to service reservoirs at Kacheche, Thumbi, Jaghala and Bolero. It has also focused on water supply tanks and sites for booster stations and other auxiliary buildings.
- Phase 2: covering water supply distribution lines and sites for wastes disposal facilities including the sewage pipelines.

This report, therefore, focusses on implementation of phase 1 of the RAP only while the report for phase 2 RAP implementation will be prepared based on water supply distribution lines as well as sites for wastes disposal facilities including the sewage pipelines

1.1 Background

The Northern Region Water Board (NRWB) was established under the Water Works Act no.17 (1995) to provide potable water and waterborne sanitation services in all urban and peri-urban centres of the Northern Region of Malawi. Rumphi Water Supply scheme is one of the ten schemes which are within the mandate of the NRW. To fulfil this mandate, NRW is planning to implement Rumphi Water Supply and Sanitation Services Improvement Project to improve availability and access to potable water and sanitation services in Rumphi District and some areas in Mzimba District. This will be achieved by upgrading and expanding existing Rumphi water supply scheme to unserved areas, constructing a sewage system, wastewater treatment plant, and landfill for solid waste management. It will also construct a public

commuter toilets facilities and improved pit latrines at selected public schools and market centres.

The main objective of the proposed project is to improve the health and livelihoods of the residents of Rumphi Town and surrounding areas through the provision of potable water supply and improved sanitation service facilities. The estimated total project cost is US\$29.8 million (30.9 billion Malawi Kwacha, USD 1 = MK 1036.25). The project is expected to start in August 2023 and to be completed in August 2027 (4 years implementation period). The laying of pipelines for water supply and sewage and the construction of new facilities will affect some private land and property. The African Development Banks' (AfDB) Operational Safeguard No. 2 on Involuntary Resettlement requires reparation of a RAP to address concerns related to involuntary resettlement and or the loss of assets or livelihood incomes as a result of the execution of a project. This Resettlement Action Plan (RAP) has, therefore, been prepared to assess likely impacts, outline procedures of compensation for losses by Project Affected Persons (PAPs). The document also provides institutional arrangements for RAP implementation, implementation mechanisms and schedules as well as processes designed for grievance redress, monitoring and evaluation.

Key areas of note in the updated RAP are as follows:

	2022	2025
No of eligible PAPs:	736	648
Area of land affected (ha):	32.45	63.95
No of kiosk/hawkers affected:	44	65
No of trees affected:	85.01	5,546
Overall resettlement cost, USD	479,563.73	238,924.81

1.2 Existing Water Infrastructure

1.2.1 The Water Source

The water supply source for Rumphi is South Rumphi River flowing from the north and joining South Rukuru River at the east entrance of the town. South Rumphi River originates in the southern slopes of Nyika Plateau and is perennial with a considerable dry season base flow. The Water Resources Development Plan (NIRAS – 2001) estimated the available minimum flow with a return period of 20 years as high as 77,700 m³/day, which can easily satisfy any future increase of the demand for Rumphi town. The present abstraction amount is about 1,500 m³/d and takes place through an intake structure situated 3 km upstream of Rumphi town. The intake elevation is 1129 masl and it is located at 595808 E and 8784262 N.

1.2.2 Water Treatment

The water treatment plant is located at a distance of about 2 km northeast of Rumphi Town centre in the Mayembe Hills. The elevation at the water treatment plant is 1118 masl. The treatment plant comprises one sedimentation basin with two chambers, three vertical pressure

filters, backwash tank, dosing system for coagulant and another one for chlorine, air blowers, backwash water lift pump and clear water tank. Figure 1 shows the location of water abstraction, existing and proposed service reservoirs, and Water Treatment Plant site respectively.

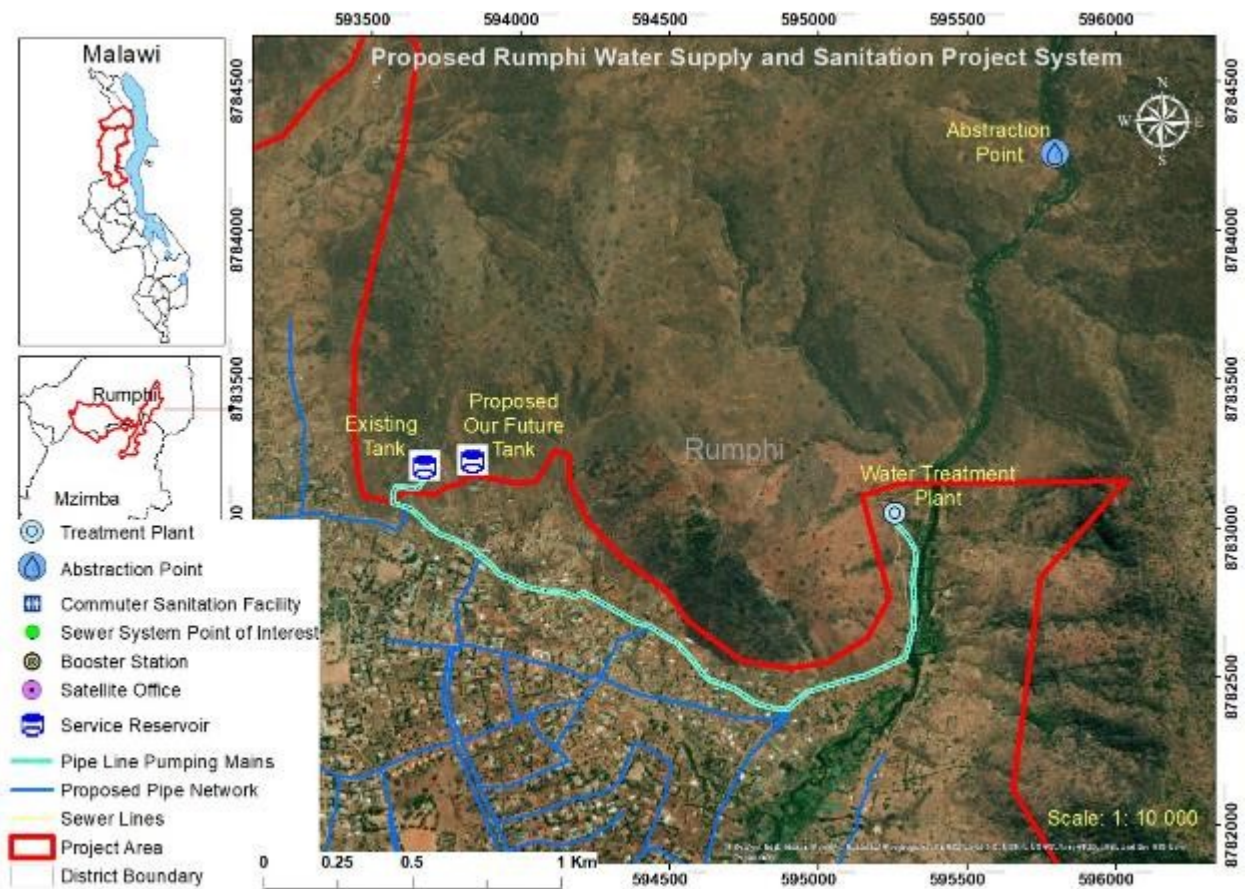


Figure 1: Location of Existing Infrastructure (Intake, Water Treatment Plant and Tank)

1.2.3 Existing Storage

There are two tanks servicing two pressure Zones for the existing Rumphi Water Supply Scheme. The first tank is located at the treatment plant. Clear water is transmitted from the pressure filters through a 200 mm pipeline to the clear water underground reinforced concrete tank which has a capacity of 500 m³. The clear water tank has three functions: to allow adequate chlorine contact time, supplying the town (80 % of current demand) and also functions as a wet well for the booster station located at the plant which feeds a 220 m³ capacity reinforced concrete ground tank located at Jaghala near Our Future School to the north which supplies water to Pressure Zone 2 of the town. The inlet and outlet elevation to the clear water tank are 1119 masl and 1115 masl whereas inlet and outlet elevations for Our Future tank are 1144 masl and 1140 masl.

1.2.4 The Distribution Pipeline Network

The water distribution network has a 42 km length of pipeline with diameters ranging from 50 mm to 200 mm pipes where majority of the pipelines are uPVC and only few are GI and

asbestos pipes as summarized in Table 1. There are 2,505 individual connections, 21 communal water points, 97 commercials and 53 institutional connections. Majority of the customers are connected through 20 mm diameter pipelines resulting in very low pressures.

The lower zone is supplied through a 3.085 km 200mm uPVC pipeline which is reduced to 160 mm in Rumphi Town. On the other hand, the upper zone is supplied through a 6.7 km 160 mm uPVC pipeline which is reduced to 110mm and 90mm at Rumphi Town.

Table 1: Inventory of existing pipelines for Rumphi (in m)

Diameter(mm) and material	Transmission intake WTP (m)	Transmission Tank 1 – Tank 2 (m)	Distribution (m)	Total (m)
200 GI	1,600			1,600
200 uPVC			2,595	2,595
160 uPVC		2,550	4,840	7,390
110 uPVC			13,240	13,240
90 uPVC			4,720	4,720
63 uPVC			8,490	8,490
50 uPVC			3,883	3,883
Total	1,600	2,550	37,768	41,918

1.3 Location of the Project Area

Rumphi town is the commercial and administrative centre of Rumphi District located between latitude 623470E and 631711E; and longitudes 868465N and 8695143N in the Northern Region of Malawi. Rumphi is located in the South Rukuru Valley on the northern bank of South Rukuru River that borders with Mzimba District. Rumphi town is at a distance of 67km North of Mzuzu City, a commercial and administrative centre of the Northern Region of Malawi.

The preliminary project design, which formed the basis of the approved RAP, had proposed to expand the area of impact from Rumphi town further to Bwengu to the east; Thumbi, Luzi, Chinyolo, Mkombezi, Phwezi, Mhuju, Bula, and Ng'onga to the north East; Chikwawa, Bolero, Luviri, Mwazisi, Chilumba (Lake Kazuni) Lusani, Bembe, Kamphenda, Chanyoli through Luhono, Nkhamanga to the west; Vongo including Lumemo to the South; and Kacheche, Engucwini, Bila, Enukeni to the South East of Rumphi Town.

as shown in Figure 2.

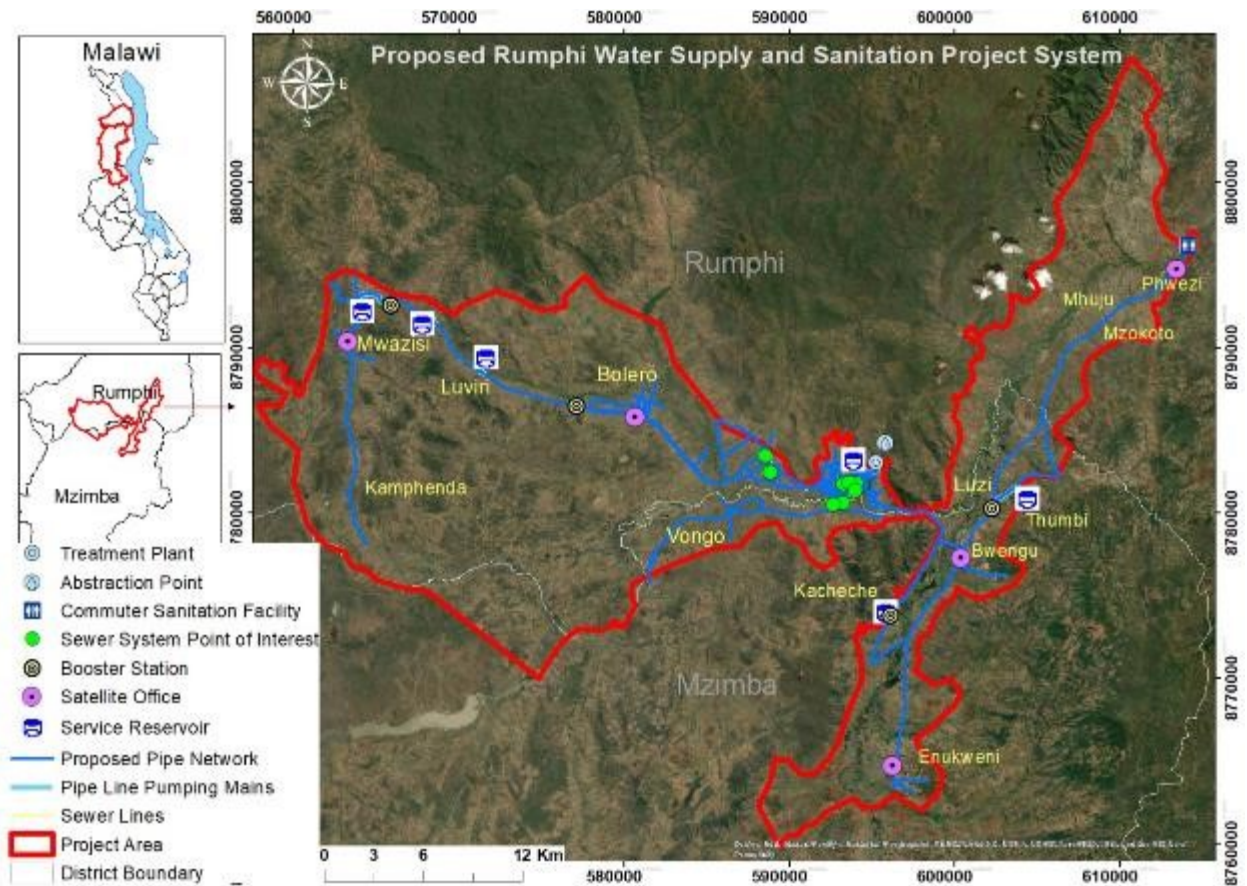


Figure 2 : Location of proposed project areas for approved RAP

The detailed design phase has reduced the scope in the project investments by leaving out Mhuju and Bula to the North-East; Mwazisi, Chilumba (Lake Kazuni) Lusani, Bembe, Kamphenda, Chanyoli through Luhono, Nkhamanga to the west. The revised project scope will therefore only extend from Rumphi town to Bwengu to the East; Thumbi, Luzi, Chinyolo, Mkombezi and Phwezi to the North East; Chikwawa, Bolero, and Luviri to the West; Vongo including Lumemo to the South; and Kacheche and Erukweni to the South East. As a result, 107 PAPs along the Bembe-Mwazisi areas of project impact have been struck out of the compensation schedule. The revised areas of impact are presented in Fig 3 below.

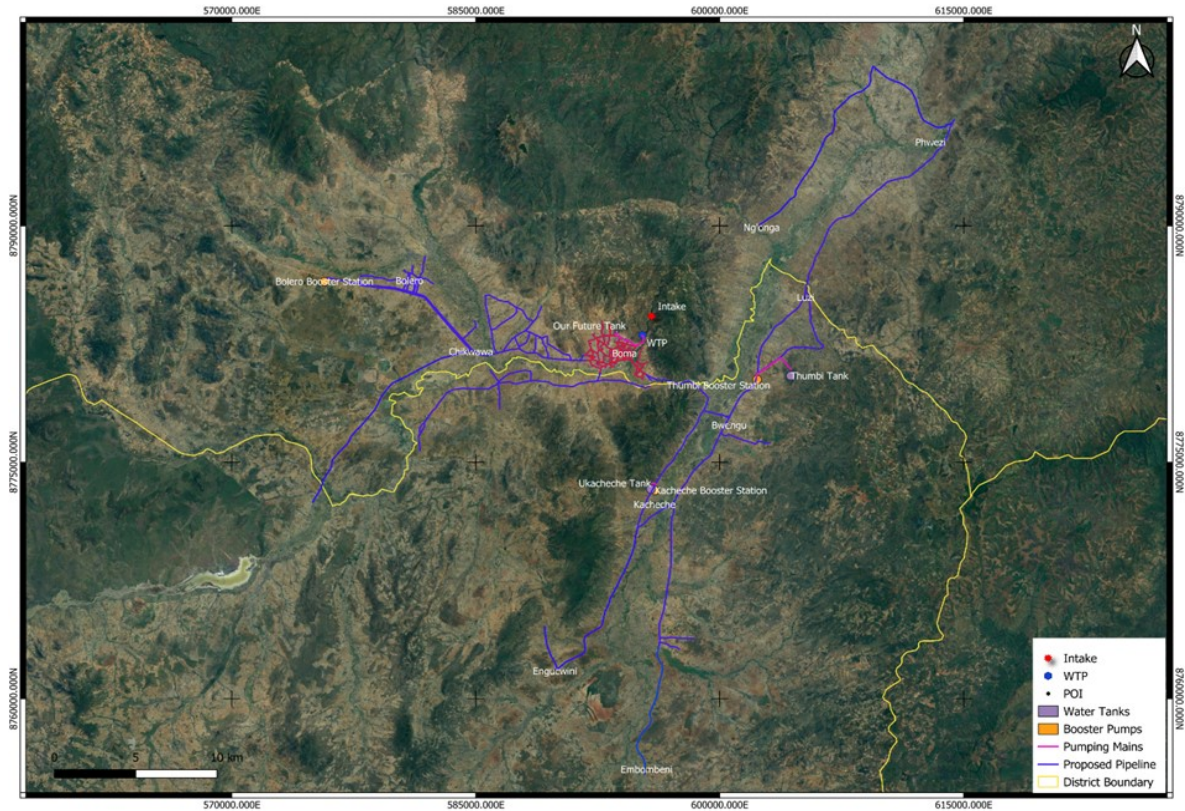


Figure 3: Location of revised water supply project component

1.4 Project Description

1.4.1 Proposed Water Supply

To implement the proposed project, the following works among others will be carried in Mzimba North, Rumphi East and Rumphi West areas as shown in Figure 4;

- Construction of an intake weir on South Rumphi River and installation of gravity main raw water pipeline,
- Increase the capacity of the treatment plant for Rumphi from the current 1,500m³/day to 19,415m³/day,
- Construction of pumping stations and installation of clear water pumps to convey water to Jaghala, Bolero, Luviri, Kacheche and Thumbi reservoirs,
- Installation of pumping mains and transmission mains to Jaghala, Bolero, Luviri, Mwazisi, Thumbi and Kacheche reservoirs,
- Increasing water storage capacity by construction of reservoirs at Rumphi Treatment Plant, Jaghala (Our future), Bolero, Luviri, Kacheche and Thumbi,
- Upgrading and expansion of the distribution Pipe Network in proposed areas in Rumphi and Mzimba, and
- Implementation of climate change adaptation and mitigation activities especially in catchment areas.

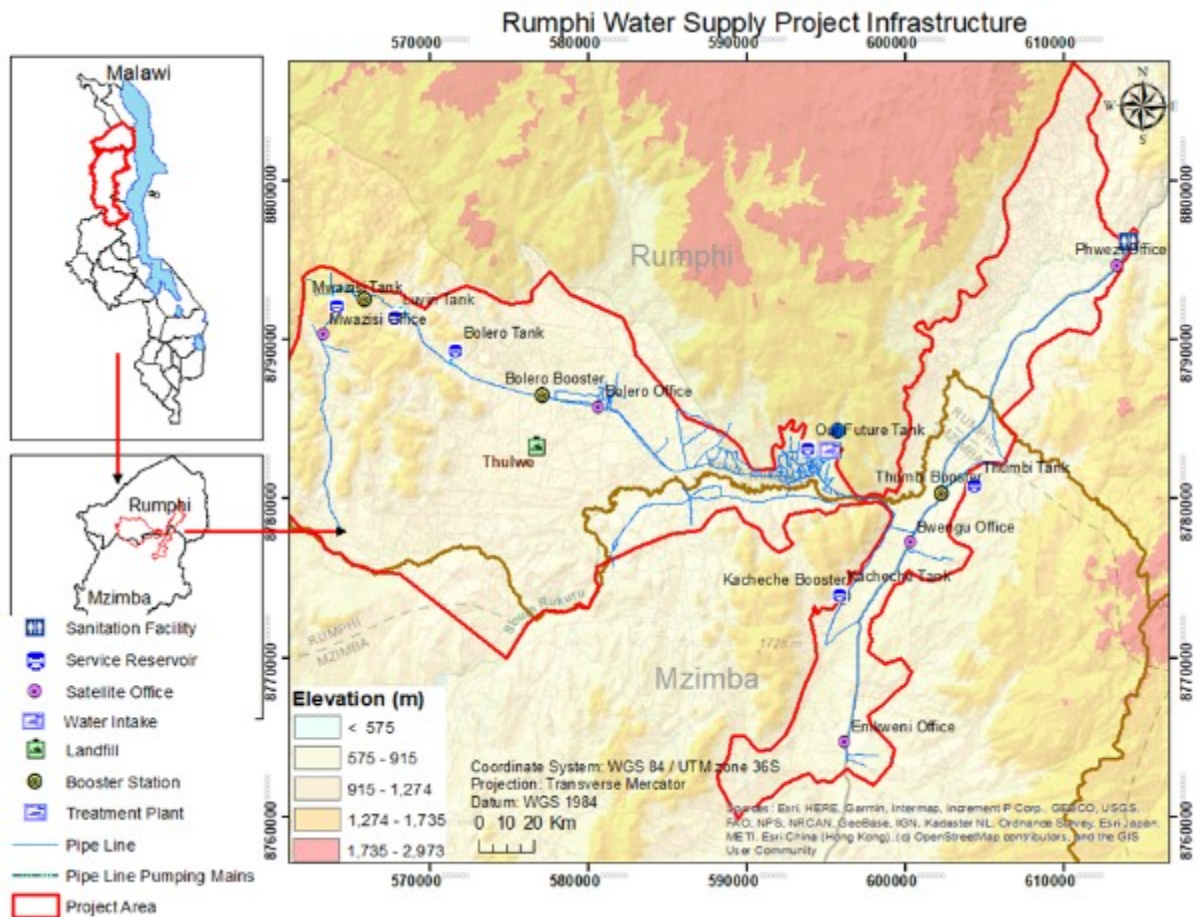


Figure 4: Location of water supply project in Rumphi and Mzimba districts

1.4.2 Sanitation Infrastructure

Furthermore, the project will construct liquid waste treatment and sewerage facilities for public institutions and surrounding households at Rumphi Boma, and a solid waste landfill planned to be placed at Thulwe in Sub Traditional Authority (STA) Kazamawe in Rumphi to service Rumphi and Bolero. Figure 4 shows proposed waste water treatment sites and sewer line at Rumphi town.

