

Multinational Nacala Road Corridor Development Project Phase V

NSIPE-LIWONDE ROAD

RESETTLEMENT ACTION PLAN

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List of Abbreviations and Acronyms

4WD	Four-Wheel Drive
AEDC's	Agricultural Extension Development Coordinators
CBR	California Bearing Ratio
CGRC's	Community Grievance Redress Committees
CDA's	Community Development Assistants
CSR	Corporate Social Responsibility
CSO's	Civil Society Organizations
DESC	District Environmental Sub-committee
DGRC's	District Grievance Redress Committees
EIA	Environmental Impact Assessments
ESCOM	Electricity Supply Corporation of Malawi
ESIA	Environmental and Social Impact Assessment
ES OS 1	Assessment and Management of Environmental and Social Risks and Impacts
ES OS 5	Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement
ES OS 10	Stakeholder Engagement and Information Disclosure
FGD's	Focus Group Discussions
GIS	Geographic Information System
GoM	Government of Malawi
GMC's	Grievance Management Committees
GRM	Grievance Redress Mechanism

GVH	Group Village Head
ISS	Integrated Safeguards System
IVSC	International Valuation Standards Committee
LHS	Left-Hand Side
LMP	Labor Management Procedures
LPA	Land Parcel Assessment
LRP	Livelihood Restoration Plan
MEPA	Malawi Environmental Protection Authority
M&E	Monitoring and Evaluation
MOI	Net Operating Income
MWA	Malawi Water Supply and Sanitation Authority
MWK	Malawi Kwacha
NGO's	Non-Governmental Organizations
NGRD	National Grievance Redress Committee
NMT	Non-Motorized Transport
PAPs	Project Affected Persons
PIU	Project Implementation Unit
Q.A.Q.C	Quality Control and Quality Assurance
RR	Road Reserve
SADC	Southern African Development Community
SEP	Stakeholder Engagement Plan
SIM	Surveyors Institute of Malawi
SRWB	Southern Region Water Board
STI's	Sexually Transmitted Infections

TCS	Traffic Control System
TEVETA	Technical, Entrepreneurial, Vocational Education and Training Authority
TMP	Traffic Management Plan
VS and L	Village Savings and Loans
AfDB	African Development Bank
WGRC	Workers Grievance Redress Committees

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EXECUTIVE SUMMARY

The compensation amounts and relevant details for the rehabilitation of Nsipe – Liwonde Project is presented in compensation summary sheet.

Item	Total Compensation (MWK)
Property Assessment	15,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00
Compensations Payment (Verification, Facilitation, Initial & Supplementary Compensations)	1,312,672,590.97
Livelihood Restoration	200,000,000.00
Utility and Services Relocation (Tentative)	3,163,078,503.00
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	200,000,000.00
Contingency (10%)	506,575,109.40
GRAND TOTAL	5,572,326,203.37

1. Compensation Summary Sheet

The following matrix provides a quantified overview of the project's impacts and the corresponding compensation and resettlement response.

Updated Compensation Matrix

Item No.	Variables	Data
A. General		
1	Region	Central Region and Southern Region
2	District	Ntcheu District and Balaka District
3	Villages	Multiple villages along the 55 km corridor within Traditional Authorities Makwangwala (Ntcheu), Nsamala and Kalembo (Balaka). Key displacement hotspots include Chingeni Roundabout, Balaka Market (Nsiyaludzu and Tarven), Chiyendausiku, and Kapalamula-Mponda stretch.
4	Activity(ies) that trigger resettlement	Rehabilitation and upgrading of the 55 km road, requiring the reclamation and clearance of the 60-meter Road Reserve (RR). Specific high-impact activities include the construction of the Chingeni Roundabout (30m diameter), the Pa Njanji overpass, road widening and elevation requiring diversions, and the use of ancillary sites (borrow pits, quarry sites, campsites).
5	Project overall cost	Approximately US\$ 46,000,000.00 funded by African Development Bank
6	Overall resettlement cost (RAP Budget)	MWK 5,572,326,203.37 (This total RAP budget is comprehensive, covering compensation, livelihood restoration, utility relocation, monitoring, and a 10% contingency.)
7	Applied cut-off date	30 th June 2025 (Established for the final validation census and applicable to all impacts,

Item No.	Variables	Data
		including those from design changes and ancillary works identified in 2025).
8	Dates of consultation with the people affected by the project (PAP)	Initial stakeholder consultations were held in 2022. Comprehensive follow-up consultations, disclosure sessions, and grievance verification meetings were conducted from 16 th to 30 th June 2025. Consultations are a continuous process throughout RAP implementation.
9	Dates of disclosure to PAPs of the compensation packages	The initial RAP was disclosed in 2021. Compensation values from the 2022 assessment were disclosed and negotiated with PAPs in July 2022. The updated RAP will be disclosed in February 2026 upon AfDB clearance.
B. Specific Variables		
10	Number of people affected by the project (PAPs)	1,476(This figure is a final, validated census count from assessments in 2018, 2022, and the 2025 update, covering all identified impacts).
11	Number of Physically displaced	38 PAPs are to be physically displaced.
12	Number of economically displaced	280 PAPs will experience economic displacement.
13	Number of affected households	660 households will be affected.
14	Number of females affected	511

Item No.	Variables	Data
15	Number of vulnerable affected	33 vulnerable affected distributed as follows Female-headed households those without adult male support (20), Elderly PAPs with limited family support (65+ years) (10), Persons with Disabilities chronically ill persons that limit productivity (3).
16	Number of major PAP	1446 PAPs are adult (18 years and older).
17	Number of minor PAP	30 PAPs are under 18 years of age representing 2% of the total affected PAPs.
18	Number of total right-owners and beneficiaries	1,476
19	Number of households losing their shelters	38 PAPs who are losing residential structures.
20	Total area of lost arable/productive lands (ha)	The project occurs within the existing public Road Reserve. Compensation is for assets and improvements on the land, not for the land itself.
21	Number of households losing their sources of revenue	362 households experience disruption to their source of revenue
22	Total areas of farmlands lost (ha)	No permanent acquisition of private farmland outside the RR. Loss is limited to seasonal crops within the RR.

Item No.	Variables	Data
23	Estimation of agricultural revenue lost (USD)	PAPs with seasonal crops within the RR were given adequate notice to harvest before project commencement, in line with the agreed mitigation measures.
24	Number of buildings to demolish totally	38 structures are marked for full demolition.
25	Number of buildings to be demolished partially	19 structures will be partially demolished.
26	Number of tree-crops lost	16,113 affected crop-trees (fruit, exotic, indigenous).
27	Number of commercial kiosks to be demolished	15 commercial Kiosk will be demolished.
28	Number of ambulant/street vendors affected	185 ambulant/street vendors affected.
29	Number of community-level service infrastructures disrupted or dismantled	A total of 20 community level services to be affected
30	Number of households whose livelihood restoration is at risk	53 households will require livelihood restoration support

2. Brief description of project/subproject/components including activities that induce resettlement

The Nsipe-Liwonde Road Rehabilitation Project is a critical component of the Multinational Nacala Road Corridor Development Project, Phase V. The project involves upgrading the existing 55 km road to a bituminous standard, enhancing its role as a Regional Trunk Road. The rehabilitation works are designed to strengthen the pavement, widen the carriageway to 7 meters with sealed shoulders, and improve drainage and bridge structures. The activities that directly trigger involuntary resettlement are primarily confined to the 60-meter Road Reserve (RR). These include the physical reclamation and clearance of the RR, which is currently encroached upon by residential and commercial structures, informal vending sites, and agricultural plots. Significant design elements inducing additional displacement include the construction of a new 30-meter diameter roundabout at Chingeni Junction and an overpass at the Pa Njanji rail crossing. Furthermore, the project will require temporary land acquisition for ancillary sites such as borrow pits, quarry sites, and contractor camps, the specific locations of which will be determined during construction and managed according to the procedures outlined in this RAP.

3. Objectives of the RAP

This Resettlement Action Plan has been prepared to manage the social risks and impacts associated with the project's land requirements, fully aligning with the Malawian legal framework and the African Development Bank's Integrated Safeguards System, specifically Operational Safeguard 5 (OS 5). The core objectives are to avoid and minimize displacement wherever feasible through careful project design. Where displacement is unavoidable, the RAP ensures that all Project Affected Persons (PAPs) are treated with dignity, fairness, and in a socially and culturally sensitive manner. Explicit commitments include conducting a comprehensive census, providing compensation for all lost assets at full replacement cost without deduction for depreciation or salvaged materials, and ensuring that all compensation and resettlement assistance is completed prior to site handover for each construction section. The RAP aims to restore or improve the livelihoods and living standards of all displaced persons, with particular attention to vulnerable groups, and prohibits any form of forced eviction. It also establishes a robust framework for meaningful stakeholder consultation, participatory planning, and transparent grievance redress throughout the project lifecycle.

4. Main socio-economic characteristics of the PAPs living areas

The project corridor traverses a diverse socio-economic landscape within Ntcheu and Balaka Districts. A comprehensive census identified 1,476 PAPs, with a demographic profile showing 70% male and 30% female. The majority (67%) are within the economically active age bracket of 25-54 years. The primary livelihoods are small-scale trade and business (76%) and crop cultivation (19%), with the area known for maize, sweet potatoes, and tangerines. The population is ethnically diverse, predominantly Ngoni, Yao, and Lomwe, which influences social structures and land inheritance customs (both patrilineal and matrilineal). Household conditions reveal an average size of 6 members. Significant disparities exist in access to energy: 44% use grid electricity for lighting, while 21% have no lighting source at all. For cooking, 61% rely on charcoal and 39% on firewood, highlighting both economic and environmental vulnerabilities. The regime of land in the project area is predominantly customary, held in trust by Traditional Authorities, with individuals and families possessing use rights but rarely formal titles. This tenure system presents a specific constraint for RAP implementation, as it requires careful verification of ownership through community-led processes rather than formal deeds. The profiles of PAPs are varied, encompassing titled landowners, customary landholders, informal business owners, tenants, and a significant number of vulnerable individuals, including 208 female-headed households, 103 elderly persons, and 15 persons with disabilities, all of whom require targeted assistance.

5. Social and economic impacts of the project on the affected people

The project's social and economic impacts are direct and significant, arising from the necessary clearance of the Road Reserve. The land requirement is precisely defined as the 60-meter corridor, with construction activities utilizing a variable width up to 38 meters for diversions and widening. Quantifiably, the project will physically and economically displace all 1,476 identified PAPs. The impacts include the total or partial loss of over 455 structures, comprising residential homes, permanent shops, temporary business kiosks, and market shades. Furthermore, the loss of hundreds of fruit, exotic, and indigenous trees represents a critical impact on both income and food security for many households. Specific hotspots of displacement have been mapped, including the densely populated and commercially active areas of Chingeni Roundabout, Balaka Market (at Nsiyaludzu and Tarven), and Chiyendausiku. Community assets, such as boreholes, will be affected and require replacement. Indirect effects include temporary disruption of business during construction, potential loss of customer access for relocated enterprises, and the social stress associated with relocation and the dissolution of existing community networks. The ESIA has confirmed that no graveyards or cultural heritage sites will be displaced.

6. Legal and institutional framework for resettlement

The RAP is grounded in a dual legal and institutional framework, adhering to both national legislation and the higher standards of the AfDB's OS 5 where gaps exist. The constitutional, legislative and regulatory provisions of Malawi, including the Constitution (Sections 28 and 44), the Public Roads Act (2014), the Land Act (2022), and the Land Acquisition and Compensation Act (2022), provide the foundation for land acquisition and compensation. However, this RAP explicitly commits to applying AfDB OS 5 requirements, such as livelihood restoration, support for vulnerable groups, and compensation for informal occupants, to bridge gaps in the national framework. The institutional framework for expropriation and compensation payment is clearly defined. The Ministry of Lands is responsible for asset valuation and approving compensation schedules. The Roads Fund Administration (RFA) manages the disbursement of funds. The role of the project coordination unit, housed within the Roads Authority (RA), is to oversee the entire RAP implementation, ensure coordination among all entities, and act as the primary liaison with the AfDB. The authorities involved, including the Ntcheu and Balaka District Councils, are responsible for local coordination, community mobilization, and providing alternative trading spaces. Critically, Resettlement Working Groups (RWGs) have been established at the Traditional Authority level, comprising community representatives, local leaders, and council officials, to ensure community participation, verify PAPs, and address resettlement issues at the local level.

7. Compensation Plan

7.1. Right owners, assessment of rights and eligibility

A full and verified census of 1,476 PAPs was conducted to establish eligibility, with a clear cut-off date of 30th June 2025 communicated to all stakeholders. Eligibility criteria are inclusive, recognizing formal landowners, customary right-holders, and informal occupants (squatters and encroachers) present before the cut-off date. The principles of compensation are based on full replacement cost, as verified by the Ministry of Lands. Consultations and negotiations with PAPs regarding their compensation packages were initiated in July 2022 and are an ongoing process, ensuring that PAPs understand their entitlements and have agreed upon the values.

7.2. Physical relocation measures

PAPs will primarily self-relocate using the financial resources provided in their compensation packages, which include specific allowances for disturbance and shifting to cover transitional costs. The District Councils are actively involved in identifying and preparing alternative relocation sites and trading spaces to facilitate a smooth transition. For community infrastructure, such as boreholes, replacement will be provided in-kind

in consultation with the affected communities to ensure continued access to essential services.

7.3. Costs and budget for the full resettlement

The total budget for the full implementation of the RAP, including all compensation and the Livelihood Restoration Plan, is detailed in the table below. This budget is comprehensive and has been approved for implementation.

RAP Implementation Budget

Item	Total Compensation (MWK)
Property Assessment	15,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00
Compensations Payment (Verification, Facilitation, Initial & Supplementary Compensations)	1,312,672,590.97
Livelihood Restoration	200,000,000.00
Utility and Services Relocation (Tentative)	3,163,078,503.00
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	200,000,000.00
Contingency (10%)	506,575,109.40
GRAND TOTAL	5,572,326,203.37

7.4. Schedule of the Payments and the execution of the Physical Relocation

The implementation schedule is tightly synchronized with the overall project timeline

to ensure all resettlement activities are completed before construction commences in affected areas. The key milestones are outlined in the table below.

RAP Implementation Schedule

Activity	Timeline
AfDB Clearance & Disclosure of Updated RAP	February 2026
Finalization of Compensation Schedules by Ministry of Lands	January, 2026
Payment of All Compensation to PAPs	By May 2026
Livelihood Restoration Activities Commence	July 2026
Physical Relocation by PAPs	By September 2026
Site Handover for Construction	September 2026 (Staggered by section)
Internal & Independent Monitoring	Ongoing from February, 2026
Completion Audit	12 Months Post-Resettlement

8. Stakeholder Engagement

Comprehensive consultations were conducted with government agencies, councils, PAPs, community leaders, utility and service companies and other stakeholders to ensure transparency and inclusivity as per AfDB O.S 10. Key topics discussed include: project's resettlement and relocation related impacts, national legislation, compensation mechanisms, affected properties, entitlement and eligibility criteria, cut-off date, property assessment and valuation process, grievance redress procedures, and livelihood restoration strategies.

During the consultations, stakeholders raised concerns including the need for prompt and fair compensation (respect to devaluation and replacement), payment of compensations prior to resettlement, preservation of social networks, and support for vulnerable groups. Utility and service companies highlighted accurate infrastructure

mapping, coordinated relocations, emergency response readiness, and clear communication. The police requested formal notifications, logistical support, and structured coordination during relocations.

In response, the project has committed to full replacement cost compensation, culturally appropriate consultations, continuous engagement with grievance committees, coordination with local authorities and utilities, accessible grievance mechanisms, and advance notice and transparency on project activities impacting communities. Additionally, following registering of grievances by the Balaka District Council in after payment of compensations, RA undertook grievance verification and resolution on 21st June 2025. These issues included asset omissions, non-payment of compensations and contractor's clearance beyond the compensated corridor of 36 meter.

9. Arbitration / Grievance Redress Mechanism

A concise, accessible, and three-tiered Grievance Redress Mechanism (GRM) has been established. The process begins at the Community Grievance Redress Committees (CGRCs), which are tasked with resolving complaints within 14 days. For more complex issues, such as those related to asset valuation, a maximum of 30 days is permitted. Unresolved grievances are escalated to the District Grievance Redress Committees (DGRCs) and, as a final recourse, to the National Grievance Redress Committee (NGRC) or the formal court system. The mechanism incorporates traditional dispute resolution practices, guarantees confidentiality, and includes special procedures for sensitive cases—such as Gender-Based Violence—which are referred to and handled confidentially by a designated GBV service provider. All grievance outcomes are communicated in writing to complainants, supplemented by verbal communication during community meetings. For transparency, aggregated grievance data will be published regularly. To date, 105 grievances have been recorded, with 91 resolved and 14 outstanding, demonstrating the mechanism's active use.

