



PUBLIC DISCLOSURE NOTICE

RESETTLEMENT ACTION PLAN FOR REHABILITATION OF BENGA TO DWANGWA M005 ROAD SECTION AND ASSOCIATED FEEDER ROADS

BACKGROUND INFORMATION FOR BENGA-DWANGWA ROAD PROJECT

The Government of Malawi, with support from the African Development Bank (AfDB), through Roads Authority is currently planning the implementation of Benga-Dwangwa road project under the SADC Sub Regional Transport and Trade Facilitation Programme. The project will involve rehabilitation and upgrade of the M005 road section from Benga to Dwangwa, including eleven associated feeder roads. This initiative aligns with Malawi Vision 2063, aiming at developing world-class road networks connecting urban and rural areas to local and international markets. The project involves widening the carriageway, upgrading drainage structures, and improving eleven feeder roads.

The rehabilitation covers approximately 100 kilometers, divided into two phases. Phase one, from Benga to Nkhotakota Boma (47km), and phase two, from Nkhotakota Boma to Dwangwa trading Centre (53km). The eleven feeder roads, including Kalimanjira to Chididi Health Centre, Mwansambo Turnoff to Kayoyo, and others, are also part of the project, enhancing connectivity and accessibility in the area. The project entails the comprehensive rehabilitation and widening of the carriageway from Benga Catholic Parish to Dwangwa Trading Centre. The project cost is estimated at approximately MWK187,776,000,000 (USD 111.55 million).

The scope and nature of the works that will be undertaken before, during and after construction of the road project received an environmental classification of Category A, and as such necessitated the carrying out of an Environmental and Social Impact Assessment (ESIA) study and development of a Resettlement Action Plan (RAP) as per

national and AfDB environmental legal requirements. Through the application of the Resettlement Policy Framework, the project was categorized as 'HIGH Risk' with significant resettlement impacts and hence a Resettlement Action Plan that was prepared.

The RAP was therefore prepared to identify the potential impacts, to identify the Project Affected People (PAP), and to determine the level of compensations and assistance that is required for each one of the affected persons depending on the legal status of their resettlement. Over ten (10) billion Malawi kwacha estimated as resettlement cost for both phase I and Phase II of the project.

OBJECTIVES OF THE RAP

RAP has been prepared consistent with relevant Malawian legislation mainly the Lands Act(s) and the AfDB Integrated Safeguards Systems and in line with the Roads Authority's Malawi Environmental and Social Management Guidelines for the Road Sector. Basically, the RAP presents an inventory (register) of people likely to be affected by development of the road, a register of the assets that are likely to be displaced by the project and the proposed compensation and resettlement packages. Specifically, the RAP was prepared to:

- a) 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;
- b) Determine the current occupants of the affected area in order to establish a base for the resettlement programme and exclude subsequent inflows of people for illegibility for compensation;
- c) Undertake an inventory of assets to establish the number and size of the structures and other assets to be affected by the project, the extent of displacement and the magnitude of the expected loss;
- d) Outline the legal framework for the resettlement programme, examining the scope of eminent domain and the nature of compensation associated with it in terms valuation methodology and the timing of payment of compensation and identifying the gaps between the laws of Malawi's resettlement policy propose approaches to address the gaps.
- e) Identification of agencies responsible for the resettlement activities;

- f) Define the displaced persons categorized as those with formal legal rights to land, those without recognisable legal rights or claim to the land they are occupying and develop criteria for their compensation including establishment of the cut-off date;
- g) Develop and implement a valuation methodology that is consistent with international best practices in involuntary resettlement;
- h) Outline resettlement measures in cases of loss of assets, physical relocation and income restoration as the case may be;
- i) Set out strategies to mitigate against adverse effects suffered by the PAPs including provision of channels and platforms for negotiations;
- j) Provide an estimate of the costs necessary for resettlement and compensation.

JUSTIFICATION FOR PREPARATION OF RAP

The successful execution of the road rehabilitation project necessitates careful consideration of its potential resettlement impacts. During the initial feasibility study, a comprehensive topographical survey of the road alignment revealed that a number of properties were situated within the prescribed road servitude, established to be 60 meters wide. It became evident that all structures within this designated Road Reserve Boundary (RRB) were deemed to have encroached into this vital zone.

To facilitate the project's proper implementation, it has become imperative to clear the RRB of any properties and developments. The forthcoming construction phase of the road will involve several critical activities that will inevitably lead to the resettlement of affected individuals and communities who are within the RRB. Consequently, this Resettlement Action Plan has been meticulously prepared to address the following key aspects:

a. Identifying Potential Impacts.

The primary objective of this Resettlement Action Plan is to identify and assess the potential impacts of the project, both directly and indirectly. These impacts encompass a range of consequences, including the displacement of Project Affected People (PAP), loss of properties, trees, agricultural land, buildings, and access or proximity to essential resources such as water, health facilities, and social amenities.

b. Legal Status of Resettlement.

It is crucial to differentiate among the affected individuals based on their legal status regarding resettlement. While the core group of affected people comprise those who have encroached into the road reserve, the project acknowledges its responsibility to consider the welfare of other individuals who may be impacted by the loss of properties or resources.