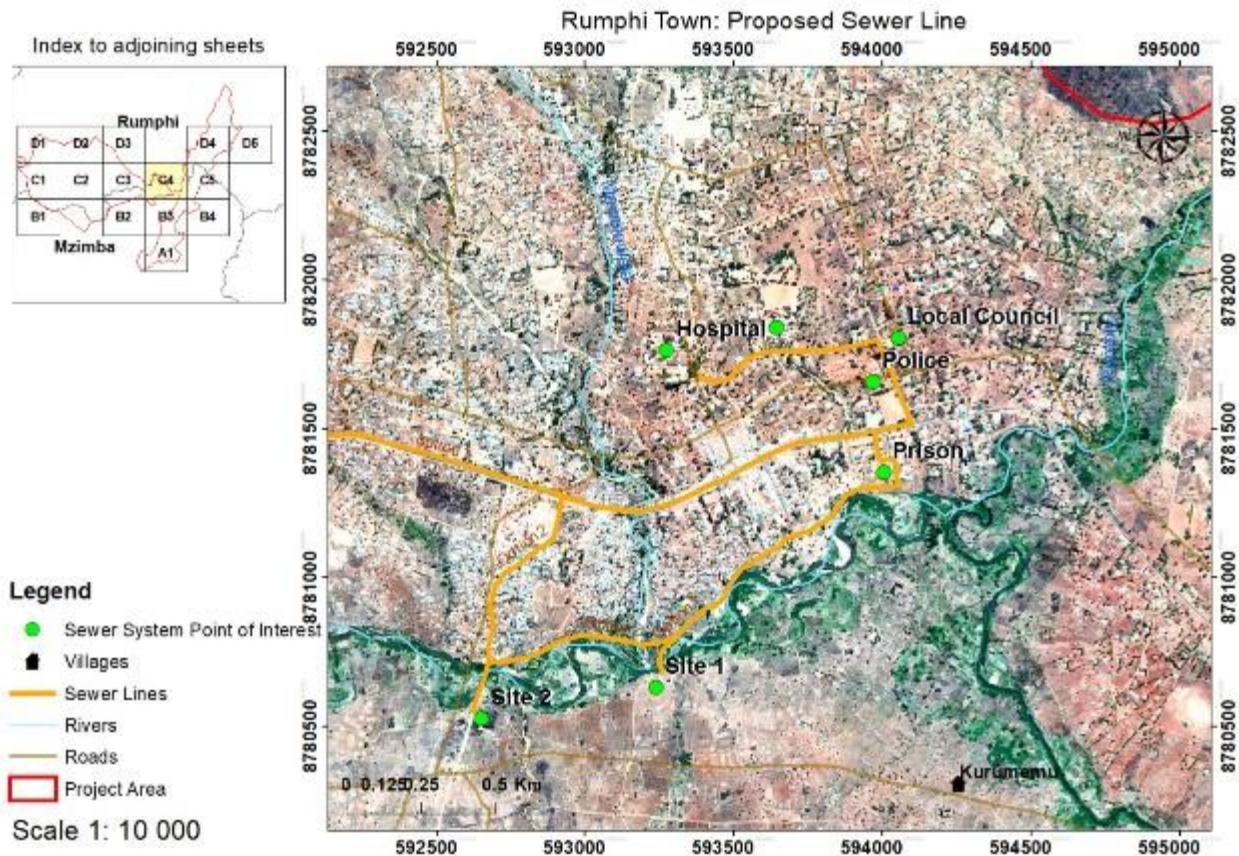


Figure 3: Proposed sewer line and location of public institutions at Rumphi town

1.4.3. Proposed Infrastructure Land Sources

The implementation of the project shall utilise both existing land owned by NRWB and identify new pieces of land. On water supply, the upgrading of treatment plant shall be done on land owned by NRWB, while all new reservoir tanks shall be constructed on hills which are public land. NRWB shall apply to acquire the land from the responsible District Council. However, the land identified for construction of pumping stations at Bolero, Luviri, Mwazisi, Kacheche and Thumbi is a customary land and used for farming purposes.

Similarly, on sanitation infrastructure, the project shall also use both existing land owned by schools/markets and identify new pieces of land. The school and market toilets shall be constructed on public lands to be provided by the schools and councils. While infrastructure such as landfill, wastewater treatment plant, and commuter toilet facility will be constructed on identified customary lands pieces used for farming purposes.

All customary pieces of land to be used for both water supply and sanitation infrastructure were negotiated and compensation was agreed with owners.

Lastly, installation of pipelines for water supply and sewerage shall follow wayleave spaces within Road Reserve Boundary (RRB) of different roads. Different Roads categories have different RRB and wayleave spaces assigned such as 5meters for 60meter RRBS, and 3 meters for 36 meters RRB. The majority of water supply and sewer lines shall be installed along Main

road with RRB of 60 meters, and with last 5m designated as wayleave except in few trading centres where infrastructure is within the RRBs. In places where pipes need to be installed outside services wayleave within RRB, the project shall apply to the Roads Authority approval to install the pipelines. The compensation of shall be assessed for property and crops within the 3-5 meter width wayleave for depending on RRB and method of excavation used.

1.5 Rationale of the Project

Currently, Rumphu Water Supply system has many challenges because no major rehabilitation nor upgrading works have been carried out since 2004. Some of the challenges include the following:

- i. The existing raw water pipeline can only transmit 69 m³/h which is less than current demand of 215 m³/hr as well as projected future demand, i.e., year 2040 maximum day demand of 882.5 m³/hr.
- ii. The designed capacity of the water treatment plant at 1,500 m³/day is not adequate for the current demand of 4,500 m³/day. However, the raw water source (South Rumphu) has an abundant quantity of water, which can supply the town of Rumphu for many years provided the intake structure and treatment plant are upgraded to the desired production capacity.
- iii. The system has very small diameter pipes and inadequate capacity facilities such that some consumers receive water only during some hours of the day.
- iv. The system has very old pipes which leak badly that non-revenue water is as high as 15.6%.
- v. Newly developed areas are not supplied with potable water as there is no water supply infrastructure. Communities in those areas use unsafe water.
- vi. The cost of maintenance of existing facilities is very high as the facilities are very old.
- vii. There is limited storage capacity for water such that water stops running at consumer taps immediately there is a pipe breakdown or power outage.
- viii. Most of the Gravity Fed Water Supply systems in the area are very old and experience many challenges.

In addition, Rumphu District Council does not have liquid waste emptying and collection vehicles hence residents have to hire from Mzuzu city that is at 67km distance from the city which results in increased costs especially for large institutions (with large volumes of wastewater) like Rumphu Hospital and Prison and Secondary school. In addition, Rumphu district has no wastewater treatment plant to treat the sludge emptied from on-site facilities. Most households, therefore, prefer to abandon a pit latrine when full and construct a new facility.

Similarly, the lack of a solid waste management facility in the district results in rubbish lying around especially in market centres during market days. Households with earth dug disposal pits abandon these pits when full.

It is anticipated that the demand for sanitation services in Rumphi Town will grow at high rates, in relation to the population growth. In addition, part of the urban population is considered to be squatting, due to inadequate low-cost houses and serviced plots. Hence demand for sanitation services is likely to be high in these squatter areas due to overcrowding and lack of sanitation services.

Therefore, there is a strong need to improve the health and livelihoods of the residents through access to potable and sustainable water supply and improved sanitation services.

1.6 Justification of the Project

1.6.1 Technical Justification

The proposed project is technically justified as the design has taken into account the current and future water demand for Rumphi Town and the surrounding areas (the current population in the supply area is 88,580 and by 2040 the population is expected to be 158,085). The selected source of water (Rumphi River) has an abundant quantity of water, which will satisfy the current and future water demand. The capacities, locations and elevations of the designed water supply facilities are such that all the people of Rumphi Town and the surrounding areas will be provided with adequate potable water throughout the project life i.e., up to year 2040.

Similarly, the design for the sanitation facilities has taken into account anticipated demand for sanitation services in Rumphi Town and surrounding areas.

1.6.2 Health Justification

Rumphi was one of the most affected districts with cholera in 2022 (Ministry of Health, 2022). This may probably be attributed to unsafe water and poor sanitation services such as poor liquid and solid waste management in the district. The project interventions will promote improved sanitation and hygiene practices such as ending open defecation and promoting hand washing. Furthermore, the sanitation facilities will contribute to reduction in prevalence of waterborne diseases especially in the previously unserved areas resulting in improved health and increased productivity for the residents. Thus, the Government would have a reduced expenditure on health-related costs which could be utilized in other economic activities.

1.6.3 Economic Justification

Currently, people travel long distances and spend hours fetching water and in return the water that they collect is not even potable. Therefore, the project is important because primarily it will ensure that people have access to adequate potable water until 2040. The existing water supply system supplies water to 23% of the population in the proposed project area (i.e., 20,736 people). However, there will be a need for more water to serve the increased population from growth rate and to the unserved areas of the town (estimated at 158,085 people by the year 2040). Water will also be made available for commercial and industrial activities for growth of the economy of the country. Figure 5 shows population in Enumeration Areas (EAs) and projected population that will benefit (projected population covered) per each area by the proposed water supply project.

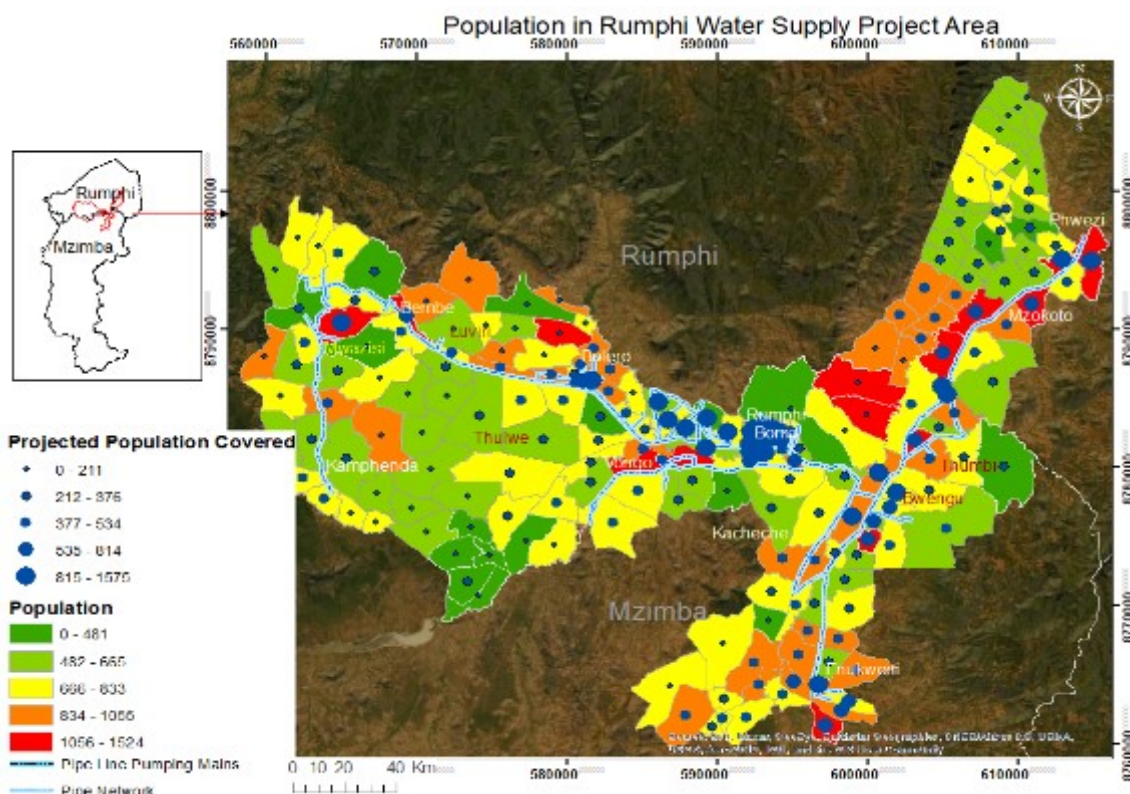


Figure 4: Projected population to be served by the proposed water supply project per Enumeration Area

Furthermore, the population which is not connected to the potable water supply system within the proposed project areas spend a lot of time fetching water for domestic purposes due to long distances and queues, especially women and children. Hence more productivity time is wasted in ensuring that the households have water in their homes. An expanded network water distribution would greatly reduce this time and the saved time could be used to engage in economic activities, generating revenue and ensure that girls are not disturbed from attending school due to the need to fetch water for their household.

Implementation of the project will also have positive impacts on local providers of equipment, works and services. The project will create about 320 jobs during the construction phase. Those to be employed will include at 50% youth and at least 40% women as most of the artisans and casual labourers will be sourced locally in Malawi and from areas surrounding the project site. As such, social wellbeing of the communities within the project areas will improve through direct employment by the project contractors and created business opportunities.

1.7 Rationale of the Resettlement Action Plan

This Resettlement Action Plan (RAP) has been prepared consistent with the applicable policy provisions of Malawi Government and the African Development Bank. The policies require that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. The RWSSIP shall however, use existing

infrastructure pieces of land owned by NRW for example water treatment plant, and acquire new pieces of land which are customary farming land that may result into productivity and economical losses. The impacts will be temporary and reversible through applying some mitigation measures. For example, the pipelines will be laid following designated road reserves where most of the developments are temporary hawkers. Therefore, a Resettlement Action Plan will be implemented in order to mitigate the damage and losses resulting from project activities, and guide in compensation for structures, agricultural crops and trees that may be affected by the project. Basically, the RAP presents an inventory (register) of people likely to be affected by project activities, a register of the assets that are likely to be displaced by the project and the proposed compensation and resettlement packages.

1.8 Objectives of the Resettlement Action Plan

The updated Resettlement Action Plan (RAP) was prepared following the AfDB Integrated Safeguards Systems (2013) - Operational safeguard number 2, and relevant Malawi national laws. The Bank's ISS (2023) were also used. The RAP objectives include:

- i. To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs,
- ii. To ensure displaced or affected are consulted and given opportunities to participate in the planning and implementation of resettlement program,
- iii. To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved,
- iv. Raise awareness of the project and its consequences among the general public and particularly among those people who will be directly affected by the project,
- v. Set out strategies to mitigate against adverse effects suffered by the PAPs including,
- vi. provision of channels and platforms for negotiations,
- vii. Identify different categories of Project Affected Persons (PAPs) who will require some form of assistance, compensation and rehabilitation,
- viii. Estimate the costs necessary for compensation.

1.9 Scope of RAP

The broad scope of the work is to prepare an inventory (register) of people likely to be affected by project activities, a register of the assets that are likely to be displaced by the project and the proposed compensation and resettlement packages and recommend mitigation measures.

1.10 Structure of the Report

The structure of the report is presented in Table 2.

Table 2: Structure of the RAP

Chapters	Brief Description of Contents
1.	Background, Description of the Project context, aim and scope of the RAP
2.	Approach to RAP preparation including surveys, disclosure and compensation agreement signing and report preparation
3.	Legal Framework applicable to the project that includes review and applicability of national legislations and practice
4.	Analysis of Project Stakeholders; outcomes of sensitization meeting held with communities; proposed methods for continued sensitization/ consultation during implementation/construction period of the project
5.	Presents the profile of the demographic profile of the PAHs and socio-economic survey findings for households in the project area
6.	Presents the eligibility criteria of PAPs
7.	Valuation approach to determine rates of different assets particularly replacement costs
8.	Magnitude of Impacts
9.	Types of likely grievances and the need for a grievance's redressal mechanism and grievance mechanism - processes and procedures in resolution and roles and responsibilities
10.	Budget Estimates
11.	Monitoring and Evaluation of the RAP
12.	Conclusion and recommendations

2 APPROACH AND METHODOLOGY

2.1 Methodology for Updating the RAP

The methodology for updating the RAP involved literature review, stakeholder consultations, field assessments, and report preparations. However, **some sections of the approved RAP were considered still relevant and adequate and were therefore maintained.** These included socio-economic surveys, valuation methodology, eligibility criteria, monitoring and evaluation, and grievance redress mechanism. A review of legal and regulatory framework focused on relevant legislation that has been amended and enacted after the approval of the RAP in 2022.

The scope involved updating list of Project Affected Persons (PAPs) and asset inventory, relevant Malawi's legal and policy frameworks, entitlement matrix including applicable compensation rates, asset inventory, estimated resettlement budget, implementation plan, and M&E and reporting system for the RAP.

2.1.1 Desk Review:

During desk review, the following documents were reviewed:

- Existing RAP and related information including RAP databases
- Project documents that is, the ESIA, preliminary design reports, shape files, and maps.
- AfDB Integrated Safeguards System 2013 and, Involuntary Settlement Policy
- Relevant Malawi Legal and Policy Frameworks
- Project Detailed Designs

The RAP was aligned with the AfDB Integrated Safeguards System 2013 OS 2 and AfDB Involuntary Resettlement Framework. The project investments will lead to physical (permanent and/or temporary) and economic displacement with loss of land, restricted land use, and loss of assets such as crops, trees and structures. The Malawian legal and policy frameworks have been reviewed and updated to reflect the new provisions in legislation that were amended and came into force after approval the RAP. This includes the 2022 amendments of the Land Acquisition and Compensation Act, Customary Land Act, Land Survey Act, Physical Planning Act, and Registered Land Act, and the Property Valuation Act of 2024. A review of the gap analysis between the AfDB Bank Policy and System against the Malawian laws has been done.

2.1.2 RAP Database Review

An overlay of the PAP coordinates from preliminary design database against the revised designs was done. The PAP database from Bembe to Mwazisi has been struck out since these areas will no longer be covered under the revised scope. In addition, the review process has taken into consideration resettlement activities that have been undertaken by the M1 and M24 road upgrading projects within the project area. This was to ensure that there is no double compensation of PAPs.

2.1.3 Fieldwork

Scoping Visits: The fieldwork involved site visits to all project areas, engagement with key stakeholders such as community leaders, and district officials in particular those responsible for land matters. The site visits included scoping exercises to determine the impact of changes on resettlement and subsequent displacements. The sites visited included: water supply investment sites such as water intake, treatment plant, Our Futures tank to Bolero corridor, Treatment Plant to Kacheche corridor, treatment plant to Thumbi corridor, Thumba to Phwezi corridor, Erukweni to Phwezi corridor.

Asset Assessment Methodology: A total of 15 members comprising two teams undertook the assessment. The lead team comprised the Land Officer responsible for valuations, surveyor and 2 chainmen that undertook pegging of the centerline, while the second team comprising of 10 enumerators undertook assessment of the affected assets as per pre-set pegs. The team was supervised by the GIS expert with support from the RAP database expert. The survey team utilized one DGPS (Trimble R4s)-RTK with a maximum horizontal accuracy of $\pm 18\text{mm}$.

The GIS surveyor preloaded all routes before the fieldwork. The survey team set the base at control station and retraced the center line of the pipeline using the rover. The team pegged the centre line using wooden poles at intervals of 50m or + depending on the topography and design of the centerline. The enumerators followed the pegged centre line assessing the area of impact 2.5m on either side of the centerline. The assessment team working with ADC/VDC members interviewed the PAPs and recorded all assets within the distance of 5m corridor of impact. The assessment team used data collection tool, Kobo Collect and handheld GPSs to collect data on PAPs and measure area covered by crops. Using measuring tapes, the team measured dimensions of impacted structures. Data analysis of all collected data resulted in the following outputs: GIS files, Asset Inventory, Disclosure Sheets, and Compensation Schedules for each route.



Figure 6: RAP Updating Assessment Exercise

Stakeholder and Community Engagement: Community engagement aimed at informing communities of the asset verification exercise. Stakeholder engagement was undertaken by NRW with the district councils, Roads Authority, traditional leadership, and PAPs.

Engagement was in the form of key informant interviews with district officials, and other government officials, community meetings, and interviews with PAPs.



Figure 7: Stakeholder engagement session with ADC, VDC members and PAPs in Bumba ADC

2.1.4 Cut-off Dates Determination

A cut-off date is normally set by valuation process to establish displaced or affected persons who are eligible to receive compensation and resettlement assistance by a project. The aim is to control deliberate development in anticipation for compensation. Any assets created or improvements done to existing assets, change in use or ownership, potential newcomers within the project areas after this date will not be eligible for compensation or resettlement assistance. Fixed assets such as built structures, crops, fruit trees, and woodlots established after this date, or an alternative mutually agreed on date, will not be compensated. The date when asset verification was completed was adopted as the Cut-Off Date for this project. The concept of a cut-off date was explained during stakeholder engagement meetings.

3 LEGISLATIVE AND REGULATORY FRAMEWORK

This chapter covers review of key legislations – national as well of other international agencies particularly the African Development Bank Policy guidelines applicable to this project. In this chapter, legal provisions that affected this resettlement will be discussed.

3.1 National Legislations and Practice

Review of key legislations – national as well of other international agencies is presented below:

3.1.1 The Constitution of the Republic of Malawi (1995):

Clauses pertaining to property rights, ownership of land, and expropriations of land by agencies of the Government were originally drafted in two chapters of the Constitution of the Republic of Malawi: Chapter IV (Human Rights) and Chapter XXII (Transitional Issues). The Government's power to confiscate, condemn, or otherwise expropriate property in Malawi is, according to the Constitution, limited and curtailed, being confined to the development of the public good or a national state of emergency, and even then, only through the result of due process. Concerning individual property rights, Article 28.1–28.2 states that “Every person shall be able to acquire property alone or in association with others,” and that “No person shall be arbitrarily deprived of property.” Article 44.4 of Chapter IV details the exception to these and other related rights granted to the citizens of Malawi. Limitations on rights, specifically the 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.”