10. Monitoring and evaluation of the execution

A comprehensive Monitoring and Evaluation (M&E) system will be implemented to ensure compliance with the RAP and the effectiveness of mitigation measures. The Roads Authority (RA) will conduct internal monitoring, but in full compliance with OS 5 requirements for projects involving physical displacement, an independent monitor will be engaged, and a completion audit will be commissioned to verify livelihood restoration and the overall success of the resettlement. The monitoring bodies, including the RA, the RWGs, and the independent monitor, will track a set of key indicators that go beyond simple compensation tracking. These indicators will include the timely disbursement and receipt of compensation, the effectiveness of livelihood restoration programs, the successful re-establishment of businesses, and the socio-economic outcomes for vulnerable PAPs. The roles of these bodies are clearly defined to ensure

accountability. The periodic monitoring reports and the final completion audit will be disseminated to the AfDB and disclosed to stakeholders to ensure transparency. The costs for this rigorous M&E framework, including the independent audit, are included in the overall RAP budget.

11. Total Cost for the Full Implementation of the RAP

The total cost for the full and successful implementation of the Resettlement Action Plan, ensuring all social and economic impacts are mitigated and all PAPs are treated with equity and fairness, is Malawi Kwacha **5,572,326,203.37** (including a 10% contingency). This investment is crucial for managing the social risks of the project, upholding the rights of affected communities, and fostering sustainable development outcomes aligned with the goals of the Nsipe-Liwonde Road Rehabilitation Project.

CHAPTER 1: INTRODUCTION

1.1 Background Information

The policy of the Government of Malawi (GoM) towards the roads sub-sector is to build, maintain and ensure efficient utilization of the road infrastructure and other services appropriate to meet the current and future development needs of the economy. The Nsipe-Liwonde Road is one of the primary overland transportation corridors in Malawi. The road is a vital artery for trade, agriculture, and community connectivity, has significantly deteriorated over time due to increased traffic, climatic variations, and limited maintenance. This deterioration has led to safety concerns and impeded economic growth in the central region of the country. Despite the efforts involving periodic maintenance and minor upgrades, the road remains inadequate to meet the long-term needs and challenges it faces. Its current condition, characterized by worn surfaces, inadequate drainage systems, underscores the urgency for a comprehensive upgrade.

In response to these challenges, the Government of Malawi, through the Roads Authority (RA) and with financial support from the African Development Bank (AfDB), has initiated a major endeavor to rehabilitate and upgrade the Nsipe-Liwonde road in Ntcheu and Balaka districts.

The proposed road rehabilitation project will be about the upgrading of the existing Nsipe – Liwonde(Mangochi Turn Off)road (55 km long). The road will be rehabilitated through strengthening of pavement structure, widening and surfacing the main carriage way. The proposed road will have a design speed of 50 - 100 km per hour with 7.0 m carriageway and 1.0 m surfaced shoulders for a regional Trunk Road (RTR) as part of the Nacala Road Corridor with a road reserve of 30 m on either side of the road for both Nsipe-Chingeni (M001) and Chingeni-Liwonde (M008) roads. A number of activities will be carried out to accomplish the rehabilitation exercise. The activities shall be implemented in four phases namely planning, construction, demobilization, and operation and maintenance phases. The new RAP has proposed 18m.

Activities under planning phase shall include surveying the road, identification of borrow pits, geometric design of the road, earthworks design, bridge and culvert designs, road pavement design, feasibility studies, economic analysis, ESIA and RAP preparation and budget calculations.

Activities under construction phase shall include mobilization of workforce; construction of camps; clearing of vegetation; excavation of borrow pits; removal and disposal of old bitumen and concrete; creation of impervious surfaces; transportation of equipment, materials and workforce; construction of diversions; construction of drainage structures; construction of bridges and culverts; construction of pavement layers (gravel and crushed stone materials); asphalt surfacing; construction of ancillary works such as bus bays, kilometer posts, guardrails, road marking and landscaping.

Activities under demobilization will include laying off a number of workers, demolition of some structures which will be used for the road rehabilitation project and restoring areas occupied by the project to other beneficial uses. Activities during operation phase will include commissioning of the road for use. As the road will be used, with time, some sections will be damaged and will be in need of maintenance.

Infrastructure development, such as the rehabilitation of the Nsipe- Liwonde (Mangochi Turn-Off), invariably requires the involuntary acquisition of land. This may result in physical relocation, loss of assets or access to assets, and/or loss of income sources or means of livelihood whether or not those affected must move to another location – broadly termed involuntary resettlement or resettlement. Such acquisition can adversely affect the wellbeing of the people whose assets are acquired, as well as the communities in which they live, often giving rise to severe social and economic risks. Unless consciously countered, these risks become reality, negatively reinforcing each other in an interactive and cumulative manner. As the Project proponent, the Malawi Government through the Roads Authority can minimize risks by following procedures based on the following principles:

- a) Involuntary resettlement should be avoided where feasible, or minimized, by exploring all viable alternative project designs;
- b) Where it is not feasible to avoid resettlement, these activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable those displaced by the project to share in project benefits;
- c) Affected people should be assisted in their efforts to improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher; and
- d) Affected people should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

The contract price for the construction works for the proposed Road is approximately US\$ 46,000,000.00 for the Nsipe – Liwonde (Mangochi Turn Off). Over 700 people will be employed to work in the Nsipe – Liwonde (Mangochi Turn Off).

In light of this endeavor, an Environmental and Social Impact Assessment (ESIA) and a Resettlement Action Plan (RAP) have been deemed necessary to assess and address the potential impacts on both the natural environment and the communities residing along the road corridor. The Resettlement Action Plan (RAP) for this project will ensure that any potential displacement or resettlement/relocation impact on communities, businesses and utility and service infrastructures are effectively addressed in line with project ESIA, National resettlement related legislations and regulations and AfDB's OS 1, 5, 6, 7 and 10.

1.2 Scope and Objective of the Resettlement Action Plan (RAP)

1.2.1 Scope of the RAP

This RAP clarifies the principles for social impact mitigation with regards to compensation for loss of property, livelihood and relocation or resettlement (of directly affected people). The RAP has been developed to provide procedures and process that will guide resettlement and relocation activities under Nsipe-Liwonde in alignment with the Malawian legal and policy frameworks and AfDB's Integrated Environmental and Social Systems.

1.2.2 Objective

The RAP has been developed to provide procedures and process that will guide resettlement and relocation activities under Nsipe-Liwonde road rehabilitation project in alignment with the Malawian legal and policy frameworks and AfDB's Integrated Safeguards Systems (ISS) – Operational Safeguard 5 (OS5) which recognizes that project related land acquisition, and restrictions on land access or land use, and loss of property/assets can have adverse impact on communities and persons. The RAP aims to ensure that all Project Affected Persons (PAPs) are fairly compensated and assisted to restore or improve their livelihoods to pre-project levels.

The primary objective of the RAP is to ensure that project implementation minimizes adverse social and economic impacts while providing fair and adequate compensation to PAPs. Specifically, the RAP aims to:

- i. **Identify and Quantify PAPs:** Classify and quantify different categories of PAPs requiring assistance, compensation, rehabilitation, or relocation to ensure their specific needs are addressed effectively;
- ii. **Assess Resettlement Impacts:** Identify and assess the extent of involuntary resettlement, including the social, economic, and environmental impacts of the project on individuals, households, and businesses;
- iii. **Develop and Implement Mitigation Strategies:** Formulate fair and transparent strategies to mitigate adverse impacts on PAPs, including compensation, livelihood restoration, and resettlement measures in compliance with national laws and AfDB's Integrated Safeguards Systems;
- iv. **Ensure Compliance:** Ensure the RAP aligns with the Government of Malawi legislation and policies and AfDB's Integrated Safeguards Systems mainly OS 1, OSS5 and OSS10 thus adheres to international and national standards
- v. **Provide Guidelines for Stakeholder engagement:** Offer clear guidelines to stakeholders involved in mitigating the adverse social impacts of the project, ensuring through meaningful consultations and the provision of platforms for negotiations and provide feedback;

- vi. **Raise Awareness of the project and Engage Stakeholders:** Increase public awareness of the project and its potential impacts, particularly among Project Affected Persons (PAPs);
- vii. **Establish Grievance Redress Mechanisms:** Create accessible, inclusive, and transparent mechanisms for resolving complaints and disputes related to resettlement and compensation;
- viii. **Estimate Costs and Plan Resources:** Estimate the costs required for implementing resettlement and compensation measures to ensure adequate financial resources are allocated for the process; and
- ix. **Monitor and Evaluate Resettlement Activities:** Develop a robust monitoring and evaluation framework to oversee the implementation of the RAP, ensuring compliance, effectiveness, and timely resolution of emerging challenges

The preliminary RAP is based on different international and national laws, policies and procedures related to involuntary resettlement. The resettlement scoping included the following sub activities:

- i. A socio-economic baseline survey of affected persons and their assets; and
- ii. Consultations with persons potentially affected by the project, to inform them of project activities, the likely time frame, and the type of compensation likely to be affected

1.2.3 Principles Governing the RAP

The core principle of resettlement is that no one defined as project-affected, should be worse off after resettlement. International best practice goes further than this and stipulates that resettled people should be project beneficiaries. Therefore, RA makes two explicit commitments that compensations will be paid at full replacement cost, and compensations will be fully paid and compensation assistance provided and completed prior to site handover for each construction section. To ensure, however, that the core principle is borne in mind, the following are sub-principles that the RA will adopt with respect to the resettlement process:

Principle 1: Resettlement Must Be Avoided or Minimised

Action: To comply with the principle, the RA will demonstrate that the proposed resettlement is both necessary and viable, and that its scope and extent cannot be lessened. Land acquisition including resettlement of people shall be avoided or at least minimised wherever feasible by exploring alternative project designs. In particular, acquisition of sites of spiritual or cultural/historical significance such as places of worship, graves and graveyards shall be avoided. When unavoidable, the Project shall take all

measures to minimize the impacts of physical and economic displacement of people arising from implementation of the Project.

Principle 2: Genuine Consultation and Participation Must Take Place

Action: Given its focus on resettlement, the primary concern of the resettlement planning will be to take seriously the rights and interests of the displaced and ‘to-be-resettled’ people. Structure and procedures need to be put in place for this to occur, which will be through the formation of a local level consultative forum. This consultative body will be given official recognition within the RA implementing agencies institutional framework. Project boundaries should be made known to all interested and affected parties and should not be changed without sufficient consultation and notice.

Principle 3: Pre-Resettlement Data Baseline Will Be Established

Action: A Pre-Resettlement Data Baseline Will Be Established to support the successful re-establishment of affected homesteads. The following activities will be undertaken prior to displacement or property acquisition:

- An inventory of landholdings and immovable/non-retrievable improvements (buildings and structures) to determine fair and reasonable levels of compensation or mitigation.
- A census detailing household composition and demography, and other relevant socio-economic characteristics as appropriate. The asset inventories will be used to determine and negotiate entitlements, while the census information is required to monitor homestead re-establishment. The information obtained from the inventories and census will be entered into a computerised database to facilitate resettlement planning, implementation and monitoring.

Principle 4: Assistance with Relocation to be made available Action: Provision of resettlement assistance for affected households to relocate from the impacted area to new relocations. Special attention will be made to groups such as the elderly living alone, disabled/chronically ill, female-headed households, and child headed households must be given additional support to mitigate resettlement risks.

Project Description

1.2.4.1 Project Location

The proposed road project falls within Traditional Authorities Makwangwala in Ntcheu District, Nsamala and Kalembo in Balaka District. The proposed road project has two sections with one section starting from Nsipe to Chingeni (19 km) on the M1 road and another section starting from Chingeni to Liwonde (Mangochi Turn Off) on M3 road.

The first section of proposed project (Nsipe -Chingeni) is located in the district of Ntcheu.

The Chingeni – Liwonde (Mangochi Turn-Off) section of the proposed road project. Figure 1.1 provides the location details of the proposed Nsipe – Liwonde.



Figure 1 Location details of the proposed Nsipe – Liwonde

1.2.4.2 Nature and Scope of the Proposed Project

The Nsipe-Liwonde Road Rehabilitation Project is phased into four main stages: planning, construction, demobilization, and operation and maintenance. Each phase has significant implications for displacement, relocation, and resettlement, as well as for addressing the environmental and social impacts. Below, we outline how these phases intersect with the development and implementation of the Resettlement Action Plan (RAP).

a. Planning Phase

The planning phase involves critical activities such as engineering design, feasibility studies, and the preparation of the Environmental and Social Impact Assessment (ESIA) and RAP.

- **Design and Extent of Works:** The road design and earthworks determine the amount of land required for road widening and construction material, which includes road alignment, shoulder width, and the need for infrastructure like bridges. Based on these designs, the scope of work has been clearly defined, including the spatial requirements and the quantities of materials needed—such as gravel, quarry stone, and water. All road works will be carried out within the Road Reserve, which will be demarcated using marker posts. However, site clearing will be limited strictly to the areas where construction activities will occur, as defined by the design.
- **Environmental and Social Impact Assessment (ESIA):** The ESIA evaluates the potential impacts of the project, including displacement of people, loss of assets, and effects on public utilities. It also considers risks to livelihoods for those relying on land for farming, business, or housing. The ESIA informs the RAP development, ensuring that any displacement or loss of income is addressed through compensation and resettlement plans.
- **RAP Development:** The RAP is developed based on the ESIA findings and aims to mitigate the social and economic impacts of displacement. The RAP established procedures and processes for identification of affected properties and Project Affected Persons (PAPs); outlines compensation strategies; and proposes measures for livelihood restoration in order to ensure that affected individuals are not left worse off after the project.
- **Reclaiming Road Reserve:** The road widening requires reclaiming land within the Road Reserve (RR) and that will displace individuals, households, and businesses that are currently existing with the RR. Areas such as Salima turn off, Chingeni, panjanji, Chendausiku will be directly affected, as the Road Reserve in these areas is densely occupied.
- **Resettlement and Compensations Payment:** PAPs displaced by the road widening will need to be relocated. The RAP ensures that resettlement is done

in a smooth way and the impact on resettled households and individuals is well managed. Compensation will be provided for lost assets and livelihoods, ensuring that PAPs are not worse off after displacement. This may include monetary compensation for lost structures or land and assistance in re-establishing businesses or farming activities. The RAP also focuses on creating alternative livelihoods for those who depend on informal markets or other income sources.

b. Construction Phase

The construction phase involves the physical work necessary to rehabilitate the road, and this is where the greatest impact on communities occurs, especially through land acquisition within the Road Reserve (RR) and displacement.

- **Civil Works (Road, Bridges and Drains):** Undertaking of bush clearing and actual construction of the road, bridge and drainages. This phase will also involve taking down compensated trees and structures that were still standing following lapse of resettlement period to create room for the works. Areas such as Salima turn off to Chingeni, Chingeni proposed roundabout and panjanji (Tarven) will be directly affected, as the Road Reserve in these areas is densely occupied. During construction, the area where there are design changes for instance at Chingeni. Due to design changes at this place, there will be a roundabout that is 30 meters in diameter and this has affected shops, temporary structures and vendors who have already been captured and assessed. While at the rail crossing (Tarven), there will be an overpass; where the current policy of the government states that where the road is interacting with the rail, there will be an overpass. All PAPs with permanent structures were already compensated, the current RAP has captured and assessed PAPs with temporary structures.
- **Relocation Utility and Services:** Infrastructures such as electricity lines, water pipes, optical cables and police road block within the Road Reserve (RR) will be relocated and the services obtained from such infrastructure may be temporarily disrupted or need relocation during construction. The RAP provides a procedure to ensure proper communication among stakeholders and timely repair and relocation of such infrastructure. The RAP ensures costs and resources are provided for the relocation of such utility and service infrastructures and outlines measures to minimize service disruptions.
- **Ancillary Works Land Acquisition:** Land acquisition for ancillary activities, such as quarry sites, borrow pits, water extraction sites, access roads, river training and campsites, will also lead to displacement and resettlement. The RAP addresses the acquisition of land for these purposes and ensures compensation and livelihood restoration for affected people.
- **Temporary Diversions:** During construction, temporary diversions will be necessary to maintain traffic flow. This may impact businesses and settlements

along the road, requiring temporary relocations. The RAP includes provisions for managing these relocations to minimize disruption.

c. Demobilization Phase

The demobilization phase takes place after construction is completed, focusing on removing temporary infrastructure and restoring impacted areas.