SOCIAL AND ECONOMIC IMPACTS OF THE PROJECT ON THE AFFECTED PEOPLE

A. Land requirements for the project

The project corridor is mainly surrounded by settlements, most of which are in linear settlement pattern. Some infrastructure also includes utility services such as electricity, boreholes and water pipes as well as social infrastructures such as schools, hospitals, business buildings and local markets. The proposed road project will require extra land for:

- a. Creation of a mandatory road reserve of 30m from the centre of the existing road to either side of the road which most of the existing buildings and trees will require to be removed;
- b. The road being realigned while in other places it will be due to diversions; and
- c. Drainage systems, borrow pits and campsites which will be required to be situated on land that belongs to different individuals and communal structures.

B. Profiles of people affected by resettlement including their vulnerability levels;

A team of valuation experts identified and registered all persons whose properties and trees fall in the Road Reserve Boundary (RRB) along the M005 road section marked for rehabilitation; a total of 896 project affected persons (PAPs) were identified. Socio-economic profiles for 780 PAPs were collected through a household survey, representing 87% of the total.

Of the PAP population, 73% were males and about 27% were females. Majority of male PAP are married accounting for 88% of all male PAP. In contrast, only 52% of the female PAP are married, with 9% yet to be married; the remaining 37% of the female PAP are either divorced or widowed.

Much of the PAP population is concentrated between the ages of 25 and 64, 79% of male PAP and 81% of female PAP; the average household size for listed PAPs was calculated at 8 people per household with 53% of total household members being 18 years of age and above.

The majority of the PAP's households (67%) depend of crop farming as source of income regardless of gender of household head, with significant differences in dependence on piece work (ganyu) and other businesses between men and women, 18% against 32% and 51% against 39% respectively.

The bulk of PAP households (76%) use firewood as cooking fuel with no significant difference in proportion between male-headed households (75%) and female-headed households (79%). Most of the PAP households use hand torches at 62%, followed by households connected to the ESCOM grid at 20%. There is however significant difference in proportion of household headship against source of lighting energy: male headed households have higher proportions in the use of ESCOM power for lighting than female headed households; 22% against 12%. In contrast, there are proportionally more female-headed households (71%) using torches than there are male-headed households (60%). The majority of the PAP households (76%), regardless of gender of household head, get drinking water from boreholes; only 9% have access to piped water.

C. Impacts and indirect effects of temporary or permanent loss of land and source of livelihood.

The Project will impact on a wide range of households, business operators, institutions and community members. These impacts, however, manifest at individual and group level. Some of the losses qualify for compensation and resettlement assistance include:

- **Loss of residence:** People who will be displaced by having to move their place of residence to allow for the construction of the road, construction camps, access roads, or any other associated infrastructure.
- **Loss of business:** People who will be displaced by having to move their places of business to allow for the construction of the road related infrastructure. These are business shelters, places such as brick ovens, rice drying and selling points etc.
- **Loss of land:** People who will lose land over which they have established ownership or rights of usufruct (either in a permanent or temporary fashion) to allow for the construction of the road associated infrastructure.
- **Communal resources:** Members of communities who will lose access to their communal resource base. These will include boreholes, market places and other resources.
- **Archaeology and cultural heritage:** There are no known archaeological remains and structures of historical importance within the road reserve. Places of cultural heritage include the five graveyards identified along the proposed road project which will not be affected by the project.

MITIGATION MEASURES FOR RESETTLEMENT IMPACTS

To address these resettlement impacts effectively, the Roads Authority is committed to implementing a comprehensive set of mitigation measures. Key strategies to minimize potential impoverishment risks include:

- i. **Avoiding Displacement Where Feasible:** Every effort will be made to minimize the displacement of people, with a strong emphasis on avoiding involuntary resettlement and land acquisition whenever possible. Existing road alignments will be followed to upgrade the road, thereby reducing the need for significant land acquisition.
- ii. **Equitable Compensation and Relocation:** In instances where displacement is unavoidable, a well-designed compensation and relocation process will be put in place. This process will apply uniformly, regardless of whether PAPs hold formal legal titles to the land. Informal or customary land tenure will receive equitable treatment.
- iii. **Fair Compensation for Losses:** Project Affected People will be compensated for the losses they incur, including displaced incomes and livelihoods, resulting from involuntary resettlement and land acquisition.

- iv. Inclusive Consultation:** Measures will be implemented to ensure that project-affected individuals are informed about their options and rights concerning resettlement. PAPs will be actively involved in the consultation process and provided with opportunities to participate in the selection of technically and economically feasible alternatives.
- v. Supporting Vulnerable Groups:** Particular attention will be given to addressing the needs of vulnerable groups among those displaced. This includes individuals below the poverty line, the landless, the elderly, women and children, orphans, and persons with disabilities.

More details on the assets/ properties assessed and valued including details on compensation values are provided in the RAP that will be available in the Roads Authority website

Contact details for the client

If you have a complaint, concern, grievance, problem and /or feedback related to the implementation of this project, kindly contact Roads Authority through the following means:

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