3.1.2 Malawi National Land Policy (2002)

The policy guides land management and administration in Malawi. It introduces major reforms intended for land planning, use, management and tenure and provides clear definition of land ownership categories (Section 4); addressing issues of compensation payment for land (Section 4.6).

The National Land Policy has a few sections which briefly make reference to matters relating to land acquisition. It alludes to necessity of having provisions in the land law that would give the Government the opportunity to acquire any piece of land required for public services following guidelines such as:

- a) Clearly spelling out or specifying the purposes for which Government may require the land in order to prevent possible abuse of the power of eminent domain;
- b) Payment of compensation in the event of the repossession of a leasehold interest on Government land, to be limited to the negotiated value of improvements made by the leaseholder; and
- c) No compensation to be paid for the land, when the private user rights granted as a result of the lease are terminated.

The Land Policy recognizes Government's duty to protect the free enjoyment of legally acquired property rights on land and a landholder's entitlement to fair and adequate compensation where the Government acquires property for public use. It further stipulates that compensation valuation for customary land, at the time of acquisition by the Government, be based on the open market value of the land and all improvements carried out on the land.

The Policy notes that the inadequacy of compensation is always a direct result of excluding certain items or qualities from the factors considered when determining the value; and delays in payment of compensation.

While this remains a policy document only and therefore not as binding as the legislation, it is significant in that it reflects the approach of the state to land management. Besides, given that this policy is later in time to the Constitution, it is arguable that the policy takes into account constitutional dictates unlike the previous pieces of legislation. Project management therefore needs to have regard to the policy direction.

3.1.3 The National Gender Policy (2015)

Gender mainstreaming into socio economic development plans is one of the enablers for sustainable development worldwide. The Sustainable Development Goals (SDGs) II recognises the importance of gender and women empowerment in socio-economic development. The National Gender Policy provides guidelines for mainstreaming gender in various sectors of the economy to reduce gender inequalities and enhance participation of women, men and the youth for sustainable and equitable development, as well as poverty eradication in the country. The policy also advocates the need for women to have control over agricultural productive services and resources such as land and income.

3.1.4 National Forestry policy (2016)

The policy recognizes the importance of forest resources in the socio-economic development of the population, especially rural communities. The project recognizes the importance and desirability of forest conservation in catchment stability. As part of conservation efforts, the policy prohibits land use changes or encroachments that may result in deforestation or degradation of areas of cultural importance and forests with catchment management importance.

3.1.5 The Land (Amendment) Act (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 Water Board, in the acquisition of private land for the project should be ready to pay compensation as required by law for loss, damages and disturbance.

3.1.6 Land Acquisition and Compensation (Amendment) Act (2022)

The Land Acquisition (Amendment) Act 2022 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 2022 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.

3.1.7 Property Valuation Act (2024)

The Act provides for regulation and practice of property valuation and provides for matters incidental thereto or connected. The Act provides for establishment of the office of Commissioner for Valuations. The Commissioner is responsible for carrying out valuation of properties or assets upon request from Government institutions. The Commissioner is also responsible for approving valuation reports of authorised Government valuers and managing of complaints arising out of valuation of properties

3.1.8 Physical Planning (Amendment) Act (2022)

Part 7 of the Act provides for acquisition of land and its compensation. Section 67 (1) gives the minister responsible for physical planning to acquire any land either compulsorily or by agreement paying such compensation as may be agreed or determined in accordance with the law. Subsection 2 states that any acquisition of land and any payment of compensation therefor under this Act shall be in accordance with the Land Acquisition and Compensation Act.

3.1.9 Land Survey (Amendment) Act 2022

The Land Survey Act outlines the legal requirements and procedures related to surveying land in Malawi. Section 42 stipulates procedures of conducting surveys in Malawi. Section 45

informs that the position of any survey mark fixed, placed or set up for the purpose of denoting the boundaries of any land shall be deemed to have been lawfully established. In addition, a survey mark fixed, placed or set up for the purpose of denoting a boundary of any land shall be deemed to have been lawfully established where the position of the mark is in agreement with (a) the position established in another survey and where a plan based on the survey has been approved by the Surveyor General for the purpose of establishing the survey mark; or (b) an order of the High Court.

Accordingly, land surveys for the Project should be conducted in accordance with the provisions of this Act.

3.1.10 Customary Land (Amendment) Act 2022

The Act has formalized the powers and duties of Traditional Leaders in land administration and management through creation of committees and tribunals to carry out allocations, adjudication and management of land and settlement of customary land disputes. Section 20 (1) specifies that a customary estate shall be allocated by a land committee to indigenous Malawians, including family members or groups of two or more indigenous Malawians, irrespective of their legal association. Section 20 (2) further establishes that a customary estate cannot be allocated to a partnership or corporate body whose members or shareholders are not indigenous Malawians. Therefore, the project must resolve all customary land disputes as they may arise and in accordance with the provisions of this Act.

3.1.11 Registered Land (Amendment) Act 2022

The Registered Land Act serves as the primary legislation governing the registration of land, land rights, and interests in Malawi. Section 45 (2) of the Act provides guidance to the project in cases where land needs to be appropriated after the termination of the lessee's rights, but the owner continues to occupy the land. Section 79 of the Act addresses the transfer of land from the lessee holder to the proprietor. It sets out the procedures and requirements for transferring the rights and interests in land from the lessee to the proprietor. The section provides the legal framework and guidelines for conducting such transfers in accordance with the provisions of the Act. The Project should ensure that all land rights transfers are in accordance with the provisions of the Act.

3.1.3 Public Roads Act 2016

The public roads act covers the management of road reserves and streets. The act provides guidelines for classification for public roads, and designate widths for Road Reserve Boundaries (RRB). The act reserve widths of (a) for a main road, 60 metres; (b) for a secondary road, 36 metres; (c) for a district road, 36 metres; (d) for branch roads and estate roads, 18 metres. The act make provision for legally occupier or owners of land in a road reserve who suffers damage as a result of works carried out on such land by to be entitled to compensation in respect of such damage in accordance with Part II. Notwithstanding such consent, neither the person doing such act or thing nor any person who may acquire any interest in the land in question shall be entitled to compensation. Section 45 provides for compensation for

conversion of land into public use and the section states specifically that in case of customary land, compensation is in respect to disturbance to people, section 49 and its approach to compensation approach is very comprehensive. Section 50 provide opportunities for land owners or occupiers to appeal to the High Court on grievances related to resettlement and compensations provided for in this act.

3.1.12 The Monuments and Relics Act

The Act stipulates the proper management and conservation of monuments that are of importance both nationally and locally. It also provides for proper preservation of monuments in the event that there is a change in the use or development of land. This gives room for the authorities for monuments and relics to protect monuments under the provisions of the Land Act or the Lands Acquisition and Compensation Act. The project will have to be implemented in such a way that any acquisition, resettlement and compensation conform to section 18 of this Act.

3.1.13 Forestry Act 1997

The Forestry Act number 11 of 1997 affirms the role of Department of Forestry on control, protection and management of forest reserves and protected forest areas. In addition, the act recognizes the need to promote participatory social forestry and empowerment of communities for conservation and management of trees within the country. In this regard the act encourages community involvement in woodlots and management of forest reserves through co-management approaches. Section 86 of Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees. These rates are gazette, and are reviewed from time to time by senior government officials. The values are used so that those who are involved in forestry are paid reasonable compensations on their timber trees and fruit trees. Normally, the valuation of people's trees are done based on species of trees, measured diameter at breast height and market price in kwacha per cubic metre.

3.1.14 Local Government Act 1998

The Local Government Act was enacted to further democratic principles, accountability, transparency and participation of the Malawian people in the decision-making and development process. Section 6(c), of the Act mandates local councils to promote infrastructural and economic development, through the formulation, approval and execution of district development plans. The proposed works under the RWSSIP are in line with the nation's development plans and the plans of the Rumphi District Council where they will be implemented.

3.1.15 Water Works Act (1995)

Section 11 of the water works act (1995) gives water boards the power to acquire land for constructing and maintaining water works for the purpose of creating, maintaining and extending waterworks for the supply of water. However, under section 12, such powers to acquire land for water works purposes shall not interfere with existing buildings. In other

words, Water Boards are not authorized to acquire existing buildings in their application of expropriation powers. In exercise of such powers, section 13 requires Water Boards to pay compensation to the affected people for loss or damage.

3.1.16 Gender Equality Act 2013

The Gender Equality Act makes provisions for the Malawi Human Rights Commission (MHRC) to do the following among others:

- Promote gender equality and make recommendations that the Commission deems necessary;
- Carry out investigations and conduct searches in relation to any gender issues on receipt of complaints or on its own accord;
- Make recommendations to the Minister on any gender issues;
- Provide information to any party in a gender dispute on rights, remedies or obligations.

Gender related impacts might arise during project construction and operational phases, for example unequal distribution of land; hence, the project activities must include gender sensitization. In accordance with the Act, women are also to be supported to be able to take part in development activities.

3.1.17 Malawi Corrupt Practices Act 1995

In Malawi there is the Corrupt Practices Act which was enacted to establish the Anti – Corruption Bureau (ACB) and to create law for the prevention of corruption. The ACB has several functions under the Act, including: examining practices and procedures to discover corrupt practices; disseminating information on the evil of corruption; receiving complaints and reports of any alleged or suspected corruption; investigating any suspected corruption.

The Bureau through its officers has powers of arrest if authorized by a warrant of arrest issued by a Magistrate. A corrupt practice is defined as: the offering, giving, receiving, obtaining or soliciting of any advantage to influence the action of any public officer or any official or any other person in the discharge of the duties of that public officer, official or other person; influence peddling; the extortion of any advantage.

The law on corruption may become relevant on matters of compensation where some unscrupulous people in the hope of getting paid earlier or more than they deserve may tempt some officials with an inducement, such as offering a share from their compensation. The Act attempts a balancing act by protecting whistle blowers or reporters/informers of suspected corruption by allowing their names and other particulars to remain undisclosed, and at the same time making it an offence for any person to make false, frivolous or groundless complaints or allegations of corruption.

Table 6 below summarises how the legislations apply to resettlement planning.

Table 3: Legislations and application in the resettlement planning

Legislation	Application
Land Act (2016)	Land acquisition.
Land Acquisition & Compensation Act (2016)	Land acquisition, compensation processing
Physical Planning Act (2016)	Pipe networks installation, and land acquisition
Local Government (Amendment) Act (1998)	Resettlement
Customary Land (Amendment) Act 2022	Resolving customary land disputes
Registered Land (Amendment) 2022	Land rights transfers
Public Roads Act (2015)	Compensation, Water supply network installation
Monuments and Relics Act	Conservation of historical, monuments and graveyard etc
Forest Act, 1997	Compensation of vegetation such as trees
Waterworks Act (1995)	Water supply network installation
Gender Act, 2013	Gender inclusivity in property compensation

3.1.18 AfDB's Integrated Safeguards System (2013):

3.1.14.1 OS 2- Involuntary resettlement: land acquisition, Population displacement and compensation

This policy outlines the guidelines that need be followed in the implementation of Africa Development Bank-financed projects relating displacement and involuntary resettlement of people. It seeks to ensure that when people must be displaced, they are treated fairly, equitably, and in a socially and culturally sensitive manner; that they receive compensation and resettlement assistance so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved; and that they share in the benefits of the project that involves their Resettlement. The policy requires that all Project Affected Persons (PAPs) be compensated for all their losses at full replacement value before their land and related assets are taken or damaged.

Specifically, the policy seeks to;

- Avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after all alternative project designs have been explore.
- Ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement

- Ensure that displaced people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project
- Provide explicit guidance to borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy
- Guard against poorly prepared and implemented resettlement plans by setting up a mechanism for monitoring the performance of involuntary resettlement programmes in Bank operations and remedying problems as they arise.
- To ensure that displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity and production levels are improved.

Furthermore, the policy states that there are three groups of displaced people entitled to compensation or resettlement assistance for loss of land or other assets taken for the project purposes. These groups are:

- Those who have formal legal rights to land or other assets recognised under the laws of the country concerned. This category generally includes people who are physically residing at the project site and those who will be displaced or may lose access or suffer a loss in their livelihood as a result of project activities.
- Those who may not have formal legal rights to land or other assets at the time of the census/ evaluation but can prove that they have a claim that would be recognised under the customary laws of the country. This category may include people who may not be physically residing at the project site or persons who may not have any assets or direct sources of livelihood derived from the project site, but who have spiritual and/or ancestral ties with the land and are locally recognised by communities as customary inheritors.
- Those who have no recognizable legal right or claim to the land they are occupying in the project area of influence and who do not fall into either of the two categories described above, if they themselves or witnesses can demonstrate that they occupied the project area of influence for at least six months prior to a cut-off date established by the borrower or client and acceptable to the Bank. These groups may be entitled to resettlement assistance other than compensation for land to improve their former living standards (compensation for loss of livelihood activities, common property resources, structures and crops, etc.).

The policy also provides procedures for consultations, resettlement planning, compensation, implementation, monitoring and evaluation.

3.2 Comparison between AfDB and Government of Malawi Policies on Resettlement and Compensation

Table 7 compares AfDB policy on involuntary Resettlement with the Malawi provisions relating to resettlement. Having identified the gap between the two, the last column suggests a way of bridging the gap. The main discrepancy between the two policies involves the treatment of a squatter. Under the laws of Malawi, a squatter is not entitled to compensation. But the AfDB policy requires that a squatter be compensated for the improvements developed on the land and such improvements be compensated at full replacement cost basis.

Table 4: Gap analysis

PAP	Government of Malawi provisions	African Development Bank Policy provisions	Appropriate measures for Addressing the gaps.
Land Owner	Land for land compensation preferred Land Owners can be compensated for land to money if there is no alternative land or if the offered alternative land is not economically productive Land owners are entitled to reasonable compensation based on Market value (as provided for in Land Act 2016, Land Acquisition and Compensation Act (2016) and Customary Land Act (2016) offered by the government on customary land and agreed by parties The law provides that valuation of affected land be done	Cash and in kind compensations.	Compensation of land for land of the same or better productive quality to PAPs will be the first priority In this project, land acquisition shall be done according to land laws using government rate, factoring in prevailing land market values.t Buildings will be compensated for at a full replacement cost without taking into consideration their depreciation,

PAP	Government of Malawi provisions	African Development Bank Policy provisions	Appropriate measures for Addressing the gaps.
	by private valuers appointed by the Minister Payment of cash compensation based on loss or damage or destruction of buildings		
Road Encroachers/Land Users Structures in Road reserves partially affected	No compensation to improvements on land within road reserves in accordance with the Public Road Act (2016) No compensation to improvements on land within road reserves in accordance with the Public Road Act (2016)	Compensations in kind are recommended. Compensation should be based on full replacement costs (e.g. without depreciation on structure). Compensations in kind are recommended. Compensation should be based on full replacement costs (without depreciation for structures)	Compensation of structures at full replacement costs prior to displacement, without taking into consideration the depreciation. Compensation according to scale of damage as per valuer's restoration cost
Squatters	No compensation to squatters on public land unless the land they occupy is private but also should do so continuously for a period of more than 12 years.	Entitled for compensation for their losses at full replacement cost and relocation assistance and compensation for loss of assets (other than land).	Compensation of structures at full replacement costs prior to displacement and alternative land will be provided.

PAP	Government of Malawi provisions	African Development Bank Policy provisions	Appropriate measures for Addressing the gaps.
Timber and fruit trees and crops	Crops and fruit are compensated based on the level of production Timber trees if proven that they were planted by claimant can be compensated	For perennial crops, compensation shall take into account the production delivery time. For annual crops, the land offered as compensation allows the restoration of production	Compensation should be at market value and labour input to look after the trees should equally be compensated.
Economic Impact	Silent	Resettlement program that allows the owner to gain full trade income flow	Resettlement program that allows the owner to gain full trade income flow. Compensation offered for the recovery cost of commercial activities elsewhere, the loss of net income during the transition period, and transfer fees and relocation of the plant, machinery or other equipment, as applicable. Provide replacement property of equal or greater value, or cash compensation at full replacement cost to persons with legal rights or right to claim on the land which are recognized or recognizable under national laws.

PAP	Government of Malawi provisions	African Development Bank Policy provisions	Appropriate measures for Addressing the gaps.
Tenants	silent	Are among the PAPs who are entitled to full, fair and prompt compensation and other relocation assistance	Compensation whatever the type of legal recognition of the land tenure, and support for the resumption of activities, if any.
Form of Payment	Cash, Cheque or Replacement of Property	Land to land compensation, Cash, Cheque, Replacement of Property, and compensation in kind for public or common facility	None; Where possible and practical, the compensation cash or cheques be directed to be deposited in a joint account held by husband and wife.
Time of Compensation	Before commencement	Before commencement of works	None
Livelihood Restoration and Assistance	A person that 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 is reasonable	Displaced or resettled people receive significant resettlement assistance under the project, so that their standards of living, income-earning capacity, production levels and overall means of livelihood are improved beyond pre-project levels	None
Consultation and Disclosure	The Minister may make and execute grants, leases or other dispositions of public land classified as Government land for any such estates, interests or terms, and for such	Effective advance dissemination by the authorities of relevant information, including land records and proposed comprehensive resettlement plans specifically	Public consultation and PAPs engagement where project shall affect public land encroachers. The RAP shall be disclosed to Public in good time for PAPs

PAP	Government of Malawi provisions	African Development Bank Policy provisions	Appropriate measures for Addressing the gaps.
	purposes and on such terms and conditions, as he may think fit.	addressing efforts to protect vulnerable groups; Public hearings that provide affected persons and/or their legally designated representatives with opportunities to challenge the resettlement design and process, and/or to present and discuss alternative proposals and articulate their views and development priorities.	to appreciate how they will be assisted.
Grievance and Dispute Resolution	Provision for customary land dispute committees and Tribunal to resolve and mediate land related disputes	Provision of Grievance Redress mechanism for dispute resolutions.	Establishment of GRM committee to resolve compensation related disputes
Resettlement Options and Alternatives	Compensation for value for money; or value of property including disturbance.	Resettlement of options such as land for land in case of relocation, house for house in case demolition of house. Sufficient compensation to enhance and restore livelihoods and income streams including disturbance consideration	Compensation at full replacement cost offered including 15% disturbance before displacement

3.3. Institution Capacity and RAP Implementation Arrangement

The implementing agency, NRW, has implemented similar water and sanitation projects financed by multilateral Banks. The most recent ones are Mzimba Water Supply and Sanitation Project and Nkhatabay Town Water and Sanitation Project which were both financed by AfDB and OPEC Fund, and Malawi NRW Water Supply Efficiency Project financed by the European Investment Bank (EIB). NRW also implemented the Chitipa Water Supply Project financed by the Arab Bank for Economic Development in Africa (BADEA) and Songwe Water Supply under National Water Program II financed by World Bank.

The successful implementation of the projects has strengthened NRW's internal capacity which has enabled the institution to comply with national and financiers' safeguard requirements. To ensure smooth implementation of the project RAP, the Project Implementation Unit (PIU) will have personnel trained in Environmental Management and Social Safeguards, Community Mobilisation and Engagement, Gender, and Monitoring and Evaluation.

The Environmental and Social Expert shall be responsible for overall implementation and coordination of the RAP activities, and shall work hand in hand with Gender Officer, and Community Mobilisation and Engagement Expert where their expertise shall be required. The personnel have participated in different projects financed by different Banks, and shall ensure the RAP is implemented satisfactory, and all related complains have been addressed. The Resettlement Action Plan implementation team shall therefore composed of the following experts;

- i. Environmental and Social Safeguard Experts
- ii. Environmental and Social Safeguard Officer
- iii. Community Mobilisation and Engagement Expert
- iv. Gender and Social Welfare Officer
- v. Monitoring and Evaluation Officer
- vi. District Land Officer

3.3.1. Implementing Stakeholders and Roles

The smooth and successful implementation of the project RAP shall require seamless interaction and coordination from different stakeholders involved in the project including District Lands Office, District Social Welfare Office, Local Chiefs, Area and Village Development Committees, and local/ community organisations. These stakeholders shall have the following roles:

i. NRW

The implementing agency shall ensure the following is done;

- Implementation of RAP activities,
- Public awareness and sensitization on project RAP,
- Facilitating formation and capacity building of Grievance Redress Committees,
- Review performance of GRC in dispute and complaints resolution,
- Payment of compensation,
- Monitoring and Evaluation,
- Reporting on RAP implementation progress to District Council, Ministry of Lands and AfDB.

ii. Ministry of Lands

The Ministry of Lands shall be responsible for monitoring RAP implementation by ensuring Project Affected Persons are compensated fairly and adequately following guiding Laws of Malawi as well as AfDB requirements. All compensations before shall be vetted and approved by responsible Lands Official.

iii. Project Monitoring Team (DPMT)

As a way of ensuring stakeholder participation, it is proposed that a Project Monitoring Team (PMT) be formed to take part in the monitoring of implementation of project activities including RAP. This is necessary for the stakeholders to be kept abreast of the project progress and appraise the RAP implementation. The PMT shall include members from M'mbwelwa District Council, Rumphi District Council: Directors of Planning and Development - Chairperson; Directors of Health and Social Services; Directors of Public Works/ Engineering; District Water Development Officers; District Environmental Health Officers; District Forestry Officers; Monitoring and Evaluation Officers; District Education Managers; District land officer, District Labour Officers and Gender Officers and representatives from CSOs and NGOs.

iv. Area Development Committees

Area development committees shall also play an active role in implementation of the project. These committees shall form the backbone of Grievance Redress Committees at community level where resettlement related among other E & S complaints shall be reported, heard and disposed of.

v. Local Chiefs

Local and area leadership is an entry point for PAPs engagement and consultation in RAP implementation. They have privileged means of mobilising gathering of communities where information can easily be passed on to PAPs

vi. African Development Bank (AfDB)

The AfDB shall provide oversight to the implementing entity, NRW, to ensure NRW complies with RAP and E & S safeguards standards during implementation of the project. It will also provide technical assistance and guidance where shall be needed.