- **Demolition and Rehabilitation:** Temporary structures erected, such as worker camps and construction-related infrastructure, will be removed and those temporarily relocated will be restored. Areas disturbed by the construction such as borrow pits, quarry sites, access roads, access points and diversions will be rehabilitated as per the AfDB's Integrated Safeguards Systems and MEPA guidelines. The RAP will ensure that affected landowners are properly compensated and that contractors facilitate the restoration and hand over of land to its rightful owners.

d. Operation and Maintenance Phase

Once the road is rehabilitated, the operation and maintenance phase begins, involving the monitoring and maintenance of the road.

- **Monitoring and Evaluation:** The RAP will continue to be monitored during the operation phase, particularly focusing on the success of resettlement and livelihood restoration efforts. This includes assessing the effectiveness of compensation measures and ensuring that PAPs have successfully integrated into their new communities and maintain their livelihoods.
- **Grievance Redress Mechanism:** Throughout the operation phase, a grievance redress mechanism will be in place to address ongoing issues related to compensation, resettlement, or livelihood restoration, ensuring that any unforeseen challenges are managed effectively.

The RAP is therefore developed for managing impacts of the Nsipe-Liwonde Road Rehabilitation Project, particularly in addressing displacement, relocation, and resettlement. The RAP ensures that affected communities are not left worse off by identifying PAPs, outlining compensation strategies, and providing for livelihood restoration. The RAP also addresses land acquisition for ancillary works such as quarry sites, borrow pits, water extraction, access roads, and campsites. It aims to mitigate social and economic risks associated with land acquisition and displacement by ensuring that PAPs are adequately compensated and supported throughout the project lifecycle.

1.2.5 Existing land use and 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,

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) Reclaiming 38 meters (20m to the side of diversion and 18meters to the other side) of a road from the centre of the existing road of which to the side of diversion most of the existing buildings and trees will require to be removed. Design changes at Chingeni round about and pa Njanji overpass will trigger additional displacement which also necessitated updating of this RAP. There are also densely occupied hotspots where clearance is required e.g Salima Turn Off, Chingeni, Panjanji, and Chendausiku
- 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 require to be situated on land that belongs to different individuals and communal structures.

The road has a road reserve of 60-meter corridor and it is designated as public land for road infrastructure purposes. Beacons marking the RR boundaries exist from Nsipe to Chingeni roundabout and there no RRB from Chingeni to Liwonde. However, the existing RRB is encroached upon by infrastructure (both permanent and temporary), informal vending, and small-scale farming. Specific infrastructure includes structures (residential, commercial/shops, fences, toilets, mixed-use properties), utilities (electricity lines and water pipes), service facilities (optical cable, wells, boreholes and street lights), bill boards and drainage system. Local authorities generally tolerate these encroachments, recognizing their informal nature.

The project will require approximately 20 meters' width of land over the 55 km stretch to the side where the diversions will be put and 18 meters to the other side.

Consequently, the road will result in the displacement, resettlement, and relocation of people and public utilities, disrupting livelihoods as well as social and economic activities. As a result, a Resettlement Action Plan (RAP) has been developed to ensure proper management of Project-Affected Persons (PAPs), guaranteeing that they receive fair compensation and are not left worse off after the project. The proposed road project will also require extra temporary acquisition of land for ancillary works such as: Contractor campsites quarry site, sand mining – loading bay, borrow sites, water abstraction sites and access road to these sites. Location of these sites and required sizes will be determined by the contractor during implementation and is included in this RAP, however, land acquisition procedures are included as annexes to this RAP. Post-construction, the RR will remain public land, with strict controls enforced by the Roads Authority and local councils to prevent encroachment and ensure road safety while the ancillary sites will be rehabilitated as per project specifications that align with AfDB's Integrated Safeguards Systems and MEPA guidelines and returned to their owners.

1.2.6 Compensation for the PAPs

The initial Resettlement Action Plan (RAP) outlined compensation for resettlement of 1058(66 for Phase I and 992 for Phase II) Project Affected Persons (PAPs) whose land, homes, livelihoods, and other assets are impacted within the immediate 18-meter corridor. The valuation of these assets were prepared, disclosed, negotiated and approved by the Regional Commissioner for Lands. Once the compensation was been disclosed and accepted by the PAP's, it will be provided in accordance with Malawian laws and AfDB's Integrated Safeguards Systems before construction begins. However, there have been design changes particularly at Chingeni Junction where a roundabout has been proposed, at Pa Njanji where the road will pass over the railway and also the need for extra 2 meters the whole stretch to provide adequate space for the diversions especially in areas where the road is being elevate above 1 m. Furthermore, the RAP excluded assets between Salima Turn Off and Chingeni Junction and ancillary works including Contractor's acquisitions, service infrastructure and unplanned works within the road reserve.

Although the RAP primarily addresses infrastructures and PAPs within the road reserve, it will also cover relocation and resettlement procedures for ancillary areas. At present, the assets impacted by borrow pits, quarry sites, campsites, sand mining, and water extraction sites are yet to be confirmed by the contractor. Once these sites are identified, they will be assessed and compensated by the contractor in liaison with respective Councils following all Malawian laws and AfDB Safeguards Systems, ensuring full replacement costs and fairness. The contractor will also be responsible for assessing, valuating and compensating any damages caused during construction after the figures are reviewed by the supervising engineer. In that view, the RAP set procedures for management of those activities, relocation and resettlement.

CHAPTER 2: RESETTLEMENT PLANNING AND DESIGN

This section provides information on the approach and methods used to develop this RAP.

2.1 Methodology for the preparation of the RAP

The Resettlement Action Plan (RAP) was prepared using a combination of primary and secondary data collection methods to ensure a comprehensive understanding of the impacts and needs of the affected population. The approach focused on inclusive stakeholder consultations, accurate socio-economic data collection, and compliance with compensation principles, including payment at full replacement cost.

2.1.1 Site Visits

During the RAP update, visits were conducted to understand the project impact areas, to obtain verifiable information about the area, to validate and update the socio-economic data collected during the earlier phase of the project. The visits further provided an opportunity for the team to interact with members of the communities and staff from relevant ministries and departments of Ntcheu and Balaka District Councils as well as utility and service companies to ensure that all information reflects the current situation on the ground with the information collected through personal observations made in the area affected by the proposed road project. Field visits were carried out in June through December 2025 and this process allowed for a robust validation of the socio-economic baseline for PAPs, ensuring that all data used are accurate and updated as of 2025.

The visits confirmed that the project does not traverse any gazetted protected areas. The Nsipe – Liwonde Road mainly passes through agricultural land and settlements. While there are natural vegetation and cultivated fields along the corridor, none falls within any designated conservation or protected area.

2.1.2 Literature Review

The desktop study reviewed Nsipe-Liwonde road designs, material specifications and ESIA; the Constitution of the Republic of Malawi; National Policies (the Malawi Vision 2063, the National Land Policy, National Environmental Policy, Forest Policy); National legislations (the Environment Management Act, the Water Resources Act, the Land Act, Land Acquisition Act, Town and Country Planning Act, Public Roads Act, Forestry Act, Relics and monuments act and other pieces of legislation relevant to the activities of the proposed project); and AfDB Safeguards Systems. The intention of reviewing some policies, legislations and guidelines was to ensure that the resettlement and compensation of the PAPs was done according to legal requirements. Additional

documents such as the recent socio-economic profile, health surveys and research data for Ntcheu and Balaka Districts were also used. The RAP has been updated using recent socio-economic information. The recent baseline data was undertaken in June through December 2025 through field surveys, validation meetings with local leaders and consultations with affected households. Enumerators compared earlier data with the new field findings to ensure consistency and relevance. This process confirmed that all socio-economic indicators, livelihood profiles, and asset inventories reflect present (2025) conditions.

2.2.3 Consultation with Stakeholders

Initial stakeholder consultations were held in 2022 and comprehensive follow up consultations, disclosure sessions and grievances verification meetings were conducted from 21st to 30th June, 2025. Successful resettlement requires stakeholder participation during all stages of the resettlement process and project circle. Consultation with affected people and stakeholders is seen to be mandatory and is regarded as the single most critical component in the resettlement process. The RAP team aimed to achieve effective authority and community consultation through undertaking the following activities:

- **Information exchange:** Promoting awareness-building of the Project and resettlement in the local communities;
- **Capacity Building and Education:** Informing affected people of their options and rights pertaining to resettlement and compensation and training the Resettlement and Compensation Committees on grievance management;
- **Participation Promotion:** Allowing all stakeholders to openly voice their concerns, any issues and possible disputes without fear of recrimination; and
- **Discussion and Negotiation:** Consulting with affected people and offering them choices among technically and economically feasible resettlement and compensation alternatives. Disclosure and negotiations for additional PAPs will be done once Ministry of Lands submits;
- **Focus group discussions (FGDs):** Organized with targeted groups, including women and business owners, to gather input on resettlement and compensation concerns; and
- The **stakeholder consultation** process undertaken by RA during project initiation (awareness and screening) and those for the ESIA phase have initiated stakeholder consultation for this RAP

Stakeholders consultation will continue throughout the RAP implementation process including monitoring and closure stages. The Roads Authority, Ministry of Lands, together with the District councils and Supervising Consultant, will facilitate regular meetings with PAPs, local leaders and relevant institutions. Continuous stakeholder engagement will ensure that affected persons remain informed, consulted, and involved in all decisions that concern them. This will be

done in line with the project stakeholder engagement plan and in compliance with AfDB OS10 guidance note which enshrines stakeholder engagement.

2.2.4 Household and Community Surveys

An important aspect in undertaking a resettlement programme is to determine the existing socio-economic context of potentially affected households and communities. This was accomplished by undertaking a number of socio-economic studies, including those listed below:

- **Mapping:** Depending on data availability, the resettlement process was supported by Geographic Information Systems (GIS) interface and field mapping. Maps included both spatial patterns and natural features of the resettlement site and host site;
- **Census:** A census of directly affected PAPs, *i.e.* those either physically or economically displaced, was undertaken in August, 2018, in September, 2022 and in June 2025 during the asset inventory process to provide socio-economic and demographic baseline information. This census is important as it provides a register of affected PAPs and allows for the determination of PAPs that are eligible for compensation and for protection under the auspices of this RAP.
- **Asset Inventory:** The asset inventory records captured both permanent and temporary losses likely to be incurred by households, enterprises and communities as a result of the road upgrade and rehabilitation Project. An asset inventory was undertaken by representatives from the Ministry of Lands in 2022 and recently in June and December 2025 and the process was supervised by the RA. The lands letters are in **Appendix B3** and its supplementary compensation schedule that include all structures located within the 38 m RR that need to be removed and or relocated has been attached as a separate document. Through the supervision consultant, RA facilitated a site visit with utility and service companies to identify and share costs for relocating their infrastructure falling within those areas for RA's consideration.

This inventory focussed on individual, households and community losses of physical structures and loss of access to natural resources (mainly trees). The inventory included information relating to losses of the following aspects, as appropriate and relevant:

- Homesteads and homestead structures;
- Trees and natural resources;
- Graves associated with each household;
- Community resources including schools, churches and health facilities;
- Community land and natural resources;
- Sites of cultural or historical importance; and
- Assets owned by PAPs.

- No moratorium on development is currently in place and as such stakeholders in the Project area are not prohibited from developing their homesteads or other assets.

2.3 Determination and Negotiation of Entitlements and Compensation

The RAP identifies households, individuals, communities and utility and service companies that are deemed to be entitled to or eligible for compensation. The eligibility criteria have been defined early in the resettlement process and need to be agreed to by all stakeholders as affected households, individuals and communities are entitled to compensation based on agreed values which will be disclosed once the RAP has been accepted by the African Development Bank. Multiple compensation options were discussed with affected parties via the consultative forum in order to obtain agreement on the adequacy and acceptability of the compensation package.

Compensation valuations focused on the following:

- Compensation options in terms of replacement of homesteads, structures and replacement land for physical resettlement. These were based on initial census results and consultations with PAPs where they preferred cash as it gives them more flexibility and timely replacement of asset unlike if RA provides them; and
- Relocation and replacement of any community structures.

2.4 Asset Evaluation

The estimated extent of compensation required for assets that will be lost was subjected to an asset evaluation process that recognizes three main parameters, *i.e.*:

- Land to be acquired under the proposed Project (no land is to be acquired by the Developer);
- Structures falling within the road reserve (key parameter of relevance to this RAP); and
- Trees and perennial crops falling within the road reserve. The letters in **Appendix B3** indicates that compensation rates have been included for trees. As stated earlier in this report, field owners were notified not to plant crops in road reserve in advance of road construction activities and no compensation is envisaged for this parameter.

2.5 Resettlement Planning, Scheduling, Budget and Responsibilities

Information in terms of resettlement planning, schedules, budget and responsibilities is provided. These various components have been developed based on the outcomes of the previous tasks and will need to be negotiated and discussed with the consultative fora and relevant authorities. Key factors that will need to be defined include:

- **Resettlement Planning:** Define overall strategy in terms of resettlement, likely phasing and means of compensation. Further consideration will be needed in terms of construction of any resettlement structures, labour and other issues.
- **Scheduling:** Define timing for resettlement in terms of the physical resettlement, payment of any cash compensation and ensure it aligns with any civil engineering required by the Project.
- **Budget:** Resettlement costs are often underestimated and thus detailed budgeting/costs for the implementation of the resettlement should be provided.
- **Role and Responsibilities:** Organisational structures and responsibilities must be clarified prior to resettlement. This includes all actions that must be adopted by relevant stakeholders including, amongst others, the proponent (RA) and the relevant government departments.

2.6 Initiation of Resettlement and Compensation

The physical resettlement and compensation should be initiated in line with the RAP (this document). Overall responsibility for the implementation of the RAP lies with the proponent (RA) and will be typically managed by the social specialist under the PIU. Implementation of the RAP will require close co-operation with local authorities.

2.7 Monitoring and Evaluation

Monitoring and evaluation are an important part of a resettlement project and the requirements for this task are set out in Chapter 9. The purpose of performance monitoring is to ensure that the RAP is implemented as described in the plan and in compliance with African Development Bank's Integrated Safeguards Systems.

CHAPTER 3: STAKEHOLDER ENGAGEMENT

3.1 Overview

Participation of and consultation with the affected community and authorities is vital to the success of the resettlement and compensation programme. The process was aligned to the principles and requirements of African Development Bank stakeholder engagement O.S10. Consultation and participation of the public allows the project management to design resettlement such that it is able to benefit affected peoples. Effective consultation can also assist in reducing the costs of implementing the RAPs by avoiding implementation that is contrary to the needs of PAPs and which does not breed antagonism towards the Project by withholding information. Consultation is an ongoing aspect of the resettlement process that takes place through every stage of resettlement planning and implementation and thereafter, once the road upgrade Project has started.

Broadly defined, stakeholders include any individual or group that feels that it is going to be affected by the project, the affected community and any individuals or groups that may have any significant role to play in shaping or affecting the Project, be it in a positive or negative manner. In a narrower vein, PAPs are those individuals and groups who are directly affected by the Project through the loss of assets and or land, or for whom the Project disrupts or affects their livelihoods.

3.2 Aims and Objectives of Stakeholder Consultation

Every effort has been made to inform stakeholders of the Project and its resettlement components. In this regard the RAP development process had a consultative process that has been followed. The aim of the stakeholder consultation process undertaken during the RAP development was to:

- Achieve continued, optimum stakeholder input and support for the current project;
- Understand stakeholder's viewpoints;
- Build trust by, *e.g.* providing feedback to stakeholders;
- Implement experiences and lessons learnt from stakeholders and community experience;
- Inform decision making and facilitate sustainable development;
- Empower and build capacity amongst stakeholders;
- Disseminate concepts of the proposed Project activities with a view to generating Project interest amongst the communities;
- Promote a sense of ownership for the Project and resettlement activities; and
- Determine communities' willingness to contribute in kind towards the implementation of the Project.

Initial stakeholder engagements were undertaken in 2022 which sort to consult communities and Ntcheu and Balaka District Councils through undertaking the activities relating to stakeholder mapping, information exchange (promoting awareness-building of the Project and resettlement in the local communities); capacity building and education (informing affected people of their options and rights pertaining to resettlement and compensation); participation promotion (allowing all stakeholders to openly voice their concerns, any issues and possible disputes without fear of recrimination); and discussion and negotiation.