4 PUBLIC PARTICIPATION, CONSULTATION AND COMMUNICATION

4.1 Introduction

During the updating of the RAP in 2025, stakeholder consultations were conducted to facilitate the updating process. Key stakeholders engaged included the Roads Authority, Regional Commissioner of Lands, M'mbelwa and Rumphu District Council officials, traditional leadership, Area and Village development committees, and PAPs. The Roads Authority were able to provide information on compensation payments in some of the project impact areas such as the M1 and M24 road projects, and with regard to permissions to undertake works along the road reserve. The traditional leadership and PAPs were engaged to inform them of the RAP updating exercise including methodology to be followed, process of compensation, the role of various stakeholders (including Commissioner for Lands officials, NRW, District Council, community leadership and PAPs) during the updating processes. During these engagement sessions, PAPs and Traditional leadership were also sensitized on cutoff dates for the compensation processes to avoid deliberate intrusion by ineligible PAPs. The ADC and VDC members supported the process in PAP engagement and mobilisation, while ADC members supported the RAP assessment teams during assessment. The figure below shows one of the public engagement sessions with PAPs, Traditional Authorities and PAPs.



Figure 8: Public consultation session with Chiefs, ADCs, VDC and PAPs at Chikwawa along M24 road

4.2 Objectives

The objectives of the public consultations were as follows:

1. To inform targeted key stakeholders about the upcoming project,
2. To raise awareness to all project targeted localities in the district, including surrounding residents, and
3. To gather concerns/views, particularly from groups of people who would be directly affected by the project regarding resettlement alternatives and procedures for redress of grievances.

4.3 Consultation Methods

Stakeholders were consulted through introductory meetings, consultation meetings and household questionnaires. The details of stakeholder consultations are provided in appendix IV.

4.4 Consultation Outcomes from District Councils and Communities

During stakeholder consultations, a number of issues were discussed as follows:

4.4.1 Project background and details

The Project was conceived to improve water and sanitation in Rumphi district and surrounding areas. It will be implemented by Northern Region Water Board and is expected to commence in August 2023 for a period of 4 years. The Project will involve construction of new water treatment plant, storage reservoirs, new pipelines, sewage system and solid water dumpsite. The water supply will extend to Mwazisi, Erukweni, Kacheche and Phwezi.

4.4.2 Compensation for crops and other assets

All assets to be affected will be compensated for according to the laws of Malawi and before commencement of the project. The assets will be valued to determine how much they should be compensated for. The valuation will be based on replacement value of the assets.

4.4.3 Land acquisition and Resettlement

The project will try to be implemented within existing public land and road reserve boundary wayleave. However, some project infrastructure shall be implemented on identified customary pieces of land which were negotiated, and purchase agreement completed. For pipeline routes, the water supply and sewer pipes will be installed within road reserve boundary services wayleave. Where the wayleave is encroached, the project shall compensate for affected peoples' property should they not been compensated by current road construction and maintenance project currently under way in the project area. The project will therefore not trigger permanent physical displacement of people. However, the project shall lead economic resettlement where customary land used for farming is acquired for project activities.

4.4.4 Access to water

The project targets Rumphi and surrounding areas. As much as it is practicable, all the people within the project area are expected to benefit from the improved water supply services to support their livelihood requirements.

4.4.5 Employment issues

All contractors will ensure that some of the workers are employed from within the project area. All work-related disputes will be handled by the District Labour office

4.4.6 Free Water Connection

There will be no free water connection. However, the government has a policy to provide free water connection to those meeting the set criteria for free water connection

4.4.7 Sustainability of Toilet facilities at Mzokoto

NRWB will only construct the toilet facilities at Mzokoto, the operations of the facilities will be handled by the district council.

4.4.8 Operation of Communal water points

The communal water points will be operated by the communities themselves through communal water points committee or Water Users Association

4.4.9 Grievance Redress Mechanism

The grievance redress mechanism will be implemented through Grievance Redress Committees. Where there are existing GRM committees they will be strengthened through training. For areas where there are no established committees, these will be established and trained.

4.4.10 Project Commencement and duration

The project is expected to commence in August 2023 and is expected to be implemented in 4 years.

4.5 Consultation Outcomes from Government Departments and Agencies

Stakeholders from the Ministries of Lands, Housing & Urban Development and Labour, National Water Resources Authority, ESCOM and MEPA were informed about the project, ESIA study and consulted regarding their views about the project. The stakeholders were informed that the consultant is at draft reporting stage. Below is a summary of the outcome of the consultations.

Table 5: Outcome of Consultation Meetings

	Department/ Agency	Outcome
1	Timothy Mwale- Regional Lands Commissioner 0993947852	The Commissioner reviewed the project area through the map provided and indicated that the department will provide any support that will be required during project implementation.
2	Mr. Msukwa- Deputy Labour Commissioner 0999315139 Mrs. V. Linyama- Deputy Regional Labour Office (Northern Region) 0999391224	The deputy commissioner indicated that it is important that the Head office be kept in the loop since policy issues on occupational health and safety are formulated at the Ministry of Labour while district offices are the implementers. They look forward to receive more information on the project. The officer reviewed the project area through the map provided and indicated that the department will provide any support that will be required during project implementation.

3	Mr. P. Banda- National Water Resources Authority (NWRA) 0999333069	NWRA indicated that they need to be informed of the current and proposed water abstraction figures. The Authority also indicated that NRWB needs to apply for new licenses for the proposed water abstraction. The NWRA indicated that they are interested to know the results of the assessments done on the effect on the upstream and downstream communities. NRWB should obtain licenses if they are extracting using boreholes. It was explained to him that the intake is on a river, the same that is currently being used. The new intake will be at a higher elevation.
4	George Matukuta- ESCOM 0888721117	Indicated that they are in support of the project and committed to provide more feedback if there is further need.
5	Katambo-EAD/MEPA 0999346466	Acknowledged about the project information and approved the terms of reference for the ESIA study. MEPA through the Advisory Committee on Environment and Social Assessment (ACESA) will review the ESIA report.



Figure 5: Meeting with (a) Paramount Chikulamayembe (b) Inkosi Jaravikuba



Figure 6: Meeting with (a) Mtwalo ADC (b) Bwengu ADC (c) Mwazisi ADC and AEC (d) Bwengu Market Leaders (e) Bembe ADC and Market Leaders (d) Bolero ADC, AEC, Market Leaders and WUA

4.6 Stakeholder Analysis

During the process several stakeholders were identified and they can be grouped into the following categories:

4.6.1 Direct Beneficiaries:

These are the ones whom the project targets based on the justification as articulated in the project document. They include individual households and business persons in the project area who will benefit from the water supply and waste management services, local community members who will benefit from employment opportunities during the implementation of the project. It also includes institutions who will benefit from the water supply and waste management services, such as the hospital and prison at Rumphu town. These stakeholders should be engaged during the design and construction phases to ensure that there is buy in and cooperation on the project.

Women are a special sub-category in the sense that they are mostly the ones responsible for collecting water in the households. During public consultations, it was very clear from the women that they welcome the project because they are tired of having to fetch unsafe water which is far from their homesteads and also unreliable and erratic in supply when sourced from Water Users Association (WUAs) infrastructure. There is a lot of goodwill towards the project from the women because of this.

Another set of direct beneficiaries are the travellers who will be using the Stopover to be constructed at Phwezi/Mzokoto. They will benefit from clean ablution services.

During the construction phase of the project, there will be opportunities for employment for the local people, starting from the construction of the new intake, to digging of trenches for the water supply network and construction of water tanks, offices, booster pump housing and to the traveller's stopover. The local community members will therefore be an important stakeholder in this. During consultations, they expressed interest in gaining from employment and requested that locals should be employed rather than bringing in people from other areas.

4.6.2 Project Affected Persons (PAPs):

These include those people whose assets or properties will be affected by the project directly because they are located either in the route of the water supply or sewer pipelines or an office or booster pump housing will be constructed on their land. At the time of the study, NRW had mapped out all routes for the water supply network and associated infrastructure including the sites for construction of offices and tanks. In some cases, the process of land acquisition had been initiated. In other cases, the processes had not yet been initiated, the sites had simply been identified.

During stakeholder meetings, it was apparent that there are some pipeline routes especially between Enukweni and Phwezi where road rehabilitation project is taking place and PAPs who encroached the road reserve boundary were compensated for their properties by the Roads Authority. The compensation assessment, therefore, focused on crops and trees planted and structures to be demolished in the RRB that had not already been compensated. This was also expectation of PAPs themselves based on remarks made by traditional leaders and community representatives during consultation meetings. In other cases where there no road rehabilitation projects, and people encroached road reserves, the PAPs expectation is that they be compensated for their properties.

During consultation, it was apparent that Project Affected Persons were fully aware of possible compensation options for example cash or in kind from previous and existing project in the area. Following explanation of the project activities, and how they shall affect them, many people supported cash compensation as the most of them shall be temporarily affected by project. For instance, pipeline installation in road reserve, the PAPs are likely to reuse encroached spaces after installation of pipeline and these are people that constitute large percentage of PAPs.

The consultation revealed that communities are aware of Grievance Redress Mechanism courtesy of projects currently underway in the area. For instance, Chinyolo, had a fully existent and functional GRM because the ADC covers areas along the M1 road that have recently experienced asset valuation and compensation by the Roads Authority/Roads Fund who are working on the maintenance of the road. It was also noted that there are existing GRM committees which this project can utilise and strengthen.

During consultations, communities also stressed on need to safeguard community and public infrastructure from damage by project. In this regard people wanted to understand on what shall be done in case the public infrastructure such as Bridges are damaged by construction

machinery or overloaded vehicles. In an event that the common or public infrastructure is damaged project activity with proof, people requested that that facility must be repaired by contractor of the project.

Finally, the consultation established that the NRW needs to keep communities and PAPs closely informed and engaged throughout the process. It was established that there is high expectation for the project and communities welcomed the project. There are also possibilities of abnormally high expectations in terms of land valuation. The NRW should therefore ensure that the PAPs in this category are well managed. Construction on the sites should start only when all are in agreement on the said transactions, including the District Councils completed.

4.6.3 Partners to the implementing agency (NRWB):

The NRW will implement this project with the support of several partners including the financiers of the project and the district councils of M'mbelwa and Rumphu. The departments that will be partnering with the NRW at the district councils include: Water, Planning and Development, Lands, Education, Prisons and Health. In addition, various (Non-Governmental Organisations (NGOs) and Civil Society Organisations (CSOs) who are interested in water and sanitation in the two districts.

Another set of partners are the local level representatives who are in the various local governance structures such as the ADCs and Business and Market Leaders. These are important to keep engaged throughout the project because they represent the people.

Due to the fact that the water supply network will be within the road reserve, the Roads Authority and District Councils will be the partners that the NRW need to work with.

4.7 PAPs and Stakeholder Summary Views

During PAPs and stakeholder engagement meetings a number of issues were raised and the following table presents the issues and how are addressed in the RAP

<i>Issues Raised by PAPs and Stakeholder</i>	<i>Measures Taken</i>
<i>Waiting time to receive compensation</i>	<i>The compensation payment shall be effected before the commencement of works</i>
<i>Method and processes of land acquisition by NRW</i>	<i>NRWB negotiated and to compensate any PAPs voluntarily willing to sell to be used for project</i>
<i>Will the project compensate individuals who construct or put any structure in the road reserve in anticipation of a project?</i>	<i>The compensation cut-off date shall be declared beyond which no individual shall be compensated for anything that comes after cut-off-date</i>
<i>Method of pipeline trench excavation to be limited to machinery or people shall also be used to have employment opportunities.</i>	<i>The project shall use both machinery and manual labour to excavate trenches where possible.</i>
<i>Arrangement made to handle with issues between the contractors and workers.</i>	<i>Establishment of Grievance Redress Committees (GRC) to facilitate conflict or dispute resolution</i>

<i>How will payment issues of workers going to be handled? If workers are left unpaid</i>	<i>Worker payment complaints will be handled by the Ministry of Labour office as per Laws, and GRM committees. However, NRW shall facilitate the resolution of such issues</i>
<i>Are all types of trees eligible for compensation?</i>	<i>All tree types including natural, exotic and fruit trees shall be compensated.</i>
<i>Methodology to use to do PAPs census, and How will PAPs be identified?</i>	<i>The. Census was conducted by physical walk along the designed pipeline and collecting data on the property to be damaged. This was happening in presence of PAPs, and area local leader or VDC representative.</i>
<i>Does the project need to setup new GRC replacing existing ones where already available?</i>	<i>In areas where there are existing GRC committees, the project will work with the existing committees. In areas where there are no GRC, the committees will be set up</i>
<i>Are people allowed to farm once the assessment has been done?</i>	<i>Vacation notice shall be given before work commences. In addition, the project shall be expected to start in the year 2024, therefore people were advised to proceed with farming</i>
<i>In areas where offices will be built will people surrounding that area have to be resettled?</i>	<i>No resettlement requirement for people surrounding office buildings. In addition, land facilities that require to be away from people have been identified away from people's settlement</i>

During RAP update, PAPs raised the following issues during consultations:

Issues Raised by PAPs during RAP update	Measures Taken
Some PAPs demand to be compensated for both trees and the land as they claimed that they owned the land	The PAPs were informed that the project activities will be confined within the road reserve boundaries which is public land
PAPs wanted to know the construction dates and compensation payment dates	The PAPs were informed that there is a process before compensations are paid. They will be duly informed of the next stages of this process but that they would be paid before construction works. On the construction dates, the PAPs were informed that the project will provide sufficient notification using various channels such as community meetings and community radios
Some PAPs wanted to know if they can cultivate on top of pipes and if compensation would still be paid in future in case of crops being damaged during pipe breakdown and maintenance activities	The PAPs were informed of the lines would pass along the road reserve which is public land. Once pipes are laid, they can continue to use the land for cultivating crops and conducting hawker/kiosks businesses. In

	case of future pipe maintenance, the PAPs were informed that if damages occur due to maintenance works, they would be assessed and compensated by NRW
Some PAPs asked if assessment would be done even where there were no assets at the time of assessment on land that would be cultivated in future.	PAPs were informed that only assets that would potentially be damaged by construction works would be assessed. Bear land would thus not be assessed.
Some PAPs asked if they could charge prices by themselves for their assets	The PAPs were informed of the process of assessment and determination of prices by relevant authorities. They were also informed that they were free to raise complaints through GRMCs in case of dissatisfaction.
PAPs asked how money for compensation would be given, expressing concerns that if money would be paid through District Councils, the money would be misplaced and not reach the PAPs.	PAPs were assured that payment of compensations would directly be paid to individual PAPs in a transparent manner.
PAPs in markets wanted to know whether after compensation they will be informed in advance when contractor will be carrying out works to avoid loss of businesses during works period despite getting compensations on their assets.	PAPs were assured that in all busy markets and businesses places, contractor will issue notice with clear methodology of works prior to works implementation. This notification will be communicated to PAPs to avoid inconveniences to businesses to both compensated PAPs and others who at the time of assessments were considered ineligible PAPs.
What happens when asset owner passes on before receiving compensation?	The PAPs were informed that if death occurs to the asset owner, due processes would follow with chiefs and relatives of the deceased to ensure compensation is paid to the next of kin.
What if the PAP does not have National IDs. Will they still be assessed for compensations?	The PAPs were informed that those without National IDs would still be assessed for compensations and that they were required to be identified by their Chiefs and ADC chairpersons.
PAPs wanted to know if compensation would be done in cash or kind.	PAPs were informed that compensation would be done in well determined monetary form. However, in some cases, the compensation would be also done by installation of damaged asset to original and better state depending on situation and agreement with asset owner.

What payment modes would be available? What if PAP does not have bank account?	On mode of payment, PAPs were informed that they would be paid through bank accounts and mobile money transfers depending on preference and amount involved. However, emphasis was that PAPs would be assisted to have bank accounts opened for safe receipts of compensations.
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5 SOCIO-ECONOMIC CONDITIONS

5.1 Introduction

To establish the socio-economic conditions of the project area, several methods of data collection were used, including household socio-economic survey, observations and information from public consultations. This section largely provides information based on the socioeconomic household survey, supported by observations and information from Public Consultations.

The sampling of respondents for the household survey was spread across the project areas as presented in figure 11 below:

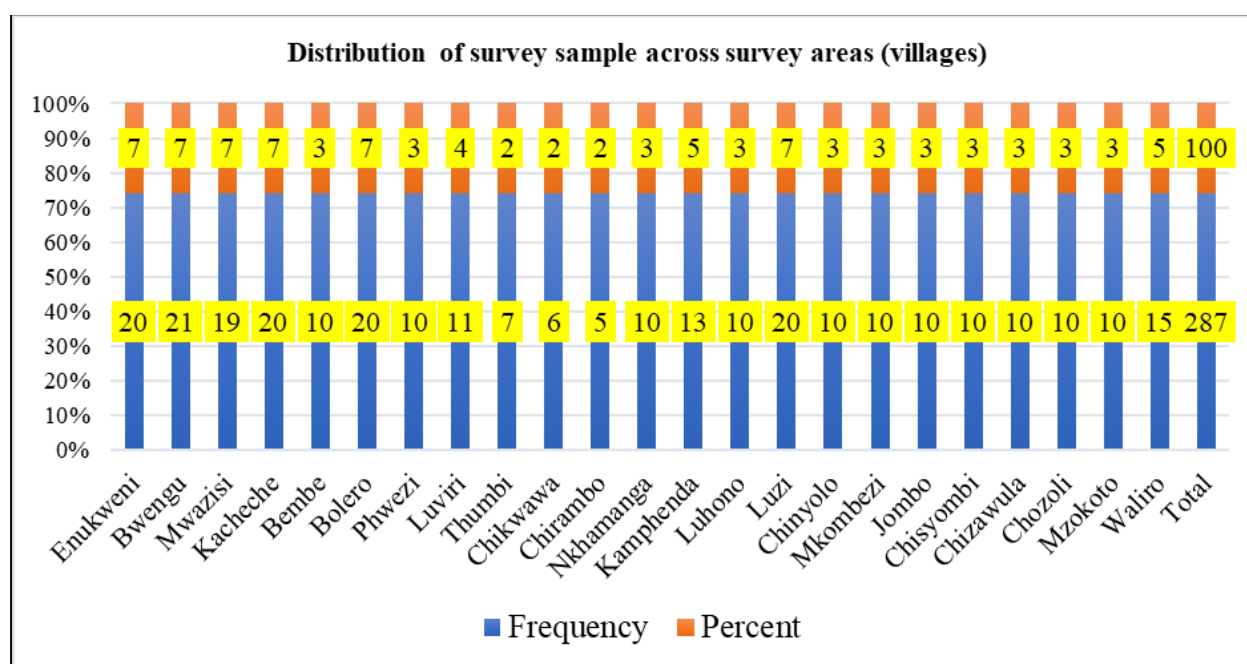


Figure 7: distribution of sampling in project areas

5.1.1 Objectives

The main objective of establishing the baseline socio-economic conditions of the area was to ensure that prior to implementing the project, the prevailing conditions are known in order to identify the potential positive and negative impacts of the project. This would assist in ensuring that the positive impacts are enhanced while the negative impacts are mitigated. The specific objectives therefore include:

- Identifying the impacts of the projects on vulnerable groupings like women and youth
- Establishing the water and sanitation access conditions in the area
- Establishing the status of economic activities in the area
- Understanding the gender roles and relations and how these may affect the project
- Gathering information on production systems, household organization, livelihoods and standards of living of the displaced population

5.2 Assumptions and Limitations

The study was conducted guided by the following assumptions:

1. There will be alienation of some assets from some PAPs, particularly land along the road reserve which may have been used for farming, land on which offices and booster pump housing will be located.
2. NRW will reach amicable resolution of all asset acquisition.

In terms of limitations, the study was limited in form of time resources.

5.3 Findings

5.3.1 Household Characteristics

The average household size of the sampled households is 5.1, with a maximum of 12 and a minimum of 1 household members. In terms of age, the average age is 25, with a range of 0.33 to 92 years. There was no child-headed household recorded. The number of female-headed households recorded was 30, representing 10.5% of the sampled households. Figure 12 depicts the age structure of the sampled households.

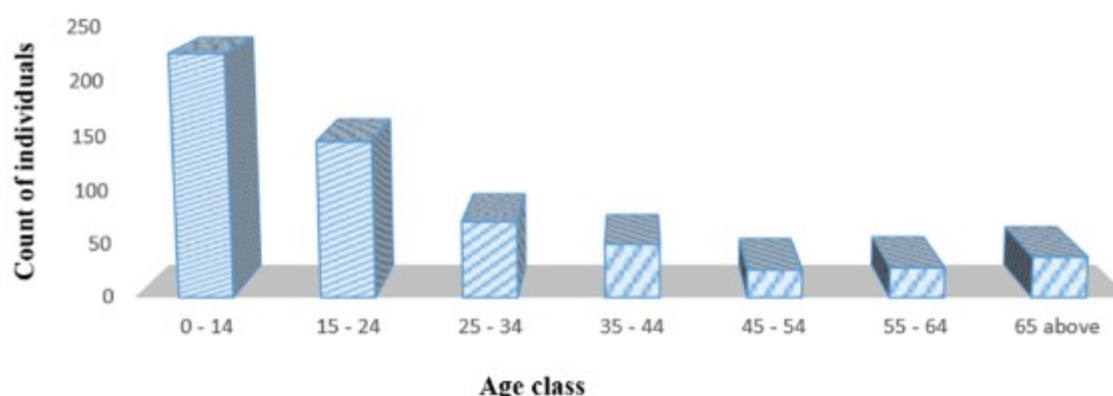


Figure 8: Age Structure (Years) of the sampled households in the Rumphi Water Supply and Sanitation Services Improvement Project area

The sampled households demonstrate that the longest length of stay (in years) in the village of residence is at 90 years in Rumphi and 84 years in Mzimba, with a mean of 26 and 27 respectively. This points to the youthfulness of the community as already shown through the average age above.

Table 6: Length of Stay in Area (Years) for the sampled households in the Rumphi Water Supply and Sanitation Services Improvement Project area

District	Minimum	Maximum	Mean
Mzimba	0	84	27

Rumphi	0.33	90	26
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5.3.2 Household Ethnicity and Language

The survey results show that 98% of the respondents are Malawian whereas 2% are Tanzanian Figure 13. This is not surprising because Tanzania is to the North of Rumphi and Mzimba and there are some cross-border movements that occur, which may lead to some settling in Malawi.

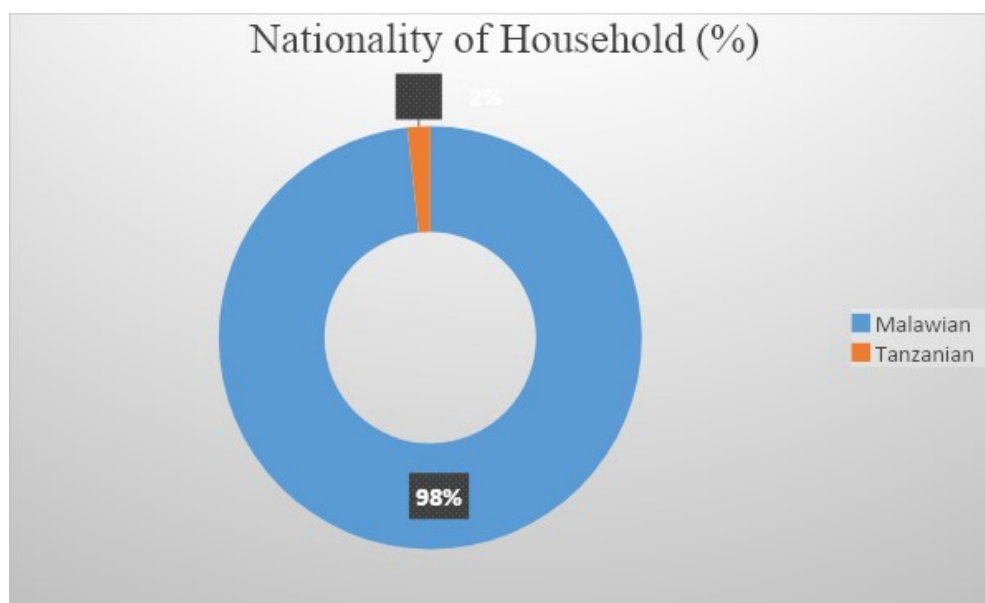


Figure 9: Nationalities in the in the Rumphi Water Supply and Sanitation Services Improvement Project area

Ethnically, 95% of the respondents are Tumbuka, with 3% Chewa and 1% Ngoni and Ngonde respectively.

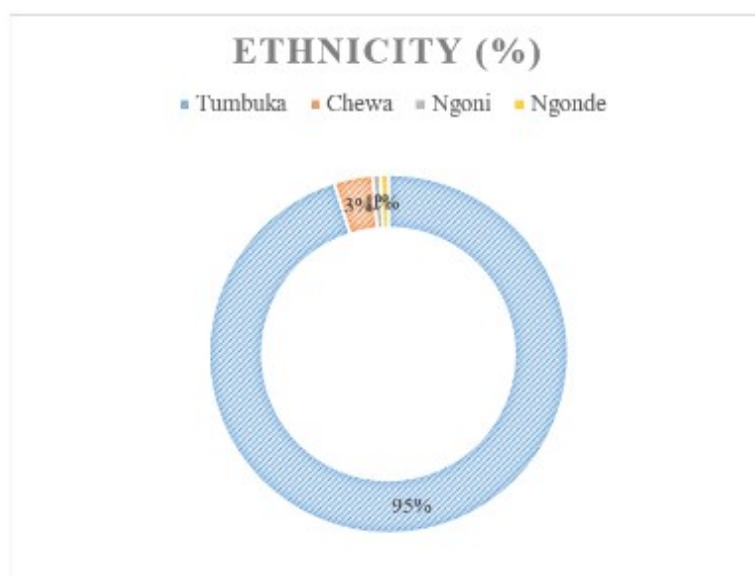


Figure 10: Ethnic groups in the Rumphi Water Supply and Sanitation Services Improvement Project area

In terms of language, the study results show that 97% of the respondents speak Tumbuka language whereas 2.5% speak Chichewa and 0.5% speak Ngonde. In our interactions with the community, we used both Tumbuka and Chewa which the community was able to understand but in responding, their main language was Tumbuka.



Figure 11: Common languages in the Rumphi Water Supply and Sanitation Services Improvement Project area

Although there are more than 4 major religions in the country (Christian, Islam, Hinduism and traditional), the study results showed that the respondents belonged to two religions Christianity (99.3%) and Islam (0.7%).

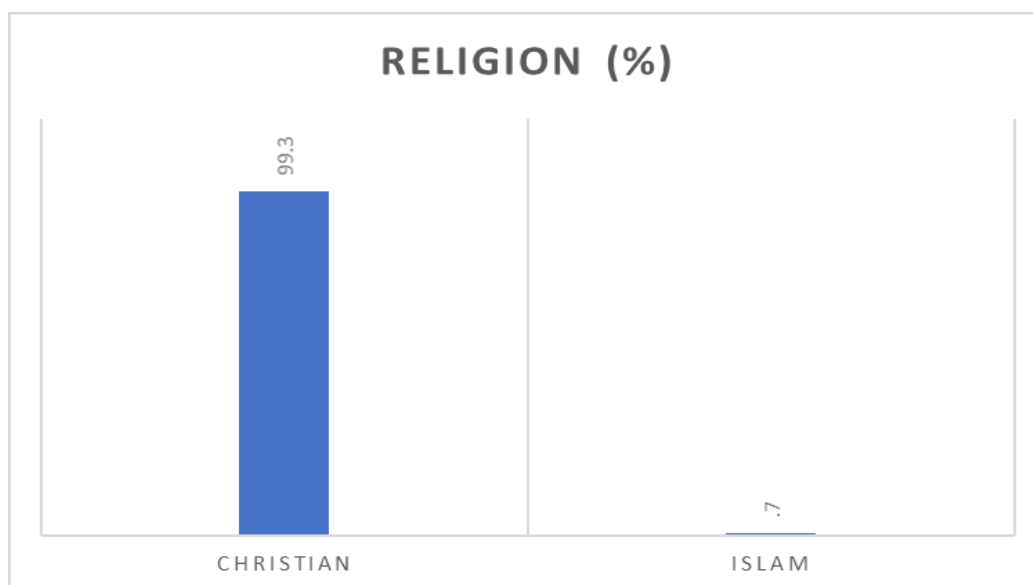


Figure 12: Religions in the Rumphu Water Supply and Sanitation Services Improvement Project area

5.3.3 Gender and Societal Roles

Of the sampled households, 303 individuals were male and 286 individuals were female, representing 51.4% and 48.6% respectively. Since the area is largely comprised of people of Tumbuka ethnicity, their culture is mainly patrilocal and patrilineal in the sense that women move to live in the husband's home area and inheritance is passed through the father's lineage. In this culture, although farming is done by both men and women, most domestic or household chores are mainly done by women, particularly drawing water, cooking and fetching firewood. In discussions with the community members, it was mostly the women who complained in detail about the challenges that they face in ensuring that they have water at the homestead.

They complained about having to wake up very early in the wee hours of the morning to walk long distances to collect water. This project therefore will be very beneficial to women in terms of saving them the time that they spend walking to fetch water and sometimes just waiting at the water source for the water to be available.

1.1.1.1 Community Authority Structures

The structures of authority at the community level follow the decentralization policy stipulations which were mainly designed to facilitate development. As such, there is the traditional arm and the administration arm. The traditional arm starts with the Paramount/Themba la Mathemba, who is Chikulamayembe for the Tumbuka and Inkosi ya Makosi M'mbelwa for the Ngoni of Mzimba. From the Themba la Mathemba, we have Traditional Authorities (TAs) and in Rumphu, the area in which the project will be implemented also falls under the Themba la Mathemba in his capacity as a TA. In Mzimba, from the Inkosi ya Makosi, we have the Inkosis and in this project, the relevant are Inkosi Mtwalo and Inkosi Jaravikuba. We paid a courtesy call to both of these Inkosis (see above under Public

Consultation Section) to inform them about the project. They are aware of the project and pledged to support its implementation. From the Traditional Authorities and Inkosis, we have Group Village Headmen (GVH) who are responsible for a group of villages. Under them, are the Village Headmen.

Administratively, at Traditional Authority level, there is an Area Development Committee (ADC) which is responsible for all development activities in the area. The ADC is made up of Chairpersons of Village Development Committees (VDCs) which are located at GVH level. All the ADCs in the project area were consulted during public consultations, thereby ensuring that all VDCs are aware of the project and information is shared to all.

5.3.4 Education and Literacy Levels

The survey results showed that 187 of the household members reported that they were still in primary school. Of the adults, 115 reported that they did not finish primary school whereas 44 reported that they did not finish secondary school. Only 10 of the individuals were reported to have attained higher education level (Figure 17). In terms of literacy, 106 individuals were reported not able to read. This included children under the age of 11 and very old persons. This represented 76% literacy rate. The District has education institutions of all levels from primary school (204), secondary schools both day and boarding (25), and tertiary education provided by technical colleges at Phwezi, Rumphi Teachers college and University of Livingstonia.

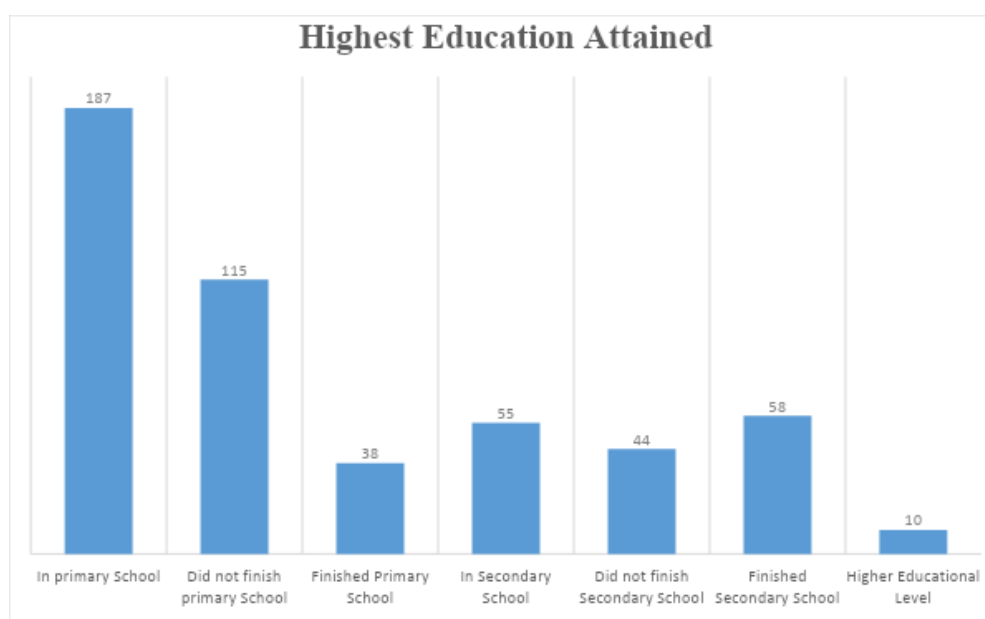


Figure 13: Education level in the Rumphi Water Supply and Sanitation Services Improvement Project area

5.3.5 Access to Health

There are several points to access health services for the people in the project area. The main health service access point is the district hospital at Rumphi town and Ekwendeni Hospital close to Mzuzu city. The other health facilities are Health Centres whose services are limited.

The respondents reported that they get most of their health services from the health centre (80%), District hospital (10%) and health facilities (10%). 83% of the respondents reported that they do get the medicines that they are prescribed. In terms of disease burden, the respondents reported the most common diseases suffered by household members, with cough (48%) and Malaria (33%) amongst the most prevalent (Figure 18).

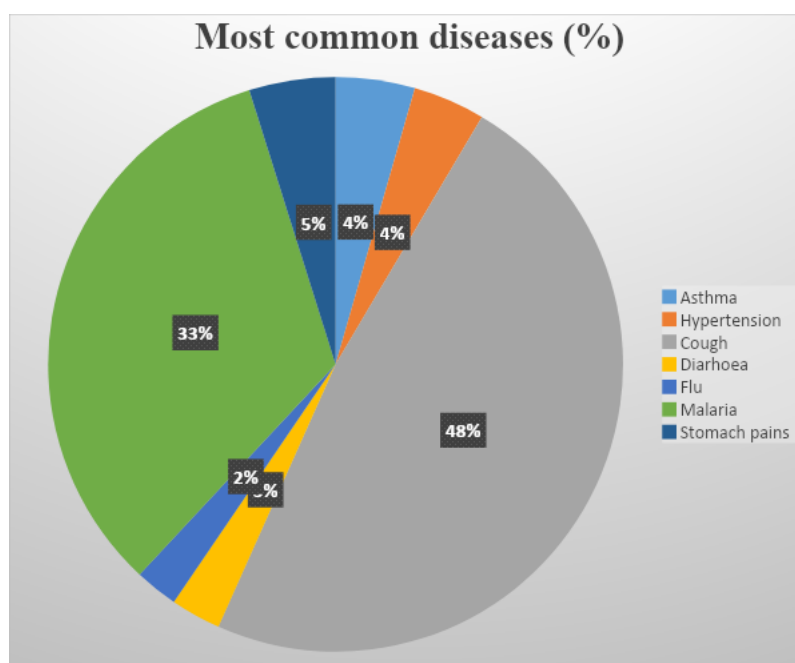


Figure 14: Common ailments in the Rumphi Water Supply and Sanitation Services Improvement Project area

The respondents were also asked about their knowledge of HIV and AIDS. In terms of general information about HIV and AIDS, 142 reported that they know that it kills whereas 199 reported that they know the manner in which it is contracted (Table 10).

Table 7: HIV and AIDS awareness in sampled sites of the Rumphi Water Supply and Sanitation Services Improvement Project area.

HIV and AIDS Information	Number of People Aware of It
It kills	142
Incurable	79
The manner in which it is contracted	199
Treatment or management of the condition	55

When asked on specifics of how HIV and AIDS is contracted, 92% of the respondents reported that it is contracted through irresponsible sexual behaviour and 30% said it is contracted through sharing of sharp instruments. Only 1% did not know (Figure 19). This information is useful in designing the training content for sexual and reproductive health that will be delivered to the stakeholders in order to mitigate against HIV and AIDS during project implementation.

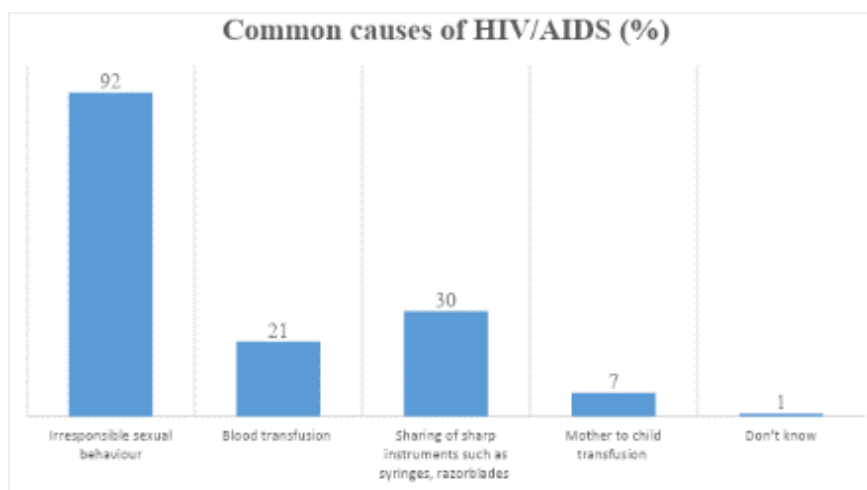


Figure 15: Common causes of HIV and AIDS as reported by people of the Rumphi Water Supply and Sanitation Services Improvement Project area

5.3.6 Transport and Communication

Rumphi District has both paved and unpaved road network which facilitates movement of goods and mobility in the area. The road network in Rumphi District Covers a total length of 1,192 Kilometres. Out of the total road network of 1,192km, 703.5km consists of Undesignated /community roads, 152.1km of Main roads, 128.6km of Secondary roads, 117.8km of Tertiary roads and 90 km of District roads. (WASH, DISP, 2021). The condition of most roads in the district is bad due to topography. The District has an M1 road that passes on eastern side tof the District through Thumbi, Phwezi, Chiweta and Chitimba to Karonga. The District also has an M24 road from Bwengu trading centre in Mzimba through Rumphi Boma, Bolero, Mwazisi and Hewe, and Nyika National park which is currently being upgraded to a paved road to connect these roads, the district has several gravel feeder roads connecting to the main roads. These roads enable goods and people to move from one place to another using vehicles, motorcycles and bicycles. The district has also water transport service especially for areas along Lake Malawi. On communication, the District has two mobile networks provided by Airtel and Telekom Networks Malawi that provide both voice call and internet services. Despite network challenges in some areas, the communication networks coverage is found in most trading centres of the District including the project area

5.3.7 Household Water and Sanitation Access

The study also sought to understand the current household water and sanitation situation. Almost all respondents reported using water for domestic uses and drinking (99%). Some reported using it for irrigation (9.4%) and others for livestock (18.5%) as per figure 20 below.

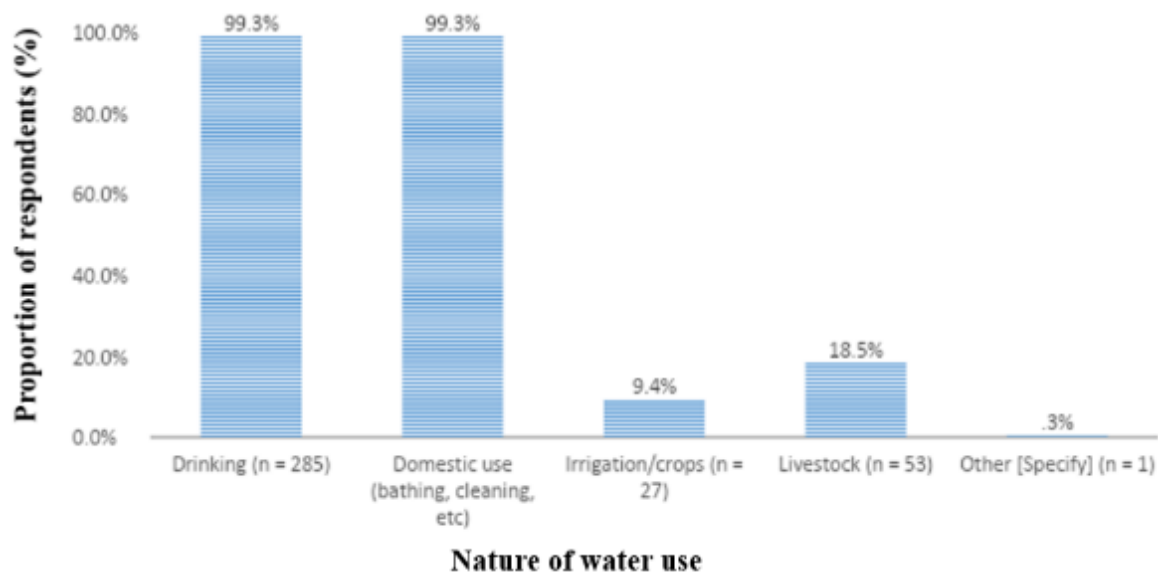


Figure 16: Common uses of water as reported by people of the Rumphi Water Supply and Sanitation Services Improvement Project area.

On sources of water, 77% of the respondents indicated that they draw water from a communal borehole whereas 16% reported that they draw water from government-provided communal water points (Figures 21 and 22). Government-provided communal water points were mainly reported in Rumphi where there has been a scheme for provision of water through gravity-fed piped water. During discussions with the communities, there were complaints regarding this system, which is currently being managed by the Water Users Association (WUA). The system is reportedly not working to the advantage of the communities because its water tanks were not constructed with strong materials and they have since started crumbling. In addition, the intakes were located at lower altitudes hence not taking in enough water to supply them.

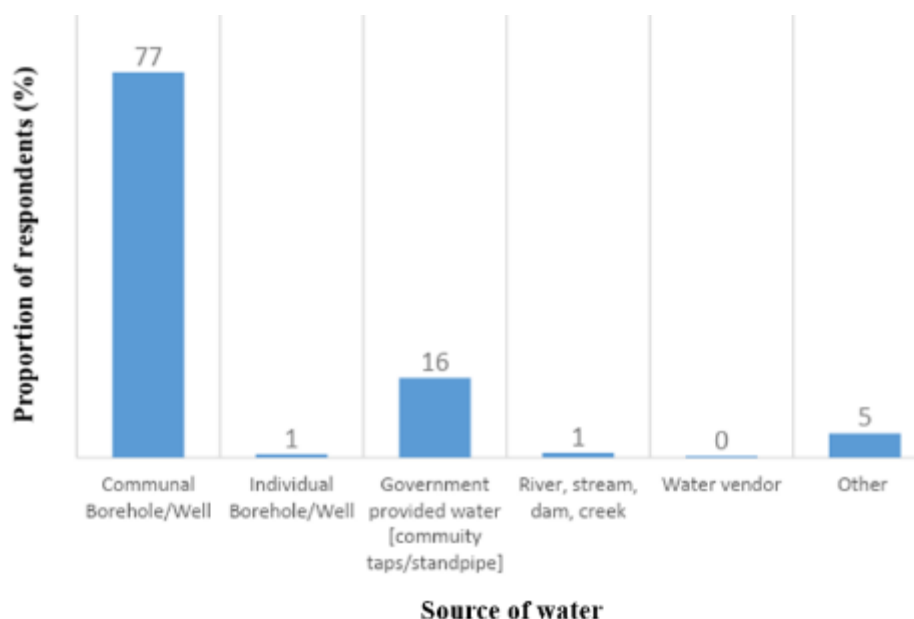


Figure 17: Common sources of water for the people of the Rumphu Water Supply and Sanitation Services Improvement Project area.