Meetings were held with several key stakeholders at national and district level to establish consensus on the approach to and methods for community consultations and to inform them of the project. Formal public meetings were held with key district representatives in Ntcheu and Balaka District and community-level meetings were held in a number trading centres. The consultation process provided an opportunity for stakeholders, and particularly the PAPs to express their views and opinions on the project and to raise issues of concern relating to the Project. Stakeholders raised a number of issues and concerns regarding resettlement resulting from the road upgrade project during the consultation process. The issues raised by stakeholders have informed this RAP. These consultations aimed to foster collaboration, address concerns and ensure transparency in the RAP preparation process. The objectives of the consultations included:

- Discuss land requirements of the project, impacts and implication on various stakeholders;
- Discussing compensation principles, including applying AfDB's full replacement cost policy
- Exploring livelihood restoration measures tailored to the needs of affected groups, particularly vulnerable populations;
- Identifying preferences and challenges related to resettlement for physically displaced households and businesses; and
- Gathering opinions on key project impacts and strategies to mitigate them.
- Informing PAPs about grievance redress mechanisms to address disputes related to compensation and resettlement.

Table 1 presents these issues.

Summary of Raised Issues and Responses/Recommendations.

Issues Raised	Forum	Response/recommendations
How should the district council handle resettlement grievances coming from affected communities?	District Stakeholders Workshop	The RAP stipulates the legal requirement for the project to set up a Resettlement Working Group (RWG) whose membership includes representatives selected by PAPs, representatives of all affected Traditional Authorities, district council representatives, and client representatives. All involved parties must coordinate with the RWG on all resettlement matters. Ensure that all resettlement issues are addressed before the beginning of the construction phase.
Disruption of construction works by individuals or communities dissatisfied with the compensation issues	KII, OC Ntcheu and Balaka Police	Address all complaints before construction works commence.
The project should adequately support the council to reinforce safeguards as per its legal mandate	District stakeholder workshop	
Apart from paying compensation money to PAPs losing trees to the project, there should be direct afforestation interventions	District Stakeholders' Workshop	For every tree that has been cut down, ten seedlings should be planted in other areas.
There are many boreholes located within or very close to the road reserve across the project area; construction works may either remove them or obstruct accessibility	District Stakeholders' Workshop	Thoroughly examine anything in diversions, and boreholes will be replaced before the project commences.
Some people are building houses along the road hoping to receive compensation when displaced by the project.	District Stakeholders' Workshop	The client needs to conduct comprehensive community awareness regarding displacement and resettlement

Issues Raised	Forum	Response/recommendations
		issues, including the cut-off date for resettlement consideration.
SRWB water supply infrastructure crosses the road at several points within the town planning area and will be affected by road construction works.	KII, SRWB	The consultant, along with a technician and the study's GIS expert, collected coordinates of the said infrastructure to include this information on the PAP map. Proper consultations and coordination with relevant institutions should take place.
Usually road construction projects do not provide replacement materials after displacing water supply infrastructure crossing the road or falling within RRB.	KII, SRWB, Mpira Trust	There should be proper consultations and coordination with relevant institutions
In case of the death of a PAP before compensation pay-outs, who receives the money on behalf of the PAP?	FGD, Samala VDCs	The compensation amount intended for the deceased PAP will be disbursed to the legal heirs or beneficiaries as per the applicable laws and regulations governing inheritance and succession. RA, in coordination with local authorities and legal representatives, will ensure that the compensation is distributed to the rightful heirs or beneficiaries of the deceased PAP, following the established legal procedures.
Some people who received compensation last time had no properties along the road	FGD, Various VDCs	Ensure that compensation aligns with property ownership.
The project will bring money, and if the community is not sensitized about the positive and negative impacts of it, it may lead to problems such as pregnancy and diseases in communities.	FGD, various VDCs	Conduct community sensitization to raise awareness about the project's potential impacts.

Issues Raised	Forum	Response/recommendations
People do not know their land limits along the road as most of them inherited from parents	Mponda FGD, Mchenga FGD, Chendausiku FGD, Manga FGD, Kapalamula FGD, Mpulula FGD	Sensitize people on where to build their houses, plant trees, and other land-use guidelines.
Why were people with trees compensated while those with crop fields were not compensated?	Mponda FGD, Mchenga FGD, Chendausiku FGD, Manga FGD, Kapalamula FGD, Mpulula FGD	Follow protocol and provide accurate information to the community to reduce conflicts.
It would be better to pay compensation money using locally available banks through issuing cheques than paying cash.	FGD, Mchenga	Consider providing compensation via bank, airtelmoney, Mpamba or cheques for improved financial security.
People are not aware of where to report complaints regarding resettlement issues	Manga FGD	Sensitization should have been conducted earlier to avoid surprising communities. Raise awareness through community leaders and brief them about the project.

However, as indicated earlier, the initial RAP did not include utility and service companies. As such the updating exercise facilitated their incorporation, Ntcheu and Balaka District Council and Community GRC following receipt of grievances and additional PAPs following the extension of the road length. These consultations covered protective measures for utility and service infrastructure, verification of grievances and offering resolutions and livelihood restoration measures as part of the RAP development process.

CHAPTER 4: POLICY AND LEGAL FRAMEWORK

The chapter provides the basis for the project's resettlement activities and presents the policy and legal framework context in Malawi.

4.1 National Legislation and Practice

4.1.1 The Constitution of the Republic of Malawi

The Malawi Constitution under section 207 vests land in the 'Public' thus establishes government's 'eminent domain'. Section 44 specifies the limitation of expropriation of property where it shall only be permissible when done for public use and adequate notification and appropriate compensation, if there shall always be a right to appeal to a court of law.

Under Section 28, the constitution provides the basis for legislation providing for issues pertaining to title, claim or specific responsibility over land is outlined below:

“Section 28 of the Constitution provides 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.”

In line with the Constitution, the Nsipe-Liwonde road rehabilitation designs have only utilized the RR for the actual road works. However, if necessary, the government may be requested to exercise its powers of eminent domain. In such cases, there will be thorough consultations and engagements with relevant stakeholders, including property owners, and the provision of adequate compensation in accordance with legal and policy requirements. RA further recognize rights of property ownership as stipulated under Section 28 and in view with other policy frameworks particularly the AfDB Safeguards Systems, RA will facilitate payment of compensations for the structures that are put up within the RR and make sure that the properties (including land), acquired outside the RR either by itself or the contractor are adequately compensated for. The project will further undertake protection and rectification measures for the properties that might be damaged due to works including cracking or falling due to compaction, swaying vehicles or any other means of damage. The contractor will be tasked with creating a data base (of picture, owners, village/chainage and commentary on structure integrity) for all existing structure within the road reserve, near quarry/borrow sites and along access to road to ancillary sites to serve as a baseline for determination of structural impact caused by the project.

4.2 National Policies and Legislation

4.2.1 Malawi Vision 2063

Malawi vision 2063 (MW2063) outlines the vision for the country's long-term development, influencing the way resettlement, land acquisition, and compensation are managed, especially in relation to infrastructure and development projects. Section 2.3 of MW2063 emphasizes the goal of inclusive development, ensuring that no one is left behind. In the context of resettlement, this means that relocation should be fair, equitable, and voluntary. Affected persons (PAPs) should be consulted and compensated adequately, with particular attention to vulnerable groups who must be specifically protected.

Section 4.1, under the goal of land tenure security, ensures that all citizens have secure land rights. This directly aligns with Malawi's National Land Policy (2002) and the Land Act Amendments (2022), which protect customary land rights and aim to prevent land disputes. These policies guarantee that the projects resettlement processes do not undermine land security for those displaced.

In Section 5.2, the goal of environmental sustainability is highlighted. MW2063 calls for sustainable land use and environmental conservation, ensuring that the resettlement processes consider the ecological impact of development. Relocation should avoid environmental degradation, and appropriate land restoration measures must be put in place. Under Section 6.4 focuses on strengthening institutional capacity and governance. Effective land management requires robust and accountable governance structures. The implementation of Resettlement Action Plans (RAPs) must be managed by institutions capable of ensuring fair compensation and reliable grievance mechanisms, as outlined in the Land Acquisition and Compensation (Amendment) Act (2022) and other related legislation.

Economic empowerment and livelihood restoration are central to MW2063's goals, as outlined in Section 7.2. Resettlement should involve strategies that empower communities economically. Compensation must not only be monetary but also include non-monetary support, such as skills development programs and opportunities for economic integration, as prescribed in both the Malawi National Land Policy (2002) and the Land Act Amendments (2022). The project will comply through compensation and livelihood restoration. Finally, in Section 8.1, MW2063 stresses the importance of community participation and social inclusion. Since the project involves resettlement, as per section 8.1 the project must be participatory, with affected communities having representation in decision-making bodies. This ensures the resettlement process is socially harmonious, inclusive, and aligned with the broader goals of development.

The Nsipe-Liwonde road project will align its resettlement activities with aspirations and tenets of MW2063 thereby recognizing the land rights of citizens; ensuring that there is meaningful engagement with stakeholders; ensuring all quarters of communities particularly the vulnerable are incorporated, avoid tampering with ecological resource areas and that construction works is done in a sustainable way. Aligning with section 8.1, the project established RWG that consist of community members representing various groups and influences.

4.2.2 Malawi National Land Policy 2002

Malawi National Land Policy 2002 is aimed at ensuring tenure security and equitable access to land in accordance with section 28 of the Constitution and to facilitate the attainment of social harmony and broad based social and economic development through optimum and ecologically balanced use of land and land-based resources. The Policy identifies the Ministry responsible for Lands as the principal authority responsible for land matters. The policy also provides clear definitions and categories of land tenure and outlines proposals to reform the land tenure system.

Section 4.11 of the land policy ensures that security of land tenure can be guaranteed on an equitable basis to all citizens in accordance with the statement that “Any citizen or group of citizens of Malawi can have access to land in any part of Malawi provided that:”

- a) Land is available where it is being sought;
- b) The person agrees with the land owner and the laws governing disposal of land;
and
- c) The proposed land use is compatible with land use plans, environmental regulations and community land management duties and obligations.

Section 5.0 specifically provides for land administration and resettlement. The definition of ‘land administration’ in the policy is broad and includes the delivery of land rights, the planning of land uses, demarcation and survey of land parcels and the registration and maintenance of land information. It also includes conveyance, policies to facilitate decisions on mortgages and investment, development management, property valuation for assessment purposes and monitoring the environmental impact of all land-based activities.

Section 5.19 to 5.22 of the policy deal with Land Retransmission and Resettlements. This part focuses on the acquisition of land for retransmission to the landless and for promoting a strategy to encourage the resettlement of landless and land-short households in carefully selected areas throughout the country in order to relieve land pressure and poverty in some of the most congested agricultural districts in the nation.

The policy further provides notes that relocation and resettlement would have to take into consideration the following factors:

- a) the principles of fairness, equity and human rights;
- b) the fact that people cannot be forced to relocate to any location without their consent and that individuals and household's readiness to resettle in a different traditional area, district or region is a matter of personal choice;
- c) the fact that the potential disruption of social, cultural and economic existence may be traumatic enough to make the prospect of relocation untenable to some, and the prospect of leaving valuable immovable property is always a cause for resisting relocation; and
- d) how much will respondents demand to be successfully resettled.

Despite the fact that the provisions of the Policy focus on re-transmission of land to the landless and land poor, the principles and factors are applicable to issues of relocation and land settlement in general which will be applicable in the project as it will require relocation and resettlement. The National Land Policy provides a basis for the review and amendment of land legislation to ensure conformity with the goals and strategies of the Policy.

The project's resettlement activities will adhere to the principles set forth by the land policy and for ancillary works such as borrow pits and others, the project will encourage leasing as opposed to purchase and where private land will be acquired, adequate compensations will be paid in order to facilitate purchase of land.

4.2.3 The Public Roads (Amendment) Act of 2014

This Act provides for road standards, safety and classification. The Public Roads Act of 1962 as amended was enacted to consolidate and amend the law relating to Public Roads. In this Act the highway authority is assigned responsibilities for the construction, care and maintenance of any road or class of road in accordance with the Act. The Public Roads Act provides for various instances when compensation may or may not be paid. Sections 44-50 of the Act provide for issues relating to compensation including assessment of compensation generally and for surface rights, compensation for land which becomes public land, matters to be taken into consideration in assessing compensation for alienated land and claims for compensation.

Section 44 provides assessment of compensations which can be paid under this act. The compensations cover surface and land rights of the owner or occupier of land. Section 45 provides for compensation for conversion of land into public use and the section states specifically that in case of customary land compensation is in respect to disturbance to people, section 49 and section 50 provide opportunities for land owners or occupiers to appeal to the High Court on grievances related to resettlement and compensations provided for in this act. The part also provides for procedures to be

followed before a Land Tribunal and the right to apply to the High Court for judicial review if the claimant is unhappy with a decision of the Land Tribunal.

The proposed road project will reclaim the road reserve and will fully comply with the provisions of the Act by ensuring that appropriate infrastructure for public safety and road durability are considered. Such infrastructure includes road signage, packing bays, bridges, road markings, road shoulders, drainage systems, road crossings and junctions, road reserves, vertical and horizontal alignments and others.

4.2.4 The Land Act (Amendment) of 2022

The Land Act (Amendment) of 2022 which is the principal legislation dealing with land tenure and land use, was enacted after the Land Act of 2016. The 2016 Land Act created a lot of discomfort among stakeholders ranging from rural people to other farming communities, traditional leaders, the academia, professional bodies and civil society. The major issues that have been addressed in the amended Land laws are the following: status of freehold land; sale of vacant freehold or leasehold land; concentration of land by few people; ownership of land by non-citizens; the role of traditional leaders in the administration of customary land; the role of customary law in the administration of customary land; and payment of fees for registration of customary land by rural land owners. Under this Act, it is illegal to enter on someone's land and developing it without prior permission from the owner. Section 20 of the Act stipulates that encroachment of public land attracts a fine of K500,000.00 and imprisonment to 3 years upon conviction. Section 7 of the Act categorize land as public land, customary land and private land. Section 9A guarantees access to land by all, subject to availability and a person's means; prohibits concentration of land in a few individuals; and mandates the Minister to prescribe land ceilings. Section 39 (1) provides that where a lease is granted by the Minister and in accordance with this Act expires, it shall become public land. Where the land in question was created out of customary land, the Minister may convert the public land to customary. The Minister may reallocate the land giving priority to people of surrounding communities.

To that end and in view of other policies governing the project, RA will compensate all PAPs with properties that will be affected due to the project works. The project recognizes Council as the delegated land authority in their respective jurisdictions and all land related matters will be done in line with their authority. The project will comply with the provisions for Land Act and other related laws when acquiring land outside the RR.

4.2.5 Customary Land (Amendment) Act of 2022

Section 3 provides that Customary Land shall be held by the Traditional Authority on trust for the people; be administered in accordance with prevailing customary law, subject to this Act and other written law; Surveyor General to produce and issue a map

for every traditional land management area (TLMA) according to agreed boundaries; Alterations of TLMA in accordance with Chiefs Act: Surveyor General to carry out subdivision and produce new maps showing revised TLMAs; Reference to boundaries of TLMA shall be to general boundaries. Section 14.1 provides for a Land committee in consultation with relevant village headmen, identify a portion of customary land to be set aside as communal land and determine intended use.

The project recognizes the role local leaders play as custodians of customary land and as such they will be very much involved in the processes. Land acquisition for ancillary works will be done in line with the Act whereby the local leaders will be involved for site assessment (consultations), ownership verification and act as witness for both parties. The chiefs will annotate the lease agreements forms before being sending them to the councils for further annotation and only sites whose lease agreements have been anointed by both local leaders and councils will be approved for works. During rehabilitation and handover, the local leaders and councils will also have to certify that the rehabilitation works have been carried to their satisfaction.

4.2.6 The Physical Planning (Amendment) Act of 2022

This Act directly impacts the project by establishing clear legal requirements for land use and development. The Act mandates that no development can proceed without proper planning permission which includes reinforcement of the notion of road reserve citing that no development and structure should be elected within the road reserve boundaries (**Section 43A**), which ensures that any changes, such as the resettlement of displaced individuals, the relocation of utilities, and other infrastructure works, are conducted in accordance with approved physical plans and that construction within road reserve are unlawful. This means the project is not obligated to compensate for land within the RR and also ensures that the project contributes to sustainable development, avoids land misuse, and prevents the negative impacts of uncontrolled expansion.

Furthermore, **Section 45** of the Act, which outlines regulations for land subdivision and changes, ensures that the relocation and resettlement of people within the road reserve are done with due consideration to proper land planning and development standards. This helps ensure that affected communities are resettled in well-planned areas with access to necessary services, infrastructure, and resources.

By enforcing these regulations, the Act contributes to the protection of vulnerable groups during the resettlement process, ensuring their needs are met and that the process is fair and equitable. In accordance with the Act, Roads Authority engaged the 3 Councils informing them about the project and possible impacts as well as agree on mitigation measures and management of environmental and social issues including resettlement, relocation and community engagement. The project design and safeguards instruments will be presented to the councils for planning/development

permission and disclosure purposes, and resettlement activities will be implemented together with three councils.

4.2.7 The Land Acquisition and Compensation (Amendment Act) of 2022

The Lands Acquisition (Amendment) Act of 2022 has amended some provisions of the Lands Acquisition and Compensation Act. New Section 10 of the Lands Acquisition and Compensation (Amendment) Act of 2022 provides for appropriate compensation of any acquisition of land by Government shall be assessed by a valuer appointed by the Minister; Where a party is not satisfied with the appointment of a valuer by the Minister, the party shall be free to appoint any licensed valuer, provided that:

Section 3 of the Act read with the Amendment Act Empowers the Minister responsible for lands whenever he is of the opinion that it is desirable or expedient in the interests of Malawi, to acquire land for public utility, either compulsorily or by agreement, and pay compensation as may be agreed or determined under the Act. Sections 5-7 of the Act provide for the issuing of notices upon the persons who are possessed of an interest in the land. According to section 12 of the Amended Act when a notice to acquire land has been issued and published, the land shall revert to the Government as public land within 2 months of the publication of the notice.

Section 9 as amended provides for the payment of compensation. It provides that where any land is acquired by the Minister under this Act the Minister shall pay in respect thereof appropriate compensation agreed or determined in accordance with the provisions of this Act. The Amendment Act further provides that compensation shall be paid in one lump sum; therefore, the assumption is that compensation shall only be monetary.

Amended provisions relating to assessment of appropriate compensation provide that an assessment is to be done by an independent valuer appointed by the Minister, unless the parties agree otherwise. The Amendment to the Act also provides information on the grounds on which compensation can be calculated which include; loss of occupational rights, loss of land, costs of professional advice and disturbances which are a natural and reasonable consequence of the disposition of land. The Amendment has inserted substantive provisions on matters to be taken into consideration in assessing compensation for alienated land under section 10A.

Section 11 of the Act deals with the effect of payment of the compensation and states that a person who has been paid compensation for land cannot make further claims in respect of the land. However, this does not prevent any subsequent proceedings against the person to whom the same was awarded by any person claiming to have a better right to the compensation or the right to a share thereof.

To that end and in view of other policies governing the project, RA will compensate all PAPs with properties that will be affected due to the project works and the PAPs will sign an MOU agreeing on conditions set forth in the Act under section 11. The project recognizes Council as the delegated land authority in their respective jurisdictions and all land related matters will be done in line with their authority. The project will comply with the provisions for Land Act and other related laws when acquiring land outside the RR.

4.2.8 The Local Government (Amendment) Act of 2017

The Local Government (Amendment) Act of 2017 significantly impacts the road rehabilitation project by enhancing the role of local government authorities in land acquisition, planning, and community engagement. It empowers local councils to oversee and approve development projects within their jurisdictions. Section 3 of the Act strengthens the authority of local councils in managing land, including acquiring land for public use. The project must collaborate with local authorities to obtain the necessary permits and approvals for land acquisition, resettlement, and roadworks.

Section 4 mandates transparency and accountability in local governance, requiring the project to ensure open communication and consultation with affected communities and local leadership throughout the implementation process. This is crucial to avoid conflicts and ensure fair compensation and resettlement plans.

Moreover, the Act consolidates provisions related to land acquisition. Section 34 allows local councils to acquire land for public purposes, such as development and improvements in their area. This includes acquiring land through purchase, lease, exchange, or gift. The project must comply with the Land Acquisition Act and other related laws when acquiring land through the council. Additionally, the Amendment Act gives councils the authority to dispose of land according to the Land Act and the Registered Land Act.

The ministry responsible for local government also has the power to issue eviction orders for encroachers on public land, which could be relevant in areas where the road works intersect with public land. The Project jointly facilitated awareness raising meetings with communities along the Nsipe-Liwonde road where they were informed about the illegal nature of encroaching the RR and that anyone who will settle in the RR after 1st April 2022 will not be entitled to compensations and will be evicted.

4.2.9 Environment Management Act of 2017

By adhering to these provisions, the road rehabilitation project will ensure that local councils are properly engaged, land acquisition is conducted legally, and the rights of affected communities are respected. This collaboration with local authorities helps ensure the smooth and efficient implementation of the project. The Environment Management Act of 2017 (EMA) was enacted to make provision for the protection and

management of the environment and the conservation and sustainable utilization of natural resources. The Act provides for Environmental Impact Assessment to be done in certain circumstances. Malawi has developed Guidelines for Environmental Impact Assessment (EIA) in Malawi. The purpose of the Guidelines is to facilitate compliance with Malawi's EIA requirements by Government, project developers, donors and the general public. The guidelines help to integrate environmental concerns in national development and will be applicable to all types of projects, in the public and private sectors, for which EIA studies may be or are required. As the project has been graded type 1 this act guides the project in carrying out an ESIA and mitigation measures of the impacts

4.2.10 Monuments and Relics Act of 1991

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

According to section 18 of the Act, if the Minister apprehends that a monument or relic is in danger of being destroyed, injured or allowed to fall into disrepair or decay, or that a monument or relics is threatened by any proposed change of use or use or development of land, he may make a report in that behalf to the Minister Responsible for Land Matters and it shall be lawful for the Minister to acquire the monument or relic under the provision of the Land Act and Land Acquisition and Compensation Act as if the conservation or preservation of such monument or relic were for public purpose within the meaning of that Act. The act has provided guidance in terms of what would be regarded as monument or relic within the project area. The field survey that was conducted during the development of this RAP revealed that there will be no form of a monument or relic whose removal or destruction would trigger the application of the act. In this circumstance the provisions of the Land Act 2022 and Land Acquisition and Compensation Act of 2022 would apply in other aspects but not in terms of relics and monuments.

The project's designs have made considerable effort to avoid cultural and heritage facilities and places in view of the Act. However, for the artifacts and other cultural,

heritage and religious materials unknown and undiscovered, particularly those buried underground, the project has chance find procedure that will guide management of such materials in an event they have been discovered.

4.2.11 Forestry (Amendment) Act of 2017

This is an Act that provides for participatory forest management, forestry research, forestry education, forest industries, protection and rehabilitation of environmentally fragile areas and international cooperation in forestry and for matters incidental thereto or connected therewith. Section 3 of the Act outlines the purposes of the Act which aim at identifying, promoting and controlling all human activities relating to sustainable use of forestry products and biodiversity. It also seeks to protect fragile areas like steep slopes, riverbanks and water catchment by providing guidelines for planning and implementing forestry research and education.

Section 22 of the Act provides that the Minister may, after consultation with the Minister responsible for Land matters by order published in the Gazette, declares any public land nor already reserved for another public purpose to be a forest reserve. Section 23 continues to state that any area of land proposed for a forest reserve, and which is not public land shall first be acquired in accordance with the provisions of the Land Act and Land Acquisition and Compensation Act. On the other hand, the forestry Gazette of 2010 provides guidance of how forestry tree can be valued but now the Gazette has been updated in line with prevailing cost and value of money. The forestry Gazette provides that tree be assessed based on biomass (cubic meters) as opposed to size and type of the tree. This forms a premise on which the value estimation of trees in this RAP is based. The project area has trees (though not in forest reserve) that need to be assessed and the Forestry Act (Amendment) of 2017 and Forestry Gazette have provided such guidance. In accordance with the provisions of the Forestry Gazette, trees are classified as exotic and indigenous, whose approach of assessing the value estimate, is the same.

The project will used rates provided by the Forestry Department to assign values to the trees that will be affected for compensations.

4.2.12 Electricity Act of 2004

The Electricity Act of 2004 plays a crucial role in the road rehabilitation project, especially in the relocation of electricity infrastructure. The Act governs the generation, distribution, and supply of electricity in Malawi, establishing standards for safe and efficient operation.

Section 44 of the Electricity Act specifically addresses the rights and obligations concerning the diversion or relocation of electricity infrastructure. If any existing electrical infrastructure, such as poles, wires, or transformers, falls within the planned road alignment, the project must ensure that these utilities are relocated in accordance

with the Act. This relocation process requires consultation with the Malawi Electricity Supply Corporation (ESCOM) or other relevant authorities.

Furthermore, Section 45 requires that the project must ensure the safety of electrical infrastructure during construction and relocation, preventing disruptions to power supply and ensuring compliance with safety standards. This includes obtaining the necessary permits and ensuring that electricity services are maintained throughout the relocation process.

Section 47 mandates that any utility relocation should not endanger public safety, and the project must implement adequate risk mitigation measures. This includes maintaining safe distances between electrical lines and workers and ensuring that electrical supply is restored promptly after relocation.

The project recognizes the role played by ESCOM and the value of utility infrastructure existing within the road reserve. To that end, RA facilitated engagement meetings with ESCOM to discuss on measures for protecting such infrastructure including possible relocation and it was agreed that the project will foot the cost of implementing the protective measures (See Minutes under **Appendix D**).

4.2.13 The Malawi Water Resources Act of 2013

The Water Resources Act of 2013 is crucial for the road rehabilitation project, particularly in relation to the extraction of water and the potential relocation of water pipes within the road reserve. Section 15 of the Act mandates that any water extraction from rivers or other bodies of water requires prior authorization from the relevant authorities. For the road rehabilitation project, if water extraction is necessary, the project must obtain the appropriate permits from the Department of Water Resources to ensure that the extraction complies with environmental and sustainability standards.

Section 27 of the Act governs the relocation of water pipelines. If the project involves moving existing water infrastructure within the road reserve, it must be coordinated with the relevant water utility provider, such as the Southern Region Water Board and Mpira Trust). The project must ensure that water services are not disrupted, and that the relocation is carried out with minimal environmental impact and in compliance with regulatory requirements.

The project recognizes the role played by SRWB and Mpira Trust and the value of utility infrastructure existing within the road reserve. To that end, RA facilitated engagement meetings with SRWB to discuss on measures for protecting such infrastructure including possible relocation and it was agreed that the project will foot the cost of implementing the protective measures (See Minutes under **Appendix D**).

4.2.14 The water Works Act of 1995

The **Water Works Act (No. 17 of 1995)** provides the legal framework for the establishment of Water Boards, designation of water areas, and the administration, development, operation, and maintenance of waterworks and water-borne sewerage and sanitation systems in Malawi.

Under **Part IV – Services and Supply of Water**, the Act stipulates that any person owning or occupying premises may, with the approval of the Water Board, construct or alter a water service connection. All such construction must comply with the standards set in the By-laws under the Act, and connections to the waterworks must be carried out by the Board upon payment of the applicable fees.

For the **Nsipe-Liwonde Road Rehabilitation Project**, this legislation is particularly relevant in the context of **utility relocation** and **ensuring continuity of water services** during and after construction. While the Act establishes national provisions, in this case, the **Southern Region Water Board (SRWB)** is the responsible authority for water infrastructure in the project area.

Key implications for the project include:

- **Utility Relocation and Protection:** Any temporary or permanent relocation of SRWB water infrastructure (pipelines, valves, meters, etc.) must be conducted in compliance with SRWB’s technical standards and must be approved by the Board prior to implementation.
- **Service Continuity:** Measures must be in place to ensure uninterrupted water supply to affected communities and institutions during construction. Coordination with SRWB is essential to prevent service disruptions.
- **Legal Compliance and Oversight:** Sections **15 and 17** of the Act prohibit unauthorized interference with water infrastructure. SRWB has the legal authority to inspect works and access land as necessary for monitoring, protection, and maintenance of water services.

The project recognizes the role played by SRWB and the value of utility infrastructure existing within the road reserve. To that end, RA facilitated engagement meetings with SRWB to discuss on measures for protecting such infrastructure including possible relocation and it was agreed that the project will foot the cost of implementing the protective measures.

4.2.15 The Mines and Minerals Act (2019)

The **Mines and Minerals Act (No. 8 of 2019)** provides the legal framework for the regulation, management, and sustainable development of Malawi’s mineral resources. It classifies materials such as gravel, sand, stones, and clay—commonly used in infrastructure projects—as construction minerals, which are subject to licensing and regulatory oversight. The Act requires that all extraction of these materials, whether for public or private use, be carried out under valid permits issued by the Ministry of Mining through the Department of Mines.

In the context of the Nsipe-Liwonde Road Project, this Act is particularly relevant where borrow pits, quarry sites, and other sources of construction materials are involved. The project must ensure that all materials are sourced from legally recognized and licensed sites. Unauthorized extraction would constitute a violation of the Act and could result in legal penalties and environmental damage.

The Act further emphasizes the importance of environmental sustainability, requiring environmental impact assessments for mining activities and mandating the rehabilitation of extraction sites upon completion of use. This is crucial for minimizing the long-term environmental footprint of the road project.

Additionally, the Act protects the rights of landowners and communities by requiring consultation and fair compensation when mining activities affect private or customary land. This aligns with the principles of the Resettlement Action Plan (RAP), which seeks to ensure that all affected persons are adequately informed and compensated.

Overall, compliance with the Mines and Minerals Act is essential to ensure that the sourcing of construction materials for the Nsipe-Liwonde Road Project is legal, environmentally responsible, and socially equitable.

Table 1 below, summarizes key legislation on Resettlement and how they relate to the RAP study.

Table 1: Details of key legislation on resettlement

Legislation	Functional Relationship to Resettlement
Malawi Vision 2063	Outlines the long-term development vision for Malawi, emphasizing inclusive development, environmental sustainability, and economic empowerment. It advocates for secure land tenure, equitable resettlement, and community participation in development, guiding the framework for land acquisition, compensation, and resettlement in alignment with national development goals.

The Constitution of the Republic of Malawi 1994	Provides the legal basis for land ownership, expropriation, and compensation. Guarantees that property cannot be arbitrarily taken and must be acquired for public utility with compensation. Section 44 ensures that any land expropriation is accompanied by adequate compensation.
The Malawi National Land Policy, 2002	Establishes policy objectives for land administration, including equitable access, tenure security, and fair resettlement. It provides a foundation for resettlement by promoting fair, voluntary relocation and ensuring that land acquisition respects land tenure rights.
The Public Roads (Amendment) Act of 2014	Governs the construction and maintenance of public roads, including compensation for land that is affected by road construction projects. It provides for compensation of landowners and occupiers, including for surface rights and disruptions caused by roadworks.
The Land Act (Amendment) 2022	Principal legislation on land tenure and use. It governs land administration, acquisition, and compensation processes during resettlement. It ensures that land acquired for public purposes is fairly compensated, particularly for customary and public land.
The Customary Land (Amendment) Act of 2022	Regulates the management and administration of customary land. Ensures that customary land rights are respected during resettlement and land acquisition processes and provides clarity on land tenure for affected communities.
The Lands Acquisition and Compensation (Amendment) Act of 2022	Empowers the government to acquire land for public purposes and outlines the procedures for compensation. It ensures that adequate compensation is provided to affected persons (PAPs), whether through monetary or non-monetary means.
The Registered Land (Amendment) Act of 2022	Governs the registration of land titles and the processes for verifying ownership. During resettlement, this act ensures secure and formal land tenure, which is essential to prevent land disputes and clarify ownership for affected persons.
The Physical Planning (Amendment) Act of 2022	Requires planning and development permission before land development, ensuring that land use for resettlement follows proper planning protocols and respects zoning laws. Ensures that resettlement areas are well-planned and developed in accordance with national standards.
The Land Survey (Amendment) Act of 2022	Regulates the conduct of land surveys and boundary demarcation, which are critical for accurate land allocation and determining compensation during resettlement. This act ensures that land boundaries are clearly defined, and disputes are minimized.
The Local Government (Amendment) Act of 2017	Authorizes local councils to acquire land for public functions and development projects. It also allows the disposal and management of land by local authorities. During resettlement, it provides a mechanism for local government involvement in land acquisition and compensation processes.