Figure 18: Common sources of water for the people of the Project area, the case of communal boreholes

When asked about distances that they travel to access water, the maximum time taken was reported to be one hour (60 minutes) as shown in figure 23 below.

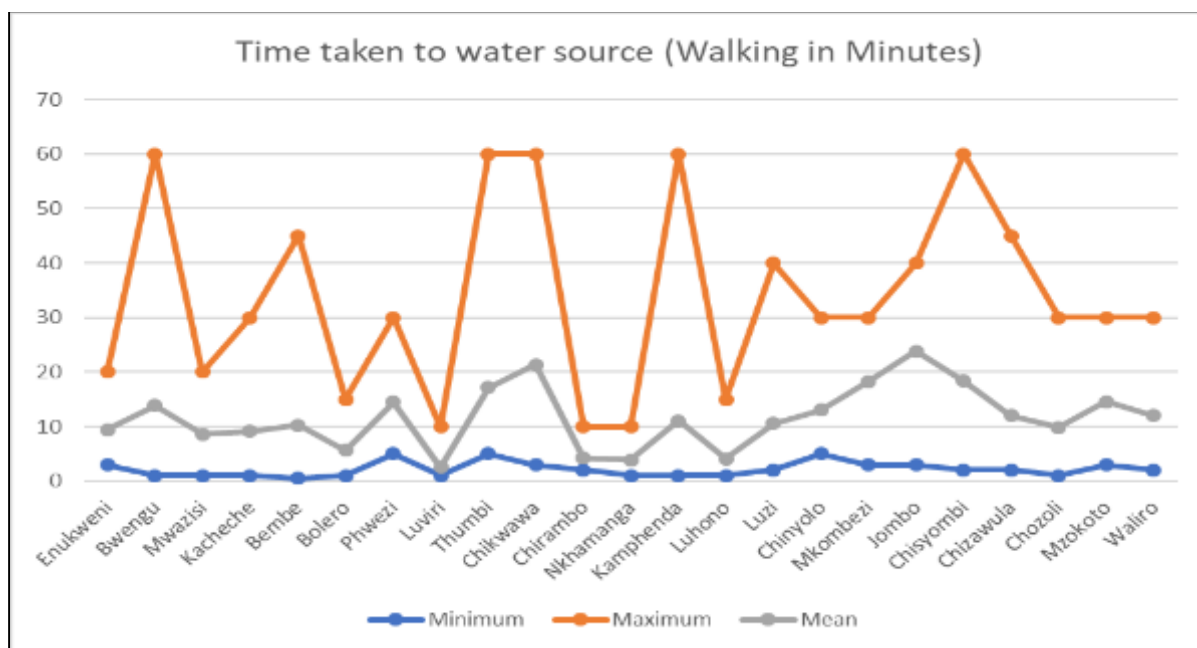


Figure 19: Time taken to travel (walk) to water source for the people of the project area

5.3.8 Treatment of water before use

Since the water sources provide untreated water which is not safe for drinking, we also sought to understand if they treat the water before drinking and how they treat it. 98% of the respondents indicated that they treat the water prior to drinking. The most common method of treatment letting it stand to settle (49%) followed by adding chlorine (47%). Only 2% reported that they boil the water prior to drinking (Figure 24).

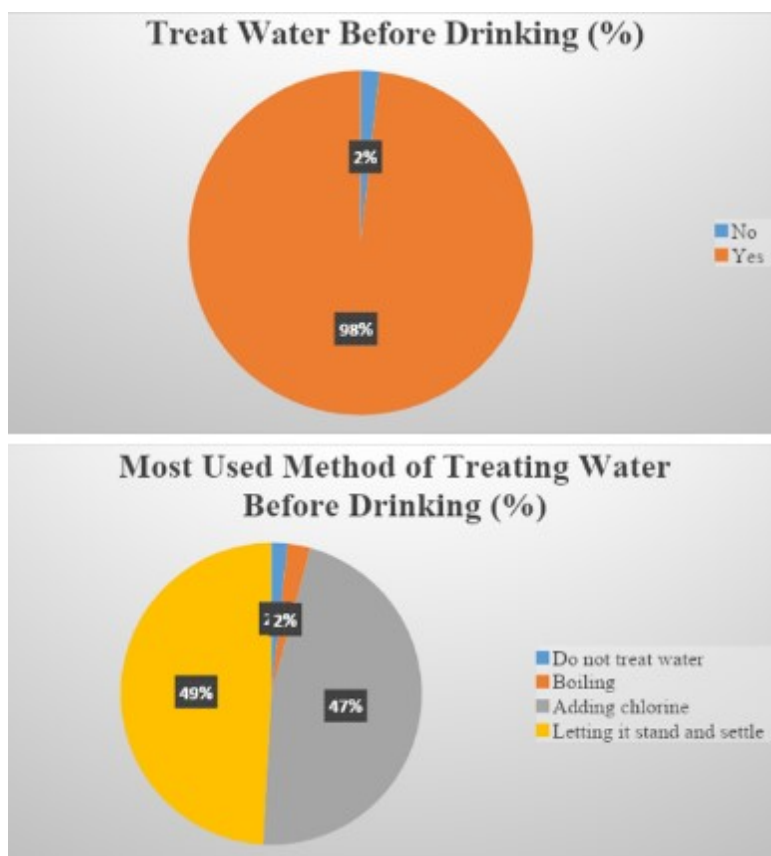


Figure 20: Treatment of water before use (top) and common methods of treating water before use (bottom) in the Rumphi Water Supply and Sanitation Services Improvement Project area

On sanitation facilities, 97% of the respondents reported that they have sanitation facilities. About 83% of respondents also reported that they do share sanitation facilities with other households. Therefore, the number of households sharing a sanitation facility are very high.

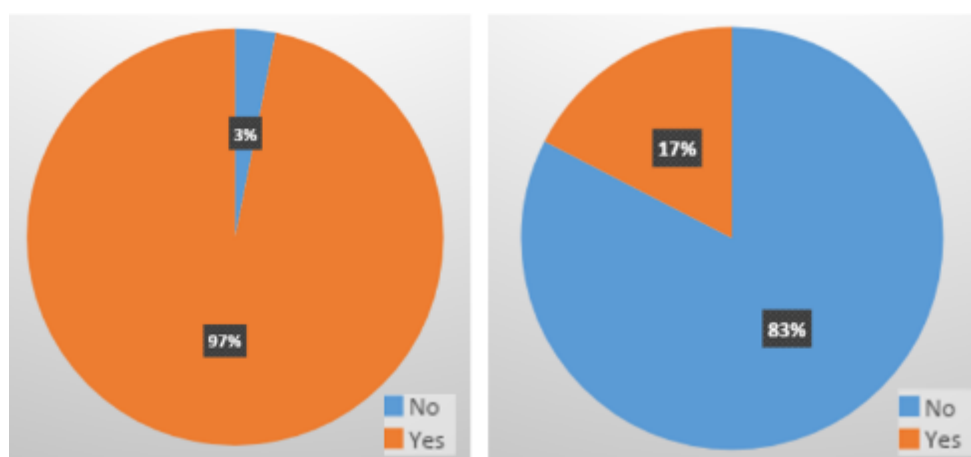


Figure 21: Sanitation in the Rumphi Water Supply and Sanitation Services Improvement Project area. The proportion of people with sanitation facilities (Left) and proportion of households that share a sanitation facility (Right)

The most common sanitation facility is the pit latrine reported by 96.5% of the respondents. Flush toilets were reported for 3.5 % of the households. Pit latrines are constructed using various materials as shown in figure 26 below. It is rare to find a hand washing facility outside a pit latrine as depicted below. The pit latrines are located outside the main house. In one of the meetings, the members encouraged each other to make plans to include toilet facilities within the main house in preparation for the upcoming project.



Figure 22: Nature of pit latrines in Rumphi Water and Sanitation Services Improvement Project area: one type made with grass material and no hand washing facility (Left) and another type constructed with bricks having a hand washing facility outside (R)

5.3.9 Land Ownership and Uses

A large proportion of the respondents reported having at least one piece of land (44%) seconded by those with 2 pieces of land (32%). A further 16% reported that they had access to 3 pieces of land. Only 3 % of the respondents reported that they did not have access to land.

Table 8: Land Ownership in the Rumphi Water Supply and Sanitation Services Improvement Project area.

Number of Pieces of Land Owned	% of respondents
0	3
1	44
2	32
3	16
4	4
5	1

In terms of tenure, 70% reported that it was customary land whereas 17% reported that it was individual titled land. Others reported that they were renting and paid in cash (9%), rented and paid in kind (1%) and freehold (3%). The titled and freehold land was mostly reported in the townships. Land was reported to be used for farming all year round by only 12.2% compared to those who farmed seasonally reported by 87.1%. Land size/holdings ranged from 0.25 to 24 acres, with the majority (93.9%) holding between 0.25 and 3 acres (Figure 27).

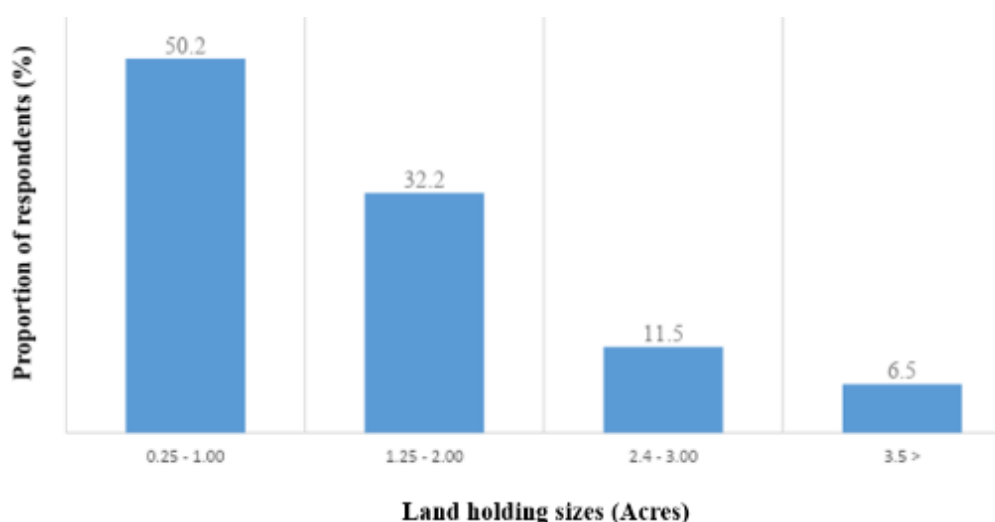


Figure 23: Land holding sizes (Acres) per household in the Rumphi Water Supply and Sanitation Services Improvement Project area

5.3.10 Sources of Income and Livelihoods

According to the survey results, a large number of the individuals in the sample (207) are still going to school, which also speaks to the young population as alluded to above. Therefore, farming is the main source of income for those who are not going to school, seconded by doing piece work/labourers. This is the pool of human resources that the project may have to employ because as shown below, the skills levels for any other kind of employment are very low in the community.

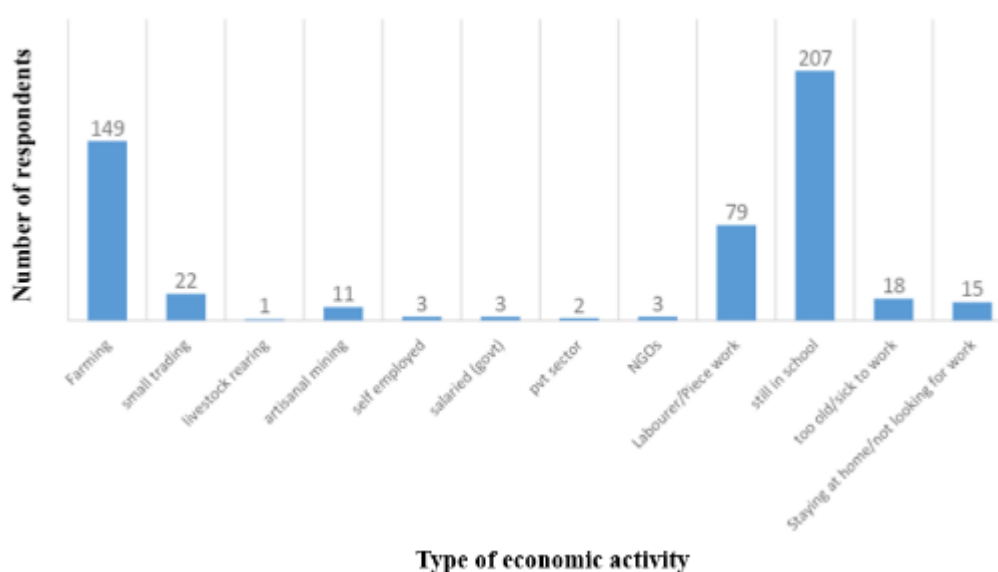


Figure 24: Main types of economic activities in the Rumphu Water Supply and Sanitation Services Improvement Project area

5.3.11 Bank Service

Banking services in Rumphu District are not widely accessible as compared to neighbouring Districts. The banking services are provided by two Banks namely New Building Society (NBS) and First Discount House (FDH) banks, both located at Rumphu Boma. The two banks provide both banking hall and Auto Teller Machines (ATM) banking services. There is no Bank at Bolero Rural Growth Centre and other major trading centres in the project area, and therefore people have travel to Rumphu town to access Banking Services. In addition to formal Bank services, there are mobile money banking services offered by Airtel Money, TNM Mpamba and Standard Bank Unayo which are available in all trading centres in the District. The mobile money bank services face challenge of inadequate cash availability by mobile money agents.

5.3.12 Employment and Labour Market

A number of skills were presented to the respondents to indicate who in their household holds any of those skills. A total of 417 individuals were reported to hold none of the skills as per below. 9 of the individuals reported having carpentry skills whereas 8 were reported to be computer literate. 7 of them reported that they have driving skills while 6 reported that they have building skills. In general, the labour pool for unskilled labour is large hence there will be need to manage the employment opportunities that the project can avail. Systems and structures need to be put in place by the contractor to ensure that there are no challenges with employment offers.

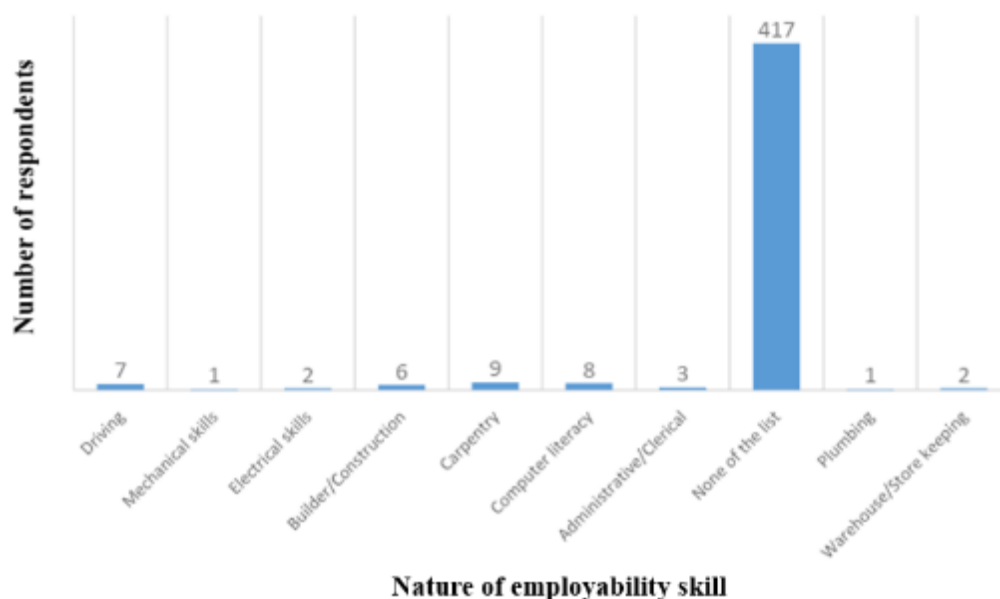


Figure 25: Main types of employability skills in the Rumphi Water Supply and Sanitation Services Improvement Project area

5.3.13 Census

The Project Affected Persons census was conducted from 24th September to 2nd October, 2022 for all proposed water supply and sewer line routes, and land identified for booster stations. The census established that 736 people shall be affected by project activities by damaging their crops, trees and structure with following categories

- i. **Vulnerable Groups:** The census found that 70 out of 736 were vulnerable people representing 9.51%. 4.85% of people had disabilities that ranged from speech impairment and physical disability. None of the people encountered had visual impairment. The project and RAP implementation need to be inclusive enough and provide necessary attention to this group of people.
- ii. **Housing Condition:** The project PAPs come from houses with diverse condition. Some people have burnt brick houses roofed with Iron sheets or grass thatched, while others have house with bud or unburnt houses with grass thatched roofed. The project area being one of vibrant agriculture districts, and also project connects many trading centres, majority of PAPs have burnt brick houses with iron sheet roofs.
- iii. **Household Income:** The majority of project PAPs (73%) are engaged in agricultural activities except at Rumphi Boma where there are governmental and non-governmental institutional offices, and trading centres where people do different business. This means their income is diverse ranging from annual proceeds from agricultural sells, artisanal mining, charcoal and firewood sales, salary incomes, business proceeds and social grants. Table 12 and figure 30 below present the sources and distribution of household income.

Table 9: Sources of Income

Month Income from	Mean	Minimum	Maximum
Salary/wage (N = 40)	105,534.02	5,000.00	380,000.00
Small-scale artisanal mining (N = 12)	47,583.33	1,000.00	150,000.00
Small trading (N = 68)	110,801.47	2,000.00	1,500,000.00
Crop sales (N = 166)	460,099.46	210.00	21,383,800.00
Livestock sales (including sale of livestock products) (N = 28)	156,571.43	3,000.00	2,100,000.00
Social grants/remittances (N = 24)	34,125.00	5,000.00	160,000.00
Tenants/property rentals (N = 8)	38,875.00	10,000.00	80,000.00
Firewood and/or charcoal (N = 8)	47,250.00	1,000.00	300,000.00
Building materials (N = 7)	85,714.29	5,000.00	300,000.00
Other sources (N = 27)	137,966.67	1,600.00	1,500,000.00

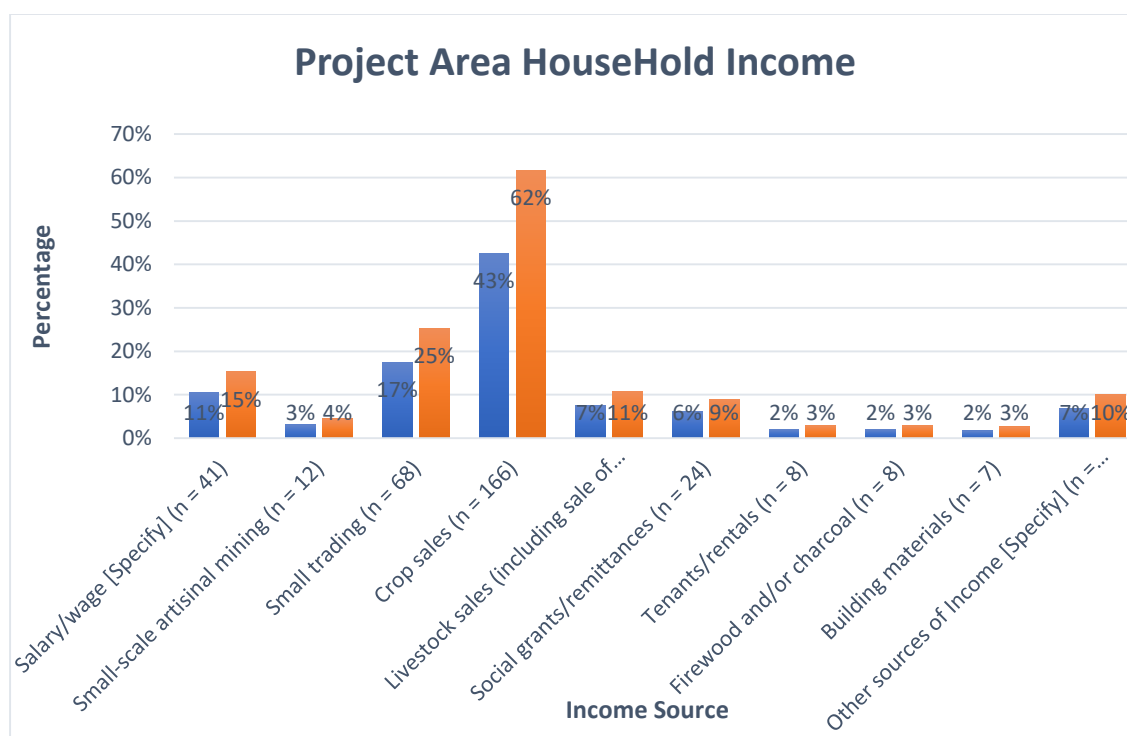


Figure 26: Household income

- iv. **Preferred Mode of Payment:** The Project Affected Persons preferred compensation options is cash over in kind.
- v. **Losses/Damages:** The project affected properties identified during census include crops, trees and commercial shops. The detailed PAP list and damaged properties are provided in compensation schedule.

5.3.14 Grievances and Redress Mechanisms (GRM)

During the study, it was established that the Grievance and Redress Mechanism (GRM) is located at the Area Development Committee (ADC) level. Only one ADC, at Chinyolo, had a fully existent and functional GRM. It was observed that this was because the ADC covers areas located along the M1 road which has recently experienced asset valuation and compensation by the Roads Authority/Roads Fund who are working on the maintenance of the road. They assessed and valued the assets and it was reported that there were some grievances in terms of amounts of compensation to some of the schools. Although the GRM Committee had advised the PAPs not to receive the cheques if there were any complaints, the complainants went ahead to encash the cheque thereby signifying that they accepted the compensation. They did this for fear of losing the amounts that had already been given to them. This was a demonstration that the GRM Committee is functional.