The Environment Management Act of 2017	Provides the framework for environmental management in Malawi, including sustainable land use and rehabilitation during resettlement projects. Ensures that land acquisition and resettlement projects incorporate environmental safeguards and mitigate adverse ecological impacts.
Environmental Impact Assessment (EIA) Guidelines of 1997	Mandates that resettlement and development projects undergo environmental impact assessments to assess potential harm to the environment. These assessments require public consultations, ensuring that the concerns of affected communities are addressed.
The Forestry Act (Amendment) of 2017	Regulates forest management and conservation, ensuring that resettlement and land acquisition projects do not lead to the destruction of forests or other critical environmental resources. It sets guidelines for managing land that includes forests or other biodiversity-rich areas. It also explains how to survey and compensate trees as well as public forests
The Monuments and Relics Act	Protects cultural heritage sites, such as monuments and relics, from being disturbed during land acquisition and resettlement. The Act mandates that any proposed development affecting such sites must ensure their preservation, and government can acquire them if necessary, for public purposes. It also explains procedures of relocating, compensating or dealing with any cultural heritage sites or artefacts identified or discovered during the project
The Mining and Minerals Act, 2019	Regulates mining activities, including the acquisition of land for mining projects. It ensures that affected communities are compensated for land taken for mining purposes such as sand mining and quarry sites. Additionally, the act requires that proper resettlement and rehabilitation strategies are in place for people displaced by mining projects, ensuring that communities' livelihood and land tenure rights are safeguarded.
The Water Resources Act, 2013	Governs the use and management of water resources in Malawi such as water extraction points or relocation of pipelines. The act ensures that resettlement and land acquisition processes involving water resources take into consideration the needs and rights of affected communities, providing for equitable access to water and ensuring that water resources are not depleted or contaminated by development activities.
The National Water Policy, 2005	Provides a framework for the sustainable management and use of water resources in Malawi. In the context of resettlement, the policy ensures that water resources are properly managed, with clear guidelines on the relocation and compensation of communities affected by water development projects.
The Electricity Act, 2016	Regulates the generation, transmission, distribution, and supply of electricity including relocation of electricity poles. It impacts resettlement in cases where land is required for electricity infrastructure such as power lines, substations, or plants. The Act ensures that compensation for land affected by electricity infrastructure projects is provided fairly and that resettlement processes consider the needs of communities displaced by such projects.

4.3. A Land Acquisition, Restrictions on Access to Land and Land Use, and Involuntary Resettlement (OS 5)

OS 5 This OS5 relates to occasions in which a Bank-financed project causes the 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 remain the same or are improved, and that they share in the benefits of the project that involves their resettlement.

The specific objectives are to:

- a) Avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable after having explored all other alternative project designs;
- b) Ensure that displaced people are meaningfully consulted and given opportunities to participate in the planning and implementation of resettlement programs;
- c) 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 levels;
- d) Provide explicit guidance to borrowers, with support from relevant Bank staff, on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement, actively facilitate social development and establish a sustainable economy and society; and
- e) Set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill- prepared and poorly implemented resettlement plans.

The OS5 requires the borrower to consider feasible alternative project designs, including re-siting and re-routing, to avoid or minimize physical or economic displacement, while balancing environmental, social and financial costs and benefits. When the resettlement implications of a project would appear to be particularly severe, the borrower shall consider either downsizing the project to reduce resettlement or finding other alternatives that can reasonably replace the project. For greater transparency and fairness, all stakeholder groups shall be involved as early as possible, at least at the time when the first project plans are drafted and thereafter through implementation. Since dissemination of findings is critical to developing effective measures for mitigating adverse impacts and optimizing benefits, it should be a continuous process incorporating the ongoing learnings from the communities and changes in the conceptual design of the project.

In order to enable access to information early in the design phase to help identify options for avoiding or mitigating adverse impacts that might pose risks to project costs, schedules, and affected people, the borrower shall continuously disseminate project plans and assessment findings to stakeholders. Client shall also involve all stakeholder groups and affected people before completion of the project design and assess and include their inputs so that the project design can be properly altered and ensure that their involvement is continued in the process of monitoring and evaluating resettlement and compensation projects and programs and options assessment.

The rehabilitation of Nsipe-Liwonde road section project will likely cause displacement of people. Therefore, in line with O.S 5, the RAP has been prepared so that the affected people 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.

Table 2: Comparison of National and AfDB Safeguards Systems, Mitigation measures and projects commitment

African Development Bank's Safeguard Policies,	Law & Regulations of Government of Malawi	Appropriate measures for addressing the gaps.
<p>OS5 - Land Acquisition, Restrictions on Access to Land and Land Use, and Involuntary Resettlement</p> <p>The policy stipulates that land owners are entitled to compensation of land, compensation of building on full replacement costs, expenses on labour.</p> <p>The policy stipulates that the recommended option is compensation of land for loss land. Other losses to be compensated at replacement costs.</p> <p>The policy stipulates that temporary structures or buildings are entitled for in land compensation or cash compensation at full replacement costs including labour and relocation expenses prior to displacement</p> <p>The policy stipulates that persons are entitled to full compensation regardless of the legal status of their structures or occupation of the land</p> <p>The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.</p> <p>The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.</p>	<p>Public Roads Act (<i>chapter 69:02</i>)</p> <p>The law stipulates payment of cash compensation based on loss or damage or destruction to structures and any form of properties. No compensation on land.</p> <p>The law stipulates that land owners are entitled to reasonable compensation offered by government on customary land.</p> <p>The law stipulates that land owners can be compensated for land to land if alternative land is available.</p> <p>The law stipulates that land owners can be compensated for land to money if there is not alternative land or if the offered alternative land is not economically productive.</p> <p>The law stipulates that no compensation to improvements on land within road reserves (section 44)</p> <p>The law stipulates that no compensation to squatters unless they occupy the land for continuously for a period of more than 7 years</p> <p>Land Acquisition and Compensation Act (<i>2017</i>)</p> <p>The law stipulates that compensation based on assessment done by government and agreed by parties.</p>	<p>Compensation of land for land to project affected persons.</p> <p>Compensation of all structures at full replacement costs prior to displacement</p> <p>Compensation of land for land to project affected persons will be the first priority.</p> <p>Compensation of money for land to project affected persons in cases of lack of alternative suitable land.</p> <p>Compensation of all structures at full replacement costs and labour costs prior to displacement</p> <p>Compensations on trees on real replacement values.</p> <p>Resettlement assistance to project affected persons.</p> <p>Compensation on labour costs based on real replacement values.</p>

African Development Bank's Safeguard Policies,	Law & Regulations of Government of Malawi	Appropriate measures for addressing the gaps.
<p>The policy stipulates that owners of buildings built illegally are entitled to in land compensation at full replacement costs including labour costs prior to displacement.</p> <p>The policy favours land for land compensations in cases of loss of land by project affected persons.</p>	<p>The law stipulates that compensation given when land is acquired.</p> <p>The law stipulates that compensation not to exceed market value.</p> <p>Land Act (2016)</p> <p>The law stipulates that reasonable cash compensation to loss of affected persons for loss of land.</p> <p>Customary Land Act (2016)</p> <p>The law favours land for land compensations.</p>	

CHAPTER 5: PROJECT AFFECTED PERSONS (PAP) SOCIO-ECONOMIC PROFILE.

5.1 Introduction.

The valuation exercise recorded 1,476 PAPs along the Nsipe -Liwonde section covering a distance of 55 kilometers of which 66 PAPs for structures were recorded in 2018, 288 PAPs for structures were recorded in 2022, 703 PAPs were recorded for trees in 2022 and 86 permanent structures, 101 PAPs with temporary structures and 232 PAPs for trees were recorded in 2025. The 55km section covers part of Ntcheu and Balaka Districts, of which Ntcheu lies in the Central Region of Malawi and Balaka lies in the Southern Region.

5.2 Demographic characteristics of PAPs (total 1,476)

5.2.1 Gender

The survey found that 70 % of the PAPs were males and the rest were females. As indicated on the following table 5-1.

Table 3: Distribution of PAP by category, gender and household headship.

Category	Subcategory	Sample %	Total (Out of 1,476)
Gender of PAP	Male	65.4.%	965
	Female	34.6%	511

5.2.2 Age.

The majority of the PAPs (67%) fall within the working-age Dominance group (25-54 years) as shown in table 5-2. This range indicates a predominantly economically active population. Youth (15-24 years) represent 7% which is attributed to the fact that young people in this age group rarely own land, homes and other assets that would classify them as directly impacted by the project. Many youths are still in education, informal apprenticeships making them less likely to hold compensatable assets. The survey found that the minority groups are the elderly with a representation 2% which can be attributed to natural decline in population of this population and some transfer their properties quickly to young population. Those that still possess assets will require extra support in terms of livelihood restoration and physical displacement.

Table 4: Distribution of PAP by age and gender

AGE RANGE	FEMALE PAP	%	MALE PAP	%	TOTAL
15 TO 24	61	12%	48	5%	109
25 TO 34	102	20%	164	17%	266
35 TO 44	158	31%	299	31%	457

45 TO 54	102	20%	183	19%	285
55 TO 64	61	12%	164	17%	225
65 TO 74	20	4%	97	10%	117
75 and above	7	1%	10	1%	17
TOTAL	511	100%	965	100%	1,476

5.2.3 Marital Status

The following table 5-3 shows the distribution of the marital status by gender. The majority of the population (81%) are married and the minority are widowed (5) and single (2%). The divorced population may face challenges such as split ownership of assets or reduced access to resources post-divorce. And as for the widows, particularly women, may be more vulnerable due to potential loss of property rights or lack of inheritance protections.

Table 5: Distribution of PAP by Marital Status

Category	Subcategory	Sample %
Marital Status	Married	81%
	Divorced	12% (10% Females and 2 % Males)
	Widowed	5% (all females)
	Single	2 % (all males)

5.2.4 Education Level.

Table 5-4 below shows the educational attainment of 1,476 PAPs with a particular focus on gender disparities that reveal systemic inequalities in access to education. As shown, 8% of female PAPs have no formal education against 0% males and the gap continues to widen at tertiary level with males dominating.

Table 6 : Distribution of PAP by level of education attained, within gender

Education level	Female PAPs	% female	Male PAPs	%Male
No formal education	41	8	0	0
Primary School	245	48	405	42
Secondary school	184	36	405	42
Tertiary education	41	8	145	15

5.2.5 Disability status of PAP.

Table 5-5 indicate that, there were at least 1% of the population which is disabled of which mostly were women. This requires targeted assistance during the compensation period. The implication of this that there will be a need for disability friendly practices to be applied during the compensation process. For Example, if the livelihood restoration activities will need to be targeted for the disabled, e.g. provision of the sewing machines for disabled rather that motorbikes.

Table 7 : Number of PAP with disabilities

Disability Status	Female	% Female	Male	% Male	Total	% of Total
With Disability	20	4%	0	0.0%	20	1 %
Without Disability	491	96 %	965	100.0%	1456	99%
Total	511	100.0%	965	100.0%	1,476	100.0%

5.2.6 Main occupation of PAP

The survey captured data to establish the main occupation of PAPs. Majority of the PAS (76%) are self-employed through business ventures (Table 5-6). This implies that income-based compensation (not just land) is necessary. A minority (5%) are salaried (government and NGO), hence a need for support maintaining employment continuity post-resettlement. Other proportion (19%) are farmers which implies that the livelihood restoration activities might need to provide the farm inputs for them for a startup. The livelihood restoration plans must prioritize market access, capital for businesses.

Table 8: Main occupation of the PAPs

Occupation	Female	% Female	Male	% Male	Total	% Total
Arable Farmer	82	16%	193	20%	275	19%
Business Person	388	76%	734	76%	1122	76 %
Government Employee	41	8%	19	2%	60	4 %
NGO Employee	0	0.0%	19	2 %	19	1 %
Total	511	100%	965	100%	1,476	100%

5.2.8 PAP household size

The average household size for listed PAPs was calculated at 6 members (Figure 5-1). In most vulnerability indices, a household size larger than four scores higher, indicating increased vulnerability to economic shocks. At least 46 % of the household have members over 6 people. Thus, displacements resulting from the project are likely to have far-reaching effects beyond the individually identified PAPs, necessitating resettlement approaches that deliberately target PAPs at the household level. Large household sizes will require more relocation logistics, and land reallocation must reflect these variations.

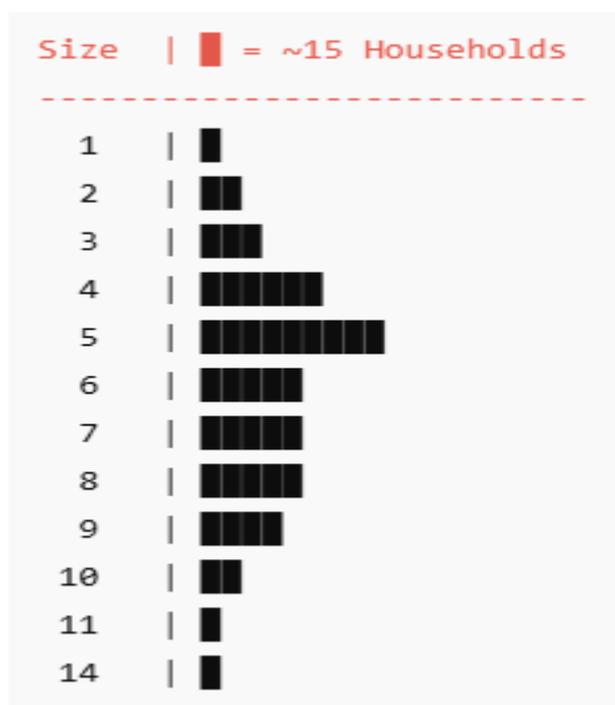


Figure 2: Distribution of the household size

5.2.8 PAP household source of cooking energy

The majority of households (60%) use charcoal as their cooking fuel, (See Table 5-7). Second to charcoal as cooking fuel is firewood, which is used by 40% of PAP households (See Table 5-7). However, firewood is dominant for females, while males lean more on charcoal. No significant population was indicated that they use electricity as the main source of cooking, which might be attributed to low connection of the national grid to this area and the low-income levels of which cannot afford to use electricity as a main source of cooking. Resettlement must ensure access to sustainable cooking fuels and avoid forest depletion near relocation sites for example provision of modern cookstoves for the PAPs.

Table 9: PAP household source of Cooking Energy

Source	Female	% Female	Male	% Male	Total	% Total
Charcoal	245	48%	637	66%	882	60%
Firewood	266	52%	328	34%	594	40%

5.2.9 PAP household source of lighting

Most PAP households (43%) use electricity (National Grid connected by ESCOM) as the main source of lighting of which 35% use solar energy as their main source of lighting. However, there is a proportion of 22 % who do not have any source of lighting. Table 5-8 shows significant differences in proportions of household headship against the source of lighting energy. Male-headed households have higher proportions in the use of ESCOM power for lighting than female-headed households: 51% against 28%. In contrast, there are proportionally more female-headed households (40%) using solar than there are male-headed households (32%), and more female household

headed without any (32%) than male headed households (17%). These could be more vulnerable relying on candles, paraffin, or live without light.

These disparities may increase vulnerability post-resettlement unless addressed. Therefore, the implementation of the RAP will need to ensure access to reliable electricity or solar kits for all resettled households by including solar lighting support in livelihood restoration programs, of which will need to be targeted to have more female headed households, large households, households without lighting and the vulnerable groups included.

Table 10: PAP household source of Lighting

Source of Lighting	Female PAPs	% Female	Male PAPs	% Male	Total	% of Total
Electricity (ESCOM)	143	28%	492	51 %	635	43 %
Solar	204	40%	309	32%	513	35%
None	164	32 %	164	17%	328	22%
Total	511	100%	965	100%	1,476	100%

5.2.10 PAP household source of drinking water

The majority of the PAP households (66%), regardless of the gender of headship, get drinking water from tap water; only 33% have access to piped water (table5-9). only one percentage was reported to have access from the stream which means they are vulnerable to contamination and must be prioritized in upgrades. Any displacement of boreholes and piped water system along the road will have significant repercussions on community health and sanitation. All boreholes marked for displacement by the road project should be replaced before the actual displacement occurs to ensure that the PAPs continue to enjoy clean portable water in the area. Therefore, implementation of the RAP must prioritize these interventions an must ensure that alternative water sources are provided before displacement of the water sources to reduce cases of water related diseases.

Table 11: PAP household source of drinking water

Source	Female	% Female	Male	% Male	Total	% Total
Borehole	143	28%	347	36%	490	33%
Stream	0	0. %	10	1 %	10	1%
Tap Water	368	72%	608	63 %	976	66 %

5.2.11 Vulnerability status of PAPs

From table 5-10 below, at least 40 to 50% of the households are vulnerable mainly falling into the category of female headed households, elderly, disabled and large households. Therefore, these require customized support packages (training, healthcare,

safety nets), must be relocated first, and must be provided with sustainable livelihood support activities e.g. vocational trainings.

Table 12: Vulnerability status of PAPs

Vulnerability Category	Sample %	Number	% of Total (1,476)
Female-headed households	16.7%	247	16.7%
Elderly PAPs (65+)	8.3%	123	8.3%
Disabled PAPs	1.2%	18	1.2%
Large households (≥7 people)	25.0%	369	25.0%

5.2.12 Land Use and Tenure

The proposed road corridor passes a landscape characterized by different land tenure types, with customary land being the overwhelmingly dominant system. Understanding this tenure structure is critical for identifying Project Affected Persons (PAPs) and managing compensation and resettlement.

Types of Land Tenure along the Road Corridor

The project will interact primarily with the following land tenure systems:

- i. Customary Land: This constitutes the vast majority (estimated over 80%) of land in the rural stretches of Ntcheu and Balaka. Under this system, land is held in trust by traditional leaders (Chiefs) for the community. Individuals and families acquire use rights through allocation or inheritance, allowing them to build homes and cultivate crops. Crucially, while they are the owners for all practical purposes, they rarely hold formal, registered title deeds.
- ii. Private Land (Leasehold and Freehold): Scattered along the corridor, particularly near trading centres and large pieces of land ie estates which are parcels of private land which is found in both districts. These are held under leasehold title (typically 99-year leases from the government) or, less commonly, freehold title. This land is formally registered, and ownership is documented with the Registrar of Lands.
- iii. Public Land: The road reserve itself, along with land used for government buildings, schools, clinics, and other public infrastructure, falls under this category. This is land occupied or acquired by the Government.

The road project will impact people across all land tenure types. The majority affected are smallholder farmers on customary land, who will face loss of agricultural land, residences, and assets like trees and community resources in both Balaka and Ntcheu districts. Those on private land (with formal titles) and public land (e.g., informal traders) will also be affected.

A major challenge is that customary landholders lack formal titles complicating ownership verification. The Resettlement Action Plan (RAP) will overcome this by recognizing customary rights and compensating them as legitimate rights holders and using a verified, participatory process involving district councils, community leaders, a detailed census, and the list of affected people and assets to ensure fair compensation and prevent disputes.

Compensation will be provided in-kind, putting consideration to vulnerability and shifting allowances and upon agreement in monetary form at its full replacement cost, enabling PAPs to acquire land of equivalent value and productivity elsewhere. For those losing structures or other assets, compensation will be provided in to restore their livelihoods. This people-centred approach ensures that the most vulnerable PAPs those without formal titles are protected and treated fairly, thereby mitigating the risks associated with insecure tenure and ensuring the project's social sustainability.

The most predominant type of tenure is customary which raises security issues. Recently, a review of all land laws enacted in 2017 to address flaws in land scarcity and tenure security. There are three contentious issues on land to be addressed; - sale of land to foreigners, existence of freehold land, and legislation on customary land.

Land use determines the different uses of land in various in rural, semi-urban and areas. Land tenure describes the various of land ownership (secure vs insecure) in semi-urban and rural settlement. The dominant type in both the urban and the rural is customary system which is insecure.

5.2.13 Socio-cultural Characteristics

5.2.13.1 Cultural Context

The cultural dynamics in the PAP communities are better understood in the context of ethnicity and religious affiliations of the communities in the project area. The cultural identity of Project Affected Persons (PAPs) plays a central role in shaping how resettlement and compensation processes are received, negotiated, and sustained. Based on the 2018 Malawi Population and Housing Census and demographic insights from Ntcheu and Balaka districts, the cultural composition of the 1,476 Project Affected Persons (PAPs) is predominantly Ngoni (52%), followed by Yao (19%), Lomwe (14%), Chewa (7%), and other minority groups (8%), reflecting the ethnic diversity of Ntcheu and Balaka districts. These groups differ significantly in land tenure systems, as Ngoni follow patrilineal inheritance, while Yao and Lomwe are matrilineal, which has direct implications on how land ownership, compensation, and relocation should be handled. Additionally, language (Chichewa and Ciyao), religion (especially Islam among Yao), and traditional leadership structures vary, requiring culturally tailored community engagement strategies. For the RAP to be effective and socially accepted, it must ensure inclusive consultations with both male and female PAPs, recognize customary land rights

by ethnic group, avoid sacred or culturally significant sites, and maintain social cohesion during resettlement. Failing to align the RAP with these cultural realities could lead to disputes, resistance, or exclusion of vulnerable groups, particularly women and minority clans.

5.2.13.2 Social Interactions

Social interaction is an exchange between two or more individuals and is a building block of society. For the purpose of this study a number of determinants were examined to help provide general picture of social interaction dynamics among the PAP community members, these include technology, religion and culture; the study tools were not specifically designed to methodically understanding social interaction among PAP but rather to have an overall picture of different characteristics of the same, including social interactions.

The PAP household survey results showed that 97% of the interviewed PAP had access to a cell phone. This indicates a community at an early stage of transitioning from dependence on transactional encounters to more non-transactional forms of social interactions. The coming of the project may increase disposable income in the community either through compensation money or employment and business opportunities during construction phase; these in turn will increase individual capacities to access smart phones thereby making the community shift much quickly from relying on transactional encounters as the primary source of social interactions. Such an accelerated social change may have result in some groups like the elderly, with limited capacity to change, feeling left out and lonely. In addition, such an abrupt exposure to cyber space without properly proper aware about related vices many leave the community members vulnerable to associated atrocities. On the upside, the project could utilize mobile messaging to disseminate targeted information to PAP and the project affected communities.

As discussed under PAP cultural characteristics, the PAP communities are strongly influenced by Chewa culture. The matrilineal practices that govern marital arrangements dictate that a man's children are the responsibility of the wife's brother and the father has not power to make decisions regarding the children; thus the man is less likely to invest emotionally or otherwise in his own children. This means that any project benefits that come through the husband in a household are less likely to benefit the hold household as opposed to such benefits coming through the wife.

Being highly religious communities, community members in project area easily interact and relate through their religiously affiliated groups, both mixed and gender specific. Religious leaders are held in high esteem and messages delivered by such are easily received and assimilated. The road project will require a lot of information dissemination and awareness creation; such solidarity networks can be utilized in avoiding conflicts that may occur between the project and community. On the

downside, both Christianity and Islam have been known to directly and indirectly promote male dominance among followers; meaning that women are more likely to be sidelined in decision making processes regarding matters that affect them directly or otherwise. Without taking deliberate measures to meaningfully involve women, the road project may end up disempowering women more by further asserting male dominance in the project communities.

CHAPTER 6: IMPACTS, LAND ACQUISITION AND RESETTLEMENT

6.1. Resettlement Impacts and Mitigation

The road passes through a number of settlements, agricultural land, government and organization institutions. Some of these areas are within the road reserve and will be affected by the project activities. The road project will require reclaiming and acquisition of land some of which is agricultural land, homestead land affecting several households, houses and small shops, many of which will need to be relocated. An inventory of structures, trees and utilities affected by the road upgrade and rehabilitation were undertaken along the route in 2018, 2022 and 2025.

The table 13 below shows the summary of impacts and affected assets by Assessment Year (2018, 2022 and 2025)

Category of Impact	2018 Initial Assessment (No. of PAPs)	2022 Design Revision Update (No. of PAPs)	2025 RAP Update (No. of PAPs)	Remarks / Key Observations
Structures	66	288	187	
Utilities (ESOM, AIRTEL, ACL, MPIRA TRUST, SLWB)			Updated in 2025, reflecting the new quotations	
Trees (fruit and indigenous)	0	703	232	
Total Project-Affected Persons (PAPs)	66	991	419	The 2025 update provides the final validated census of PAPs across Ntcheu and Balaka Districts.

Table 14: Identified Hotspots of Displacement along the Nsipe- Liwonde Road Corridor

Hotspot Location	Chainage (km)	Type of Settlement / Asset Concentration	Primary Impact Type	Remarks
Bawi Area		Roadside vendors	Livelihood disruption	
Chingeni Roundabout		Commercial hub, bus terminal and Police Roadblock	Business and institutional displacement	Significant congestion; site-specific mitigation required.
Kapalamula–Mponda stretch		Mixed-use area (shops, houses)	Partial structural loss	Incremental encroachment observed between 2022–2025.
Balaka Market (Nsiyaludzu)		Large informal market zone	Livelihood disruption, asset loss	Major hotspot requiring coordinated relocation planning.
Balaka Market (Tarven)		Mixed – use area – Road side vendors, shops and houses	Structure loss, Business displacement, livelihood disruption	Major hotspot requiring coordinated relocation planning.
Chiyendausiku		Dense residential and business cluster	Structure loss, business displacement	Requires coordinated relocation support and livelihood assistance.

Table 15: Category of loss and Social and Economic Impacts

Category of Affected Losses	Affected Entities	Potential Social and Economic Impact
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<p>Loss of residence and or associated residential structures</p>	<p>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 and or who will lose associated residential infrastructure such as stand-alone kitchen, bathroom, pit, walls, etc.</p>	<ul style="list-style-type: none"> - Landlessness, homelessness - Disturbance of house production systems - Loss of or weakening of community system
<p>Loss of business structures (income)</p>	<p>People who will be displaced by having to move their places of business to allow for the construction of the road-related infrastructure.</p> <p>Structures such as boundary walls, associated with formal shops will need to be removed and or moved.</p> <p>Similarly, many informal business structures are located within the road reserve. Examples of informal businesses include brick ovens, rice drying and selling points, stands used by informal vendors selling thatch, vegetables, sugar cane, chickens, etc.</p> <p>Many signboards and advertisements (brick structures) were seen in all the trading centres.</p>	<ul style="list-style-type: none"> - Impoverishment - Loss of self-employment opportunities - Affects rights to education, health, etc.
<p>Loss of access to communal resources or social amenities</p>	<p>Members of communities who will lose access to their communal resource base. These will include boreholes, water taps, communal play grounds, market places and other resources.</p>	<ul style="list-style-type: none"> - Impoverishment - Loss of employment opportunities - Loss of sources of income as people

		<p>may start buying the service</p> <ul style="list-style-type: none"> - Increased time to access resources - Loss or shortage of time for other activities
Loss of land	<p>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 and associated infrastructure such as culverts, widening of existing bridges, <i>etc.</i></p> <p>No loss of communal resources was identified during the asset inventory.</p>	<ul style="list-style-type: none"> - Landlessness - Loss of productive resource for agriculture - Loss of businesses - Impoverishment of people

Resettlement Mitigation Therefore, it is clear that all PAPs, irrespective of their status or whether they have formal titles or legal rights or are squatters or otherwise encroaching illegally on land, will be eligible for some kind of assistance if they occupied the land before the entitlement cut-off date of 30th June, 2026.

The identification of persons eligible for compensation and resettlement will be based on the following the entitlement criteria:

- Persons losing land with or without legal title;
- Persons losing temporary or permanent access or rights to services;
- Persons losing business or residential property;
- Person with homes, farmland, structures or other assets within the proposed Project area;
- Vulnerable individuals who may be too old or ill to fend for themselves. These PAPs shall receive additional assistance like training, safety nets, social cash transfer, and access to social protection initiatives.

- Persons that incur losses whether partial or total and whether they have their own land or rent land, including those that rent or occupy buildings individually or as a group for business or as households.

The manner in which the resettlement principles referred to in Section 1.2.3 have been applied are indicated below:

- Avoid or Minimise Resettlement: The design engineers have minimised the need for resettlement by not requiring all structures located within the road reserve to be removed;
- Some of the required compensation will be temporary in nature, *e.g.* stalls have to be moved backwards or away to a designated space (identified by the council) during the construction phase and may return once the activities have been completed;
- Deliberative stakeholder consultation has taken place as outlined in Chapter 3;
- A pre-Resettlement socio-economic survey and database was established;
- The 20% disturbance allowance is applied in accordance with the land acquisition and compensation act (2022) amended and ministry of lands valuation practice to compensation for inconvenience, loss of income and livelihood disruption associated with displacement. This allowance supports the AFDB OS 5 requirements that PAPs should be worse off as the result of the project.
-
- A fair and equitable set of compensation options was negotiated as per **Table 16**;
- Resettlement shall take place in accordance with Legal Requirements and International Best Practice. It includes seeing resettlement as an ‘Upfront’ Project cost’ by the RA.
- Vulnerable Social Groups were identified and shall be specifically provided for;
- An Independent Monitoring and Evaluation Process shall be in place following compensation of PAPs and this will include Land Officers from councils and Ministry of Lands; Community Grievance Mechanism Committee and RA.
- A Grievance Mechanism was set in place and so far RA established 6 Community Grievance Mechanism Committee at Traditional Authority level that potential PAPs (representative in terms of gender, age and disability), local leaders and be in place. The proposed mechanism is outlined in Sections 6.4 through 6.7.

The land laws consider all titled landowners, customary landowners, encroachers, persons affected by loss of access to sources of income and persons affected by loss of access to natural resources (water, wood, grazing areas, *etc.*), as PAPs. Therefore, PAPs will be entitled to compensation based on the status of their occupation of the affected areas.

PAPs whose houses (located outside the road reserve) are affected by the Project will be provided with cash compensation reflecting the full replacement value of the structure. This will be in accordance with the cost of the structure as per non-depreciated rates. However, it is not anticipated that any houses will be relocated outside the 60m RR. For commercial trees, it is the value of production lost until replacement seedlings mature and the scribed list provided by the Forestry Department was used. For the loss of business employment wages or income, the income and employee wages will be taken into consideration through surveys and interviews with the PAPs.

A cut-off date for which this RAP is effective was affected after the final property valuation and verification was done on a cut-off date of 30th June 2025. All affected persons, GRMs and village heads and other Traditional Authorities were informed of this date. This means that any new inhabitants coming to the Project affected area after this date will not be considered for compensation.

Table 16: Entitlement Matrix

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
A. Land			
Loss of Land (Residential / Commercial / Agricultural)	Registered Land/Title holders	In kind replacement is preferred option and Cash payments for land lost at full replacement cost will only be used when agreed by PAPs and feasible	Payment for lost assets, assistance to reorganize on existing land or relocate to alternate land, and support for the transition period.
		Disturbance allowance at 20% (based on Ministry of Land determination) to cover land transition costs and processing of title documents.	
	Land restoration post work		
	Unregistered Land/encroachers	No payment of compensation for land within the Road Reserve (RR).	Include PAPs in livelihood restoration to assist in transitioning
B. Structures			
Loss of Commercial Structures	PAPs with legal rights to the affected structures.	Compensation for affected buildings at full replacement cost calculated at current market prices without deduction for depreciation or salvage materials.	Payment for lost assets, lost income assistance to reorganize on existing land or relocate, and support for the transition period.

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
		Compensation for income loss Relocation/Shifting Allowance. Disturbance allowance at 20% (based on Ministry of Land determination).	
	Informal users and squatters (containers, movable hawkers)	Compensation for income loss Relocation/Shifting Allowance. Disturbance allowance at 20% (based on Ministry of Land determination). Training and capacity building in financial literacy and business skills.	Payment for lost income, assistance to relocate, and support for the transition period.
Loss of Residential Structures		Compensation for affected buildings at full replacement cost calculated at current market prices without deduction for depreciation or salvage materials.	
		Relocation/Shifting Allowance.	
		Disturbance allowance at 20% (based on Ministry of Land determination).	

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
Loss of community premises	Community facilities (access to boreholes)	Provision of alternative facilities	Provision of alternative community facility to ensure communities still have access to their amenities
Partial or Complete Loss of Other Property (e.g., Billboards, Fences)	All PAPs	Cash payment for affected structures at replacement cost.	Payment for loss and relocation if required.
		Cash assistance for relocation of structures.	
Tenants of Residential Premises	Tenants of affected residential structures	Rental allowance for two months to secure alternative residential accommodation.	Assistance in finding new affordable rental accommodation.
		Relocation/Shifting Allowance.	
Tenants of Commercial Premises	Tenants of affected commercial structures	Rental allowance for two months to secure alternative commercial premises.	Assistance in finding new affordable commercial accommodation.
		Relocation/Shifting Allowance.	
C. Loss of Trees			
Fruit Trees	Owner of affected fruit trees	Cash compensation for lost production value until replacement seedlings mature, including replanting and maintenance costs.	