For those ADCs whose GRM Committees were non-existent and non-functional, they were urged to ensure that they form these committees prior to commencement of the project. Similarly, the representatives of the District Council also indicated that they have a GRM Committee at the Council level which collaborates with the ones at the ADC level in resolving disputes whenever they arise.

5.3.15 Corona Virus and Cholera Situation

Corona Virus (Covid19) situation in the country had generally improved since the first reports in March of 2020. According to the Ministry of Health (<https://covid19.health.gov.mw>), the situation as of 18th October 2022 was as follows:

Table 10: Corona Virus Situation in Malawi and in Mzimba North and Rumphu as of mid-October 2022

Nature of Covid-19 Case	Numbers recorded		
	National	Mzimba North	Rumphu
Total Confirmed Cases	88,061	5,134	1,023
Total Confirmed Deaths	2,682	128	46
Total Recovered	84,973	4,880	977
Lost during follow-up	232	0	0
Active Cases	174	126	0

The Ministry of Health declared a cholera outbreak in Malawi on 3rd March 2022, following laboratory confirmation of a case in the country. A second case was detected on 7 March. As of 26th April 2022, 78 cholera cases and four deaths had been reported, of which 97% (76 cases) were from Nsanje District. The Northern Region started reporting cases from 15th October 2022. Presently, twenty-five districts have reported cholera cases, including Rumphu (650 cases and 10 deaths) and Mzimba North (409 cases and 1 death), which were among some of the districts with highest cholera incidence. The major factors that lead to cholera include poor food hygiene, lack of access to safe water and low coverage and usage of latrines (i.e. practising open defecation).

5.4 Conclusion

In conclusion, the baseline conditions have established that except for the townships, most of the project areas are in rural settings, with poor access to water hence making the project highly desirable by the communities living in the project area. Women are the ones to benefit most because it is their role to fetch water and do most of the domestic chores. Their complaints about the current water supply system and the unavailability of safe and potable water provide a reason for the project to be implemented. Due to the level of skills among the population, there is a large youthful pool of labour that will have high expectations for employment from the project.

6 ELIGIBILITY CRITERIA

This Chapter describes the type of PAPs and their eligibility for compensation by this project. It also presents the entitlement matrix which will be used in compensating the affected people.

6.1 Types of PAPS

Based on the preconstruction impacts identified from the census, the types of PAPs are as follows:

- i. Individual Land user or owner (trees and structures within the 5-metre-wide corridor)
- ii. Community Properties (land and structure of Church and Schools)
- iii. Institutional PAP (private Leasehold land)

6.2 Eligibility Criteria

All PAPs, including those who have no recognisable legal right or claim to the land they are occupying, are eligible for compensation or other assistance commensurate with the nature and extent of the impact involved. Eligibility to entitlements require the following;

- i. PAP must have been located within a direct impact zone of the Corridor before the cut-off date established when the census was completed.
- ii. Suffered a loss that is quantifiable i.e., loses an asset partially or fully, either permanently on or a temporary basis or can be quantified in monetary terms etc.
- iii. His/her ownership of the asset is either formally registered or at least recognized and his/her presence or association with the location is recognized or well known within the local community.

Based on the above, affected persons shall be considered eligible for compensation in cases where the proposed project works encroach private or customary land, impact on existing structures and trees.

6.3 Entitlement Matrix for the Project

The Entitlement Matrix in the Table 14 provides measures for compensation for different categories of impacts and project affected persons. For other environment-related impacts caused during any stage of the project, refer to the Environment and Social Impact Management Plan (ESMP) of the project.

6.4 Cut-Off Date

A cut-off date is normally set by valuation process to establish displaced or affected persons who are eligible to receive compensation and resettlement assistance by a project. The aim is not to inflict losses on people and control deliberate development in anticipation for compensations. During RAP update, the Asset Inventory verification ended on 30th June 2025, and this date became the cut –off date. Any assets created or improvements done to existing assets, change in use or ownership, potential newcomers within the project areas after this date will not be eligible for compensation or resettlement assistance. The concept of a cut-off date

was explained to PAPs and stakeholder during engagement meetings. However, PAPs and stakeholder reaction to Cut-Off date was that the concept would be applicable if compensations were done in time followed by immediate implementation of the project. Delays in project implementation would not stop them from developing their land.

Table 11: Entitlement Matrix

S. No.	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details
PRE-CONSTRUCTION STAGE					
Loss of land					
1	Commercial, residential Private (freehold/ leasehold) Public	Land owner	Owner PAP	a) Land for land, if available. Or, Cash compensation for the land at replacement cost b) Disturbance allowance of 20% of the value of land lost will be provided, irrespective of the size of land. c) Transaction costs, including transfer or registration of titles and taxes to be borne by the project within one year from the time compensation is paid d) Supported in cadastral survey and new titling process for PAPs changed landholding.	In case of provision of alternative land, • cost of registration/ transaction costs will be added; and • support will be provided in identification of alternate land
	Land Under the corridor	Land owner	Owner PAP	a) the value of land under the corridor will be compensated at 100% of the replacement value of the land	• No trees and structures will be allowed. • 20% of the replacement value of the land will be paid as compensation for the use restriction
		Tenant	tenants/ renters	Adequate notice would be given before commencement of construction to get another house	
2. Loss of structure					

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	Residential	Dwelling owner, Squatter	PAP Household /	a) Replacement cost of structure without depreciation b) Disturbance Allowance: Lump sum amount 15% of compensation amount to cover the period of transition c) Right to salvage materials from the existing structure (except those identified as hazardous such as Asbestos) d) Transaction costs, including transfer or registration of titles and taxes to be borne by the project within one year from the time compensation is paid for owners of dwelling houses affected.	Squatters are also entitled to full compensation of the value of the structure Squatters: Cost recovery incurred for purchasing the land (from the unscrupulous fake landowners)
				65	

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S. No.	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details
		Renter	PAP / Household	Reimbursement for unexpired tenancy/ lease period or The amount of deposit or advance paid by the tenant to the landlord or the remaining amount at the time of expropriation	Proof of a formal tenancy agreement has to be provided. In the absence of a formal agreement, a monthly rent will have to be provided.
	Any other structure on affected plot Granaries, Toilets, Kraal, Bathrooms, storages (including any irrigation structure)	Structure Owner/ Unauthorized Occupant, Encroacher or Squatter	PAP/ Affected Entity	a) Replacement cost of structure without depreciation b) Right to salvage materials from the existing structure (except those identified as hazardous e.g. asbestos, etc.)	
	Commercial (Loss of Business Structure)	Business Owner /Structure Owner	PAP/ Business Entity	a) Replacement cost of structure without depreciation b) Right to salvage materials from the existing structure (except those identified as hazardous e.g. asbestos, etc.)	
Crops and Trees					

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S. No.	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details
3.	fruit trees and perennial crop	Crop Owner	Owner PAP	a) The valuation of perennial crops will be based on the investment approach b) The valuation of fruit trees will consider the annual income and likely market yield	The prevailing average market price/kg will be considered
	Other trees			i. Compensation will be based on the provision of the Forestry Gazette, Government of Malawi (2010).	size of trees being lost will be considered in the valuation as the bigger trees will attract high rates
4	Loss of Resources serving the community (Churches, Schools, Hand pumps, dug wells, Structures, etc.),	Affected Community or Host Community Location Area	Affected area	Replacement of such impacted assets as required or an improved one	Full Replacement Cost of the infrastructure

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S. No.	Type of loss	Category of PAP	Eligibility	Entitlement	Entitlement details
5	Temporary and unforeseen impacts.	Affected Person	PAP/ Household/ Community	Mitigation in line with principles in resettlement outlined above	Unforeseen and temporary impacts during construction will be documented and dealt with on case by case basis using contingency funds provided under the RAP budget or through the GRM in accordance with the principles above.

7 VALUATION OF ASSETS

The chapter describes the valuation approach and methodology used in the valuation of project affected assets.

7.1 Basis of Valuation Methods

The bases of valuation of assets in this project have basically been two, namely, the local laws and the AfDB policy on Involuntary Resettlement.

Local Provisions: There are a number of legal provisions in Malawi which govern compensations in the event that one's assets are affected. These are explained in Chapter 3 above. However, the Land Acquisition and compensation Act (2016) further provides for what has to be considered in the process of valuation of assets for compensation purposes. First, the Act (section 10 sub section 2) stipulates the 11 grounds for compensation as loss of occupational rights, loss of land, loss of structure, loss of business, relocation costs, loss of good will, injurious affection, nuisance, loss or reduction of tenure and costs of professional advice, subject to the provision of a relevant Act, and when the grounds are established, a disturbance allowance is added.

In the assessment of compensation, the law requires that where there is an indication that a property shall be acquired compulsorily and that this has the effect of reducing the market value of the property, the valuation of the said property shall ignore the blighting effect.”

AfDB Policy on Involuntary Resettlement: The policy requires that affected persons be compensated on actual replacement costs of expropriated assets. The Policy describes replacement cost as the method of valuation of assets that help determine the amount sufficient to replace the lost asset and cover transaction costs. In applying this method depreciation is not taken into account. The principle of replacement costs is to ensure that the affected persons secure assets equivalent to those lost. These replacement costs address compensation for tangible assets like land, houses, trees and other improvements on land. The replacement costs include all administrative fees, provision for inflation if payments are delayed.

The policy describes replacement cost for land as fair market value plus transaction costs and, in rural areas, any preparation costs. Replacement cost for houses and other structures is defined as the market cost of the material to build a replacement structure with an area and quality similar or better than those affected. For other assets like public infrastructure, which includes roads, telephone lines, electric lines, water mains, telephone lines, police stations, schools and clinics, a full compensation to the agency replacing the services is required.

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 who are Members of the Surveyors Institute of Malawi (SIM). SIM subscribes to the International Valuation Standards of the International Valuation Standards Council as a member. As such valuation of assets is

done in accordance with Practice Statements and Guidance Notes published by the International Valuation Standards Council (IVSC).

7.2 Valuation Methods Used

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 assets impacted by the project, the appropriate method used in the valuation of the affected asset are Cost approach, Investment approach and Comparison approach. The following categories of assets were affected:

- Land (for booster, offices and tank sites)
- Structures along the pipeline corridor
- Natural and exotic trees along the pipeline corridor
- Fruit trees along the pipeline corridor

Valuation of Structures: Considering that the area of impact of the project is not urban in nature and that even at Rumphu Boma, the market evidence is scarce, the Cost and Comparison approaches (comparison approach for land valuation) have been considered relevant approach for this RAP. The first step in this approach was to conduct inspections as part of asset survey, then collect market fundamentals and unit costs for construction of structures.

Rates of construction for structures were developed by considering a hypothetical house of 7 metres long and 5 metres wide. Quantity and cost of materials, labour and transport for materials for a construction of a house of 35 square metres were calculated. This gave out a gross replacement cost of a new building. This gross replacement cost was divided by the total floor area of the house to obtain a unit cost of construction. Different types of houses of different finishing were considered. This also required different amounts and nature of materials which resulted in different unit costs.

These unit costs were applied to structures of similar construction already collected during asset inventory to find the gross replacement costs of the PAPs structures.

Valuation of Land: Land values were derived by using one method of valuation – Comparable sales Method. The comparable sales approach is the most common method of property valuation. It relies on market information to value the property. The underlying concept is that a recent sale from a willing seller to a willing buyer of a property (the comparable property) can best reflect the value of a similar property (the subject property) in the vicinity. This method models the behaviour of the market by comparing the subject property under valuation with similar property or properties that have recently sold or for which offers to purchase have been made. It assumes that a rational and prudent buyer will not pay more for the comparable property, while a seller in the same situation will not accept less for the same property. The sales price finally reached reflects the equilibrium of supply and demand for land in a given market. Therefore, if the subject property under valuation were offered for sale in the same market about the same time, the transaction would be completed at approximately the same price.

Loss of trees: For loss of trees along the corridor, the Government Forestry Gazette of 2010 offered a basis for calculation of values. Trees, during inventory, were categorized into three, namely:

- small with a circumference/girth of 6 cm to 10 cm around the trunk;
- medium with a circumference/girth of 11 cm to 20 cm around the trunk; and
- Large with a circumference/girth of 21 cm and above.

The large category enjoyed the full rate of that species of trees, while the medium and the small were valued at half the value of the large tree and a third respectively.

Loss of fruit trees: In the construction of rates for fruit trees, it was recognized that most of these fruits are not only for consumption but also for commercial purposes. The annual yield per fruit tree was obtained together with its market price per kg. This gave an annual income per fruit. An estimated annual expense in caring for such a fruit tree was deducted from the gross annual income to obtain a net income per tree. An estimated 15% All-Risks Yield was applied to obtain the value as used in this RAP

Compensation Allowance: The local laws provide that disturbance allowance be paid to project affected persons. Therefore, a percentage of total compensable value was decided and applied accordingly. So, in addition, monetary compensation has to be paid to reimburse the claimant for ‘disturbance’ or any other matter not directly based on the loss considered above. Based on the rates used in other projects, 15% was deemed appropriate.

Loss of Resources Serving the Community: Resources serving the community impacted will be replaced or reconstructed including addition of structure meant to facilitate access, while other assets such as land belonging to School, Church or other public agencies would be compensated only for the assets on the land and not for the land itself. The process for valuation remains as stated above.

7.3 Verification and Disclosure

The compensation verification and disclosure shall have conducted before compensation payments are made to PAPs. The verification process provides room for the project to confirm with the PAPs properties to be affected to ensure nothing was missed during census and data entry, and also PAPs agree with the list of affected properties and rates used in disclosure sheet. This process will involve the valuation team going back in the field to cross check with PAPs by conducting area focus group meetings where assets and PAP names will be called out in presence of local leaders to ensure that the rightful owner of the affected properties are recorded. Where there is a misunderstanding of ownership of the property between PAPs, the local leadership will be engaged to help should PAPs fail to produce ownership evidence. Thereafter the PAPs will invited to check the valuation amount and sign in disclosure sheet (consent form).

7.4 Valuation Process

During verification process, the valuation experts explained the valuation process, formula and standard procedures used in the valuation process. Since property valuation is a process that start from census, the valuation process ensured that PAPs were engaged and present at their premises during census and data collection exercise, and are aware of property to be affected or damaged by project. In case of land acquisition where PAPs negotiation took place, the PAPs signed agreement forms, the amounts were confirmed by valuation experts.

7.5 Total compensation by type of asset

The budget for updated RAP Phase 1 is in the sum of **USD238,924.81**, which includes USD70,588.23 for compensation for land acquisition and whist the rest is for PAPs properties compensations (including a 5% administration costs). The properties to be compensated included crops on 23.28 ha of farmland, natural and exotic trees, hawkers, kiosks and temporary vending benches. The table below summaries assets to be impacted by implementation of project.

Table 12: Assets Breakdown to be damaged by Implementation of Project

Table 15: Updated RAP Breakdown of Assets to be Affected

No	Asset Type	Quantity	Value (MK)	Value (USD)
1	Natural trees	2,377	8,654,205.00	4,942.44
2	Exotic trees	2,551	22,113,800.00	12,629.24
3	Fruit trees	618	14,162,200.00	8,088.06
4	Hawkers/kiosks	65	74,424,690.00	42,504.11
5	Crops (ha)	23.28	101,384,303.00	57,900.80
6	Land (ha)	63.95	123,600.000.00	70,588.23

8 MAGNITUDE OF IMPACTS

Implementation of the project would cause different impacts on people in the project area majority of them from pipe network installation. This chapter identifies those impacts, weighs the magnitude of such impacts and alternative routes of the pipe network which would reduce such impacts

8.1 Project Components Inducing Resettlement Impacts

The proposed project activities with potential impacts on people's property are a linear project by nature with the following key components:

- i. Excavation of the earth for pipelines and laying of pipes requiring 3-5 meters right of way corridor
- ii. Construction of boosters, offices and tanks

The above project components and construction activities entail permanent expropriation of farmland at the locations where pipelines, boosters, tanks and offices are to be located.

8.2 Zone of Impact of Such Component or Activities

The project's zone of impact will be essentially the 5-meter corridor of the proposed pipelines. During construction stage, there could be impacts on parcels adjacent to the corridor and other parcels of land or access routes to the corridor which might experience impact. Zone of impact for the booster station, tanks and treatment will be controlled since the works will be implemented on designated and specific land space.

8.3 Adverse Impacts at Project Planning Phase Stage

The project components shall lead to following adverse impacts as given in (Table 16). The impacts mainly emanated from project land sites acquisition.

Table 13: Land Acquisition

Rumphu Water Supply and Sanitation Services Improvement				
Project Land Acquisition				
No.	Site Name & Land Use	Hectare	Amount (MK)	Amount (USD)
1	Matunkha Workshop&Stores	0.25	15,000,000.00	8,566.53
2	Thumbi Booster & Staff House	0.56	5,000,000.00	2,855.51
3	Bwengu Office	0.1344	5,700,000.00	3,255.28
4	Enukweni Office	0.095	3,800,000.00	2,170.19
5	Bolero Office	0.3135	3,800,000.00	2,170.19
5	Kacheche Booster and Staff House	0.5	4,800,000.00	2,741.29
6	Bolero Booster & staff house	0.2475	3,500,000.00	1,998.86
7	Matunkha Office Complex	1.0	45,000,000.00	25,699.60
10	Thulwe Landfill	2.76	7,000,000.00	3,997.72

Rumphu Water Supply and Sanitation Services Improvement				
Project Land Acquisition				
No.	Site Name & Land Use	Hectare	Amount (MK)	Amount (USD)
11	Lumemo Wastewater treatment site	1.0	30,000,000.00	17,133.07
12	Mzokoto Commuter Drop Toilet	0.208	6,600,000.00	3,426.61
TOTAL			123,600,000.00	70,588.24

8.3.1 Mitigation/ Minimisation Measures

The project shall employ the following measures to mitigate the impacts;

- Provide adequate information on compensation procedures and laws;
- Provide appropriate compensation according to the Laws of Malawi and AfDB guidelines;
- Sensitise and train PAPs especially those to lose land permanently to put the land sale proceeds into good use;
- Installation of pipeline in road reserve wayleave; and
- Provision of disturbance allowance compensation valuation.

8.4 Adverse Impacts at Project Construction Stage

In the updated RAP, the key impacts of notes are the following:

- i. **Total Number of PAPs affected:** 648 PAPs out of which, 311 PAPs are female-headed, 298 male-headed and 19 institutional PAPs.
- ii. Land required has increased from 32.45 ha to 63.95 ha, owing to additional land required for construction of Office Complex and Liquid Waste Treatment plant. The breakdown of land tenure is as follows:
 - 0.28 ha is leasehold land.
 - 7.48 ha of customary land purchased for different project infrastructure.
 - 1.0 ha of public land for reservoir tanks.
 - 55.19 ha of farmland and non-farmland affected for pipe installation along Road Reserve public land.
- iii. **Trees:** This project will affect 5,546 trees, broken down as follows
 - Natural trees (42.9%) that are serving as source of firewood and ecosystem services such as habitats for fauna, natural medicines, timber, etc
 - Exotic trees (46.0%) such as gmelina, pines, bluegums and acacia from which communities derive timber for construction activities
 - Fruit trees (11.1%) which provide communities with nutritional needs
- iv. **Impacts on Resources serving the community and Institutional PAPs:** The institutional PAPs 11 churches and 9 schools that serve the communities in the area. The assets included trees, signposts, crops and hedges. Some of the assets impacted are shown in the captions below:



V. Structures affected: 65 hawkers and kiosks used as vending points for mobilemeny, groceries, vegetables, foodstalls, etc. No dwelling houses will be affected.



The Compensation Summary Matrix in Appendix XII provides details of PAPs and assets to be impacted during project implementation

8.4.1 Mitigation/ Minimisation Measures

The project shall employ the following measures to mitigate the impacts;

- Provide and announce 2 month vacation notice for PAPs to remove their properties in the wayleave and acquired land;
- Prioritise local people including PAPs on non-skilled labour opportunities;
- Purchase some construction materials such as quarry stones, cement and others from local suppliers;
- Where a structure can be avoided, use manual excavation;
- Backfilling of the pits and trenches;
- Use excavated earth materials in backfilling trenches; and
- Minimise land clearing and tree cutting only to trench routes and structure location.

9 GRIEVANCE REDRESSAL MECHANISMS AND PROCESSES

Regardless of minimal scale of damages, absence of resettlement, the implementation of works will affect people's property that would inevitably give rise to grievances among the affected population over issues ranging from rates of compensation and eligibility criteria to other disturbances during construction stage. In view of this, a grievance redress mechanism was set up to resolve grievances at the community and technical levels. The grievance redress mechanism allows the institutions engaged in grievance resolution to receive and address specific concerns about compensation raised by PAPs or any issues related to implementation of resettlement action plan in a timely fashion. The GRM provides a resource mechanism designed to resolve disputes in an impartial manner to cut down on lengthy litigation. Therefore, this GRM permit a peaceful and timely resolution of problems, assuring stakeholders that their concerns have been heard and that the institutionalized mechanism will yield a fair and impartial outcome

Sections below present the likely grievances, objectives of the GRM, the principles that need to be adhered to and the process of receiving and addressing grievances from complainants.

9.1 Objectives of the Grievance Redress Mechanism (GRM)

The primary objective of a GRM is to address amicably all complaints and grievances concerning the project. The specific objectives of a GRM are:

- i. To prioritize and resolve any disputes related to preparation and implementation of Resettlement Action Plan of this project;
- ii. To help project proponents ensure that project implementation timelines and overall schedule are not compromised due to delays in resolving grievance;
- iii. To address emerging concerns before they reach a level that may warrant judicial or administrative proceedings;
- iv. To provide an accessible, transparent and efficient complaint procedure for project stakeholders; and
- vi. To help cut down on lengthy and expensive litigation that PAPs might have to indulge in otherwise.

9.2 Principles to Effective Grievance Redressal

Principles in formulation of effective grievance redressal process are as follows:

- i. Institutions and procedures laid down are consistent with the anticipated grievances;
- ii. Takes cognizance of the existing socio-cultural setting such as making use of existing village/block structure in resolution of disputes;
- iii. Is housed within existing formal institutional structures thereby ensuring continuity;
- iv. Should be well represented in its composition particularly aimed to resolve the types of grievances that are likely;
- v. Is accessible i.e., close to the source of grievance so as to not make reporting of grievance difficult in the first place;
- vi. Takes cognizance of the need to resolve grievances as they are better resolved at the level at which they occur rather than the next higher level;

- vii. Provides appropriate orientation and training to all stakeholders involved in redressal of grievances;
- viii. Is well-supported by an effective information dissemination mechanism to prevent occurrence of a grievance in the first place due to lack of information;
- ix. Fixes a time frame for resolution of grievance and communicates the same to communities;
- x. Is timely and responsive i.e., its recommendation and decisions are implemented by the project implementers;
- xi. Is adequately resourced to ensure desired effectiveness; and
- xii. No financial payments required for PAPs to have their grievances addressed

9.3 Likely Grievances

Types of grievances that could occur or might have already occurred during the preconstruction i.e., survey stage and those likely to occur during the RAP implementation followed by construction stage are as follows:

- i. Lack of awareness of the project corridor;
- ii. Missing of parcel, error in identification and/or incorrect measurement (or perceptions over incorrect measurement) of affected assets;
- iii. Disagreement regarding inheritance or ownership of assets and fearing loss of compensation;
- iv. Lack of adequate communication on the project developments, not enough consultation/sensitisation;
- v. Disagreement over the rates utilized for valuation of affected assets; and mistakes in the formulation of compensation agreement documents;
- vi. Non-payment for improvements carried out to structures post survey and valuation but prior to compensation payments;
- vii. Mode of payment of compensation and time delays; and
- viii. Not enough work during construction stage / dissatisfaction over wages given.

9.4 Grievance Redress Mechanism for Rumphi Water Supply and Sanitation Services Improvement Project (RWSSIP)

For the purpose of handling grievances related to environmental and social concerns, RWSSIP will have to establish a grievance redress mechanism which will have to include a GRM committee at a District level, dedicated mobile phone, WhatsApp line, Toll free phone number and Email address. A grievance redress sub-committees will have to be established at Village Development Committee level and Area Development Committee level. These committees will have to be presented to the public through meetings and media. In these committees, grievances will have to be recorded in grievance reporting forms, sorted and assigned to appropriate party for resolution. The final resolution will have to be recorded in the grievance resolution form (Appendix XI) and complainant form (Appendix XII) forms.

The following are compositions of GRCs at all levels to ensure efficient and exhaustive hearing and arbitration of grievances. All GRCs shall have not less than 2 female committee members.

9.4.1 Community Level Grievance Committee

The community level GRC, the chairperson shall be responsible for communicating resolutions in writing, while the committee secretary shall be responsible for recording grievances reported, filling, keeping and updating records books. The GRC shall comprise of the following members;

- i. The Area Development Committee Chairperson – Chairperson;
- ii. The ADC secretary- Secretary;
- iii. ADC committee members;
- iv. Faith Based Leader;
- v. Women Representative;
- vi. Youth Network member;
- vii. Community Police Representative;
- viii. Civil servant working in the area such as school teacher, health officer etc.;
- ix. One civil society member working in the area;

The Community Level Grievance Redress Committee shall have the following duties and responsibilities;

- Represents the interests of PAPs and communities in the project's zone of influence;
- Acts as an entry and exit point for all grievances arising from resettlement and compensation activities;
- Publicize the grievance reporting channels, redress and management system established;
- Organize the receipt, review, investigation and follow-up of grievances;
- Adjudicate grievances at community level;
- Communicate to project client in writing grievance resolution made;
- Monitor and evaluate the implementation of agreements reached through the grievance mechanism;
- Refer non disposed of or unresolved cases to the District level GRC.

9.4.2 District Level Committee.

At District level, the chairperson shall be responsible for recording and communicating decision made in writing. The shall comprise of the following members;

- i. The District Commissioner – Chairperson
- ii. The Environmental and Social Safeguard Expert - Secretary
- iii. District Environmental Officer;
- iv. District Lands Officer;
- v. The Community Mobilisation and Training Manager;
- vi. District Gender and Social Welfare Officer;
- vii. The District Water Development Officer;
- viii. NGO representative (WASH NGO preferred)

The committee will be meeting twice a month to propose corrective or precautionary actions. If required, the committee may also invite the applicants, relevant governmental authorities and/or third parties to these meetings. Specifically, the Committee shall have the following duties and responsibilities;

- i. Receive and investigate referral complaints from community level;
- ii. Building capacity of CGRMC on GRM;
- iii. Represents the interests of PAPs and communities in the project's zone of influence;
- iv. Acts as an entry and exit point for all grievances arising from resettlement and compensation activities;
- v. Adjudicate grievances;
- vi. Monitor and evaluate the implementation of agreements reached through the grievance mechanism;
- vii. Documenting status of the complaint and its resolution
- viii. Refer unresolved cases to the NRW GRC;
- ix. Through the community level GRC representative, provides support in rolling out the GRM community sensitization meetings, receiving and channelling grievances to the PIU and feedback to the PAPs.

9.4.3 NRW Grievance Redress Committee

A committee of well-informed persons and experienced in the subject area, shall be constituted at the NRW level to handle complaints that have been referred, or have not been addressed or resolved at the project level in the impact area. The NRW level GRM shall be comprised of the following members:

- Infrastructure Development Director, Chairperson
- Director of Human Resource and Administration- secretary;
- Environmental Safeguard Expert
- Community and Social Safeguard Experts
- Infrastructure Development Manager; and
- Internal Audit Manager;

The NRW Grievance Redress Mechanism committee shall do everything possible to resolve issues within fourteen (14) days from the date the case has been transferred to it from the Project District level GRM committee. The chairperson of the committee shall communicate the committee's decision to the aggrieved PAP(s) in writing. The decision reached at the NRW committee level will be the final decision. The committee shall keep record of all decisions related to each case. When disputes are not resolved at one of the above level, the case will be directed to the Minister for Water to forward to the related ministry of the nature

of grievance for example land issues to minister responsible for Land acquisition, labour issue to Ministry of Labour for action

9.4.4. Court Mechanism

The level NRW Grievance redress committee shall be the last non-legal mechanism of addressing at Project implementation level. After NRW report the grievance to responsible ministry of the nature of grievance in which the aggrieved person is copied, the aggrieved person, if not satisfied with resolution, can also explore legal option for court arbitration or adjudication of dispute should the responsible Ministry not hear the aggrieved 30 days after notification.

9.5 Grievance Uptake Channel and Location

Grievance uptake refers to the methods by which grievances are collected. An effective GRM should have effective reception channels and multiple uptake locations. The project shall provide multiple channels such as dedicated mobile phone, WhatsApp line, Toll free phone number, mail, email, face to face, phone call, SMS text, website, or complaint box means at which grievance are registered. The grievance channels shall be available in all uptake locations located at community levels; ADC/VDC, District Council Secretariat, Project Client; NRW PIU office in Rumphu and Head office in Mzuzu

The uptake channels will be publicised and advertised through local media, community sensitization meeting among other mass communication methods. The grievances submitted verbally will be put in writing for them to be considered, and the complainant shall be asked to sign for or endorse it. In situations where grievances were received and resolved ‘on the spot’ by project staff, there are opportunities to encourage these informal resolutions to be recorded to encourage responsiveness, and ensure that repeated or low-level grievances are being noted in the system.

9.6 Procedure for Receiving and Responding to Complaints, Grievances, Appeal and Claiming Process.

Table 19 summarises the process which is being followed in the redress of the grievances.

Table 14: Grievance Redress Process

Process	Description	Time Frame	Other information
Grievance reception/Uptake	Face to face; phone; letter, e-mail; WhatsApp line face to face; SMS text, website; complaint box means; public/community interaction; others	1 Day	Email address; hotline number

Process	Description	Time Frame	Other information
Grievance assessed and logged	Significance assessed and grievance recorded or logged (i.e. in a reporting book)	4-7 Days	Significance criteria: Level 1 –one off event; Level 2 – complaint is widespread or repeated; Level 3- any complaint (one off or repeated) that indicates breach of law or policy or this ESMP provisions
Grievance is acknowledged	Acknowledgement of grievance through appropriate medium	7-14 Days	NA
Development of response	-Grievance assigned to appropriate party for resolution -Response development with input from management/ relevant stakeholders	4-7 Days 7-14 Days	NA
Response signed off	Redress action approved at appropriate levels	4-7 Days	Project staff to sign off
Implementation and communication of response	Redress action implemented and update of progress on resolution communicated to complainant	10-14 Days	NA
Complaints Response	Redress action recorded in grievance resolution book Confirm with complainant that grievance can be closed or determine what follow up is necessary	4-7 Days	NA
Close grievance	Record final sign off of grievance If grievance cannot be closed, return to step 2 or refer to recommend third-party for arbitration or resort to court of law.	4-7 Days	Final sign off by NRW Project Management Unit Manager in liaison with Rumphu District Council

9.7 GRM Implementation Budget

The Grievance Redress Committees must within 14 days of receiving a complaint meet to hear, investigate and adjudicate the grievance. This requirement means that each level of GRC must be meeting twice in a month when there are complaints to handle. In absence of grievance cases reported to committees, the GRC can meet once in a month to strategize and evaluate the grievance reception method put in place among others to improve performance of the committees. To successfully implement GRM, the project shall train and build capacity of GRC members from all 8 community level ADC GRCs, District council and NRW GRCs. It shall also sensitize the community on the availability of the redress mechanism through community meetings and local radio adverts. The GRC performance review meetings shall also be conducted bi-annually to assess how the GRCs have performed. The total budget requirement for GRM implementation is estimated at MK 52,500,000.00 for 4 year project period.

RAP for Rumphu Water Supply and Sanitation Service Improvement Project

GRM IMPLEMENTATION BUDGET									
					Total Cost (Malawi Kwacha)				
	Item	QTY/Per Month	Unit Price (MK)/	Number Year	YR1	YR2	YR3	YR4	End Project
1	Capacity Building of GRCs Membership-85 people		1,500,000	1	1,500,000		1,500,000		3,000,000
2	Awareness campaigns		120,000	20	2,400,000	2,400,000	2,400,000	2,400,000	9,600,000
3	Local Radio Station advert	2	100,000	24	2,400,000	2,400,000	2,400,000	2,400,000	9,600,000
4	GRC Record Register	11	55,000	1	55,000	55,000	55,000	55,000	220,000
5	Community GRC meeting (8 ADC)	16	20,000	192	3,840,000	3,840,000	3,840,000	3,840,000	15,360,000
6	District Level GRC	2	40000	24	960,000	960,000	960,000	960,000	3,840,000
7	NRWN GRC	2	30,000	24	720,000	720,000	720,000	720,000	2,880,000
6	Bi-annual Review Meeting	1	1,000,000	2	2,000,000	2,000,000	2,000,000	2,000,000	8,000,000
	Grand Total								MK 52,500,000.00

10 BUDGET ESTIMATES FOR RAP IMPLEMENTATION

The resettlement cost for the Phase 1 implementation of updated RAP has considered loss of all tangible assets such as land, standing crops, exotic and indigenous trees, fruit trees, structures and other compensatory assistance such as re-location costs and vulnerability costs. The disturbance, relocation and vulnerability assistance has been set at 15%, 5.0% and 10% of the compensation amount. The compensation administration cost has also been considered to support bank charges and other compensation payment costs. This has been set at 5.0% of the total compensation requirements. The total compensation cost is, therefore, Malawi Kwacha 418,357,343.22 (or USD238,924.81) at USD 1 = MK 1,751.00 per US Dollar as of 30th June 2025. Therefore, the remaining balance of USD240,638.92 on the approved RAP budget of USD479,563.73 will cover phase 2 of RAP implementation and if there will be any shortfall, it will be covered by Project counter-part-funding from Malawi Government. The cost break down is provided in Table 20 below

Table 15: Budget estimate for RAP Phase Implementation

No	Description of Cost Item	Malawi Kwacha	Amount (USD equivalent)
1	Asset Compensation base value	211,411,973.05	120,737.85
2	Livelihood disturbance (15% of compensation base value)	31,711,795.96	18,110.68
3	Temporary relocation expenses (5.0% of compensation base value)	10,570,598.65	6,036.89
4	Vulnerability assistance (10% of compensation base values)	21,141,197.31	12,073.78
5	Land acquisition	123,600,000.00	70,588.24
	Total PAPs Entitlement	398,435,564.97	227,547.44
6	Management costs (5%)	19,921,778.25	11,377.37
	Total RAP Budget	418,357,343.22	USD238,924.81

10.1 RAP Implementation Schedule

The updating of the Rap started in April with cut off-date of 30th June 2025. This process involved PAPs property valuation verification and error correction. Once the updated RAP is approved by the Bank, disbursement of compensation would start. The RAP implementation grievances shall be processed and redressed continuously during the disbursement process and after without. Table 21 below present the RAP implementation time plan

Table 21: Updated RAP Phase 1 implementation

Activity	Responsible institution	Timelines											
		Apr'25	May'25	June'25	July'25	Aug'25	Sep'25	Oct'25	Nov'25	Dec'25	Jan'26	Feb'26	Mar'26
Community consultations	NRWB												
PAPs Identification & Biodata Survey	NRWB/Rumphi District Council												
Asset verification	Lands Office												
PAP's disclosures and individual consents	Lands Office/ NRWB												
Compensation disbursement	NRWB												
Vacation Notice	Lands / NRWB												
RAP Completion Audit	NRWB												
Implementation of GRM	NRWB/Rumphi District Council												

11 MONITORING AND EVALUATION OF THE RAP

11.1 Need For Monitoring and Completion Audit

Implementation of RAP activities for a linear project of this nature necessitates the need for a robust mechanism to track progress, help highlight bottlenecks, and redress the issues effectively and in a timely manner. It also requires that an exercise be carried out at the end of RAP implementation period to ascertain if, indeed, the planned activities enabled achievement of the originally set objectives i.e., living standards of PAPs were restored to pre-project status or enhanced.

For this purpose, NRW will undertake Internal Concurrent Monitoring and Implementation Completion Audit for this RAP.

11.2 Internal Monitoring By M&E

Internal Concurrent Monitoring would comprise Process and Performance Monitoring and be able to provide information on the progress on RAP implementation on a regular basis. While Process monitoring would enable the project authority to assess whether the due process is being followed or not, Performance monitoring would mainly relate to achievement in measurable terms against the set targets. Details are provided below:

Purpose and contents: Performance Monitoring shall cover aspects such as continuity of staff involved in RAP implementation, timeliness of implementation of proposed activities. Monitoring reports will be prepared on a monthly and quarterly basis until payment of compensation is completed. Key parameters, timelines and frequency of monitoring are as indicated in Table 22.

Table 16: Performance indicators for RAP Implementation

Indicator/Parameter	Timeline (Months)	Frequency
Variation in final number of PAPs vis a vis the numbers given in the final RAP	1	Once
Undertaking of listed RAP activities with respect to proposed schedule: i. Operationalizing of GRM; ii. payment of compensation; iii. Number of resettlements or physical displacement made; iv. PAPs benefits	1,2 1, 2, 3...,10 1,2, 3.....,10 Throughout	monthly
Variation in budget allocated in RAP estimate versus actual disbursed amount	2,3,4	quarterly
Payment of compensation prior to issuing notice for vacation of lands and commencement of construction works	2,3,4,5	quarterly
RAP Grievances Recorded and resolved	Throughout	Monthly
Continuity of Personnel in RAP as per institutional arrangement	2	Monthly

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

Process Monitoring indicators: These (refer to Appendix X for indicators) have been devised following parameters to measure progress of various activities:

- Physical
- Financial (compensation/establishment)
- Social (Education and Health)
- Implementation Processes
- Institutional (including Grievance redressal)

Activities to be undertaken: NRW will undertake the following activities:

- **Hold monthly meetings** on a specified date **with all stakeholders (RAP Payment Agent, RAP Implementation Unit and Construction Contractor)** to review progress and other issues. It shall be attended by the Team Leader and/or Senior Representative of the Unit;
- It will also hold fortnightly meetings with community leaders on the issues to be addressed to enable timely completion of planned activities; and undertake joint visits to project sites to enable on-site assessment of progress achieved.

Composition of Concurrent Monitoring Team at NRW: These activities will be undertaken by NRW Project Implementation Unit.

Documentation: Minutes of the meeting will be taken and kept as part of the project files. Any decisions taken will be communicated to the concerned stakeholder such as RAP Payment Agent in written form with a specified date by when the action needs to be completed

11.3 RAP Implementation Audit

11.3.1 Annual RAP Implementation Audit

This will be conducted as per AfDB procedures, to assess overall implementation progress, functionality of GRM, challenges encountered and proposed actions to address the gaps. NRW shall engage external audit firm annually to conduct annual RAP implementation audit. The audit report shall be shared to AfDB as part of Bank procedure requirements.

11.4 Implementation Completion Audit of Rap Implementation

An Implementation Completion Audit of RAP will be carried out at the end to:

- i. Identify any gaps or outstanding issues;
- ii. If identified, then propose a time bound Corrective Action Plan with Key Actions, dedicated Human Resources, propose Timeline for close-out and Budget.
- iii. Assess the functionality of the GRM
- iv. Confirm the expected outcomes of resettlement have been achieved; and
- v. Assess whether outcomes of resettlement are positive or not

It will draw upon information gathered from routine monitoring, supplemented by information from surveys/studies, including baseline and follow-up studies and other sources. The exercise will help gain a deeper understanding and perspective of project outcomes and impacts. The exercise will be carried out by an External agency at the end of one year from date of start of RAP implementation. However, in case there are any outstanding issues that require attention, administering of additional measures for resolution, the exercise will continue till the time:

- either the RAP objectives are fully achieved; or
- Until they are deemed to be substantially achieved with systems and processes in place that are adequate to complete pending actions.

As the number of PAPs is significant the Audit exercise will be undertaken on a sample basis drawn from the total. Key considerations would include:

- The drawn Sample (maximum 15%) will be drawn proportionately from each Area based on number of PAPs;
- It shall be representative of types of PAPs, nature of impacts and mitigation measures administered;
- Rate of annual inflation will be considered to ascertain percentage of change (-ve/+ve) in absolute and real terms in respect to income and expenditure figure.
- It will prepare specific case studies to enable deeper appreciation of the mitigation measures;
- It shall measure the levels of satisfaction towards implementation arrangements, grievances resolution and performance of stakeholder/partner institutions.

11.5 Documentation and Records Keeping

Successful RAP implementation will require proper documentation and records keeping. All RAP implementation related records will be kept in both softcopies (a dedicated computer to be provide) and hardcopies in files at NRWB. PAP will have a compensation dossier recording his or her initial situation, all assets/improvements lost, and compensation agreed upon and received. Different records will therefore need to be kept for the project including the following;

- PAPs Records: these are records with information of the PAPs, their location, project activity to affect them, and status of compensation payment among others. An example of this record is compensation disclosure sheet

- Grievance Registry: these are records in which project grievances shall be recorded. All levels of GRCs shall ensure they have proper Grievance Registry (GR) books for documentation of complaints as they come. The GR book shall indicate the date of receiving complaint, the complainant's details, resolution made, and date of referral in case the complaint has failed to be resolved by particular committee;
- Financial Records

11.6 Quarterly Monitoring

The RAP implementation shall be done by NRW as the project implementing entity. To enhance transparency and ensure efficiency, the RAP implementation shall be monitored by both Mzimba and Rumphi District councils and Ministry of Lands. The Project Monitoring Team (PMT) whose membership includes local CSOs and NGOs will meet quarterly to discuss progress on project implementation including RAP.

11.7 Reporting

Rumphi Water Supply and Sanitation Service Improvement Project (RWSSIP) falls under category 1 of AfDB. This means that the implementation of the project will attract different reports at different reporting periods. As part of the RAP implementation, the following reports shall be prepared monthly;

- RAP progress report: This report shall be providing overall RAP performance, progress made and activities implemented on a monthly basis;
- Compensation Disbursement Report: this report shall account and provide compensation payment progress details; and
- Grievance Redress Reports: This report shall account and provide grievances that have been recorded, resolution made, referral and no disposed cases.

12 CONCLUSIONS AND RECOMMENDATIONS

This chapter presents the key conclusions and recommendations relating to approach for RAP implementation. Besides, it recommends certain activity specific recommendations.

The RAP implementation of proposed water supply pipeline presents an implementation challenge for the following reasons:

- i. Comprises multiple stakeholders – a sizable number of PAPs in urban (residential) and rural areas,
- ii. GRM to enable resolve grievances in a time-bound manner;
- iii. Finally, a time-bound implementation schedule for all RAP activities to enable: i) timely access to site for the Contractor; and ii) completion of RAP activities as agreed to achieve the intended outcome.

The above necessitates the following:

- i. Immediate full operationalization of the GRM by providing all requisite training and informing the project communities of the same. Specifically, the training should involve
 - a. key topics such as Entitlement provisions to various categories of PAPs;
 - b. approach to mitigation of other construction impacts; and
 - c. Stakeholders' involved in RAP implementation along with their roles and responsibilities.
- ii. Effective coordination by NRW of all agencies involved with their roles clearly defined and understood roles and responsibilities;
- iii. Week-wise schedule of activities and targets for each Agency to be achieved along with fortnightly updating of status;
- iv. Timely alerts to NRW of issues that are leading to difficulties in achievement of specified targets – constraints, challenges by all Agencies;
- v. Continuous and robust monitoring of activities and coordination by NRW with timely decisions and resolution of issues.

In light of the above, the following actions are recommended:

- i. *Constituting a Core Team:* A Core Implementation Coordination Team (CICT) comprising of representatives from within NRW and implementation partners would need to be constituted that would be responsible for effective coordination of the project activities, holding of regular meetings and timely reporting thereby enabling effective monitoring;
- ii. *Orientation:* Orientation to all partners on the messages previously given to communities and are to be subsequently given during implementation. This would include a clear written communication – A Project Dissemination Brief that needs to be used for all subsequent communication by all involved implementation partners/agencies.