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
Exotic Trees	Owner of affected exotic trees	Cash compensation at current market prices for replacement cost, including replanting and maintenance costs.	
		Provision of replacement/ alternative trees (10 seedlings for each affected tree).	
Indigenous Trees	Owner of affected indigenous trees	Cash compensation at current market prices for replacement cost, including replanting and maintenance costs.	
		Provision of replacement/ alternative trees (10 seedlings for each affected tree).	
D. Loss of Income			
Loss of Income due to Business Stoppage	Owners/operators of non-registered businesses/vendors	Cash compensation equivalent to three months of net income based on verified records.	
E. Loss of Wages for Employees			

Type of Loss		Entitled Persons		Entitlements	Intent / Requirement
Temporarily Employees	Affected	Employees temporarily	affected	Cash payment for lost salary/wages for each month the PAP cannot work.	
Permanently Employees	Affected	Employees permanently	affected	Cash payment equivalent to six months' salary/wages or the government's minimum wage, whichever is higher. Those who are willing will be prioritized for employment on the project	Employers are encouraged to provide severance pay, and affected employees will have preferential access to project construction employment opportunities.
F. Special Assistance					
Vulnerable PAPs		Vulnerable PAPs, including the poor, elderly, female-headed households, and persons with disabilities		<p>Additional 20% compensation over and above asset compensation. This will include livelihood measures such as safety nets, social cash transfer and social protection initiatives linked to district council offices.</p> <p>These will benefit from the LRP that has extra measures for vulnerable groups</p>	<p>Assistance to mitigate disproportionate resettlement impacts and ensure restoration or improvement of socio-economic status.</p> <p>The vulnerable PAPs are identified during the identification of the right owner of the affected property or trees and during verification exercise of the properties and trees.</p>
G. Public Assets I.e. Road Signs, Power lines, Water Mains					

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
Public Assets	Public utility companies (ESCOM, OCL, Airtel and SRWB)	<ul style="list-style-type: none"> - Cash compensation at full replacement cost for all infrastructure requiring relocation or reinstatement - Cash payment of relocation fees as quoted by the service providers. - Post-intervention cash compensation for emergency repairs or missed assets. - Cash compensation for transaction and administrative costs. - Cost of materials, labor, transport, excavation, engineering, and technical design. 	<ul style="list-style-type: none"> - To ensure continuous service provision and restoration of utility infrastructure to equal or improved condition. - Relocation to begin only after full compensation and clearance of working space. - Utilities (e.g. ESCOM, OCL, Airtel SRWB) will maintain on-site presence and submit final invoices for any unforeseen issues. - In line with cost-based valuation principles and service provider-specific procedures.
	Police (Relocation of roadblock)	<ul style="list-style-type: none"> - Compensation for Relocation: RA to provide support for the relocation and reinstallation of police infrastructure at a new site. - Provision of Facilities: Toilets, shelter, and safe drinking water 	<ul style="list-style-type: none"> - Formal letter from Roads Authority (RA) is required to initiate relocation. - RA to provide support to clear and prepare new site; relocate and reinstall police infrastructure; and provide toilets, shelter, and potable water.

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
			<ul style="list-style-type: none"> - Expect coordination with RA's supervising consultant and contractor's social officer. - RA to formally initiate and ensure logistical support for a smooth process.
	Camusat (Fibre Line Relocation)	<ul style="list-style-type: none"> - Trenching Support: Assistance with trenching from the main road contractor when needed, especially for emergency relocation. - Emergency Response: cash payment for emergency responses - cash compensation for fibre section relocation and protection 	<ul style="list-style-type: none"> - Trenching Support: RA to coordinate with the main road contractor for trenching assistance. - On-Site Monitoring: to enable Camusat to monitor works continuously. - Emergency Response: project to pay for emergency responses - Cash compensation for relocation
Unanticipated Adverse Impacts	Any affected persons	Any unforeseen impacts due to the project will be mitigated in line with the agreed resettlement framework.	

6.2. Valuation of Affected Assets and Compensation Process

The valuation of assets that may be lost during resettlement is a sensitive issue and it was undertaken by the Ministry of Lands with due care and rigor. The general approach adopted for the valuation procedures is summarised below:

- Identify Eligibility under National Guidelines: All relevant legislation, policy and valuations guidelines defined by the Government of Malawi was taken into cognisance. This formed the basis for the identification of eligibility to compensation and valuation methodology;
- Asset Survey: The asset survey determined the assets owned by affected individuals, households or communities;
- Valuation Methodology: The valuation process involved the assessment of national guidelines, international best practice and local market research. The outcomes of this process is a set of practical and measurable values/rates for each asset category; and
- Entitlement Contracts: Contracts will be produced for affected individuals that will contain a summary of all their assets, adopted compensation rates or options and final valuations.

Validation of the affected properties was based on the provisions in the Malawian legislation for consistency and accountability. The valuation of properties was undertaken by the Ministry of Lands under the supervision of the RA. Payment of compensation is undertaken by the Roads Fund Administration (RFA) as soon as the RAP is cleared for purposes of payment of compensations.

All the factors explained in the amendment Public Roads Act 1992 and 2023 Amendments will be considered in the validation/verification process. The assets to be verified shall include crops, fruit trees, indigenous trees, houses, land and businesses (formal and informal).

The valuation of physical structures will be based on the following general criteria:

- Survey of physical structures (size, building's condition, materials) and all its related structures and support services;
- Determine average replacement costs of different types of structures based on information on the cost, quantity, and type of materials used for construction, *e.g.* bricks, rafters, bundles of straw, doors;
- Costs for transportation and delivery of these items to acquired/ replacement land or building site; and
- Estimates of construction of new buildings including labour required.

6.2.1. Valuation Methods

The appropriate approach in determining the amount of compensation is always a question of an act. The most accurate and appropriate methods of valuation used for improvements on the land acquired are comparison and contractor's method.

Direct Comparison Method

This method compares the subject property with the prices obtained for other similar properties almost at the same point in time. That said, however, being a rural area where transactions are not normally registered, the valuer relied on information given by people in the area itself besides having consultation with some other business people close to the Area. The valuer, having considered the information obtained and as prevailing in some areas where similar assessments have been done recently has regarded it as satisfactory to base a decision on.

Comparison method is the most preferred method in the industry and is favored by courts. Direct comparison is seen as the most preferred method as it can be compared against recent transactions which provide the most accurate representation of market trends and is described as 'the conventional valuation technique.

Contractor's Method

For the improvements lost, as sales are rare if not non-existent in this area, the contractor's method was relied upon. This method, alternatively known as the cost approach or depreciated replacement cost (DRC), is used for properties for which there is no market or for which there is insufficient direct comparable market evidence. Costs of constructions were assessed on replacement basis.

In this approach, costs of materials, labour, transportation as they currently exist were assessed. Straight line depreciation was used to bring the cost of structure whose materials, labour and transportation was calculated hypothetically to current position and thus arrived at the compensation

6.2.2. Approach to the valuation of affected properties

The assessment of affected assets is based on two approaches because no two properties are identical in characteristic making the use of one approach unrealistic.

- a) **Loss of Land:** The valuation process for land in the affected areas would have utilized the direct comparison approach, which involves analyzing similar land transactions in the same area and comparing them to the subject affected land. For this project, land will not be compensated as it falls within public land boundaries.
- b) **Loss of structures:** The valuation for structures is based on the construction approach, according to which the main concern is to replace the affected

structure with a similar structure or a better one. The applicable replacement costs for construction materials, as well as the associated labor costs needed to build replacement structures, are used to determine asset values. The construction approach of valuation does not consider depreciation. The Project has conducted market research on the prices of building materials to ensure that PAPs receive their compensation at full replacement cost.

c) *Loss of trees:* Section 86 of the Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees. These rates are gazetted and are reviewed from time to time on a needs basis to reflect current values by senior government officials. The current values were gazetted in June, 2024 and 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 is done based on species of trees, measured diameter of breast height and market price in kwacha per cubic meter.

d) *Fruit trees* will be compensated according to their full replacement value, which is equivalent to the production value lost between the destruction of the tree and the period when the new tree will have the same level of production as the felled tree. The method assesses the market value for lost productivity until the new replacement tree attains the same level of production as the lost tree

e) *Loss of crops:* Compensation can be paid at full replacement cost for the production lost. This rate incorporates the value of crops, and the value of labour invested in preparing new land. Market value is equivalent to the average of last three years of market value for a mature and harvested crop. The value of labour invested in preparing agricultural land and planting can be compensated at the average wage in the community for the same period. The computation for crops is as shown below:

Affected area * Yield/hectare/Kilogram * Market Price for the subject crop/Kilogram = Value.

NOTE: The crops will be compensated only to those that have been disrupted and where the crops have not been harvested based on the market value. *Crops will not be compensated as affected PAPs were given an opportunity to harvest their crops.*

f) *Loss of public infrastructure:* The Cost Approach is the preferred method for valuing public infrastructure like ESCOM, OCL, Airtel and SRWB during the relocation process because these types of infrastructure typically do not have a market value or comparable sales data. Public utilities such as power lines, water pipes, and cables are unique assets that are not bought or sold in the traditional real estate market, making it difficult to apply market-based valuation methods. The key costs include labor, materials, excavation, and transportation, as well as post-relocation intervention for emergencies. Clear communication and coordination throughout the process will be essential to ensure smooth relocation of public infrastructure.

- g) Disturbance allowance:* Typically refers to a compensation or financial benefit provided to individuals or communities who are physically displaced and this has also factored in a shifting allowance. The amount levied on the total compensation amount will be taken at 20% of the value of the property loss..
- h) Loss of waged Income:* Workers or employees, including those in shops, businesses, plantations, agriculture, and market gardening, whose livelihoods are adversely affected either permanently or temporarily, will be eligible for compensation. This compensation will be provided in the form of cash equivalent to two months' wages. The determination of monthly wages has been conducted through consultations with both employees and employers. It's important to note that the Government of Malawi has set minimum wage standards, and if the wages reported by employers or employees fall below these standards, the minimum wage will be applied for compensation calculations.
- i) Valuation and Compensation for Loss of Profit:* Loss of profit refers to damages payable to the owner of the business whose business is to be shut down to give way for the implementation of the proposed project. The value for each type of loss of profit is paid to the affected person. The appraisal covers the type and number of such losses that individuals suffer, in addition to total compensation payable in loss of Land and improvement thereon.
- j) Shifting allowance*

The Roads Authority will take possession of acquired land and related assets only after compensation in accordance with OS5 has been made available and, where applicable, displaced people have been resettled and resettlement assistance and/or moving allowances have been provided to the displaced persons in addition. This has also been already incorporated in the compensation schedule prepared by Ministry of Lands.

k) Vulnerability allowance

This refers to measures that apply to vulnerable groups during physical relocation, particularly pregnant women, children, the elderly, and the disabled. Assistance may also include cash allowances that compensate affected persons for the inconvenience associated with resettlement and defray the expenses of relocating to a new location.

For the purposes of this document, the values of the structures to be replaced was determined to obtain an estimate of the compensation costs. The compensation package was determined by a government valuator as derived from summation of the costs of affected land, buildings, trees and crops to which was added an 20% mark-up to cater for involuntary acquisition. The addition of the mark-up to the calculated value brings the value equal to a pre-payment value. The valuation identified the cost of resettlement for each of the two councils which are Ntcheu and Balaka.

The total compensation cost is **MWK 5,572,326,203.37 (include 10% contingency)** for 1,476 PAPs. The matrix lists the PAPs and identifies the land/structures and resources

such as trees that will need to be acquired and compensated. The following is the RAP budget:

Table 17: RAP Budget

Item	Activities	Total Compensation (MWK)
Property Assessment		15,000,000.00
Stakeholder Engagement	Consultations	12,000,000.00
	Awareness Raising/Sensitizations	25,000,000.00
	Disclosure	3,000,000.00
	Grievance Management	10,000,000.00
Compensations Payment	Verification	4,000,000.00
	Payment Facilitation	3,000,000.00
	Initial Compensations	274,146,180.00
	First Supplementary Compensations	1,032,526,410.97
	Livelihood Restoration	20,000,000.00
Utility and Services Relocation (Tentative from other projects)		3,163,078,503.001
Cracks Repair/Compensations		100,000,000.00
Chance Find procedure		25,000,000.00
Monitoring		10,000,000.00
Contingency (10% of Total Compensation)		506,575,109.40
Grand Total Compensation		5,572,326,203.37

6.2.3. Compensation Process

Once the valuation has been done and the compensation values have been arrived at as stipulated the following procedures of compensation process shall follow;

- a) Conduct individual negotiations with each PAP on the options (monetary/nature) (Individual agreement sheets between each PAP and the Project Promoter: Mandatory Annex to the RAP);
- b) Community infrastructure will be replaced in kind in consultation with community
- c) Conduct additional studies (strengthening of socio-community infrastructure, environmental impact assessment of resettlement, etc.) in case of resettlement in a host community - Community Development Plan Concept; and
- d) Identify specific support measures/Livelihood restoration for vulnerable people and households (people living with a disability, minor head of household, elderly person living alone, person living with chronic illness) and roadside traders that were not eligible for compensations in consultation with them

6.3. Utility and Service Infrastructure

RA engaged utility and service companies to establish the existence of their respective infrastructure within the road reserve and discuss protective measures. RA indicated extent of road works and asked the companies share coordinates of their infrastructure. Due to capacity constraints, coordinates were not captured and the companies were asked to facilitate identification and determination of the location of their respective infrastructure in reference to the existing road extent. Irrespective of absence of coordinates possible measures were agreed upon which include avoidance, protective measures (such as barricading or re-enforcement) or relocation. It was agreed that the supervising Engineer will engage these companies and arrange for a site visit to identify and capture coordinates and later advise RA on possible interventions that will be discussed and agreed upon with the respective companies.

ESCOM, SRWB, OCL and Mpira Trust welcomed the idea of protective measures which included avoidance, erection of barriers or covering and possible relocation. However, they requested that RA should meet the cost for implementation of these interventions. The following costs were submitted: **MK328, 000,530.00** for Airtel, for **MK 562, 490, 700** Mpira, **MK 1,699,648,750** for SRWB, **MK 572,938,523.37** for OCL and **MK 39,921,237** for ESCOM A chance find and emergency works procedure was also agreed upon and this will guide all works that might ensue in case such infrastructure is damaged.

CHAPTER 7: GRIEVANCE REDRESS MECHANISM

7.1 Introduction

Even when the Project can ultimately claim successful resettlement, there may still be individuals and groups who feel that they have been treated inadequately or unfairly. Providing a credible and accessible means for PAPs to pursue grievances allows the Project to address genuine issues in a timely manner and decreases the chances of resistance to the Project from disgruntled PAPs. Grievances relating to any aspect of the Project must be dealt with through negotiations aimed at reaching consensus between the Project and the PAPs.

To that end, RA establish GRMs in 3 Traditional Authorities areas that were trained in grievance management and their mandate includes receiving, deliberating and providing resolutions on land/property ownership, assisting in identifying and verifying property owners and also disseminating information. The GRMs were established post compensation payment to capture arising grievances.

7.2 Grievance Redress Principles

Grievance redress is based on the following principles:

- The project's grievance redress mechanism took into account community and traditional dispute settlement systems whereby the T/A and Area Development Committee members are incorporated into the GRM. The incorporation was done in view that traditionally people approach traditional leaders to resolve disputes, particularly in issues relating to use and ownership of land, trees and housing structures;
- Awareness raising on GRM was done through meetings with PAPs and community sensitization where people were informed about potential resettlement related grievances and issues; GRM procedures and processes and were introduced;
- By establishing RCCs in each group village head and appointing members across the whole road stretch, GRM were made accessible to all PAPs and the process was cost free;
- The GRM membership is representative and it consists of 15 local members including potential PAPs, women, youth and disabled members and this ensures that the GRMs undertakings are independent and impartial to foster the trust and confidence of all stakeholders;
- The GRMs were provided with grievance log books ensure that all grievances raised and the entire grievance resolution process is recorded, and a copy is made available to the aggrieved person(s); and

- The principle of confidentiality applies to all processes. Confidentiality of the complainant, if so requested, and to information provided by any of the parties to a complaint.

7.3 Procedure Negotiations and Resolution of Conflicts

The negotiations between Government and the affected persons shall be done in the spirit of finding amicable solutions with full respect of all the parties concerned. Negotiations will be guided by the following:

- **Procedure** – The procedures include receiving of grievances through various available uptake methods which include face-to-face, phone calls or WhatsApp texts. Following uptake, the grievances will be recorded in the grievance log book and investigation of the grievance and alter deliberation shall follow. Resolutions will be shared with complainants with specified time frames where two weeks is the standards acceptable maximum time for redress however, due to the nature of the issues particularly property and land related, redress might take longer and the grievant will be kept informed of progress made on weekly basis after the lapse of the two weeks period;
- **Full Disclosure** - Full disclosure of the implications and provisions of the displacement will made to the affected people;
- **Back and Forth Discussions-** Adequate time shall be given to the affected communities to discuss the matter amongst themselves with their traditional leaders and they should be allowed to do so for as long as they feel necessarily without necessary causing unwarranted delays in project implementation; and
- **Recording for Proceedings-** All proceedings from negotiations meetings shall be filed and be open to all for reference purposes. The local language shall be used in recording so that the local people can understand the minutes.

The court of law will be a last resort for all parties as the spirit will be to have some kind of consensus among the negotiating teams. Various legislation, including the Constitution of Malawi makes provision for grievances to be addressed through the formal court system. This is a constitutional right but practice has shown that this can be a costly and time-consuming exercise. The approach outlined above is readily accessible to deal with complaints expeditiously. However, if this fails the aggrieved party can refer the matter to the formal court system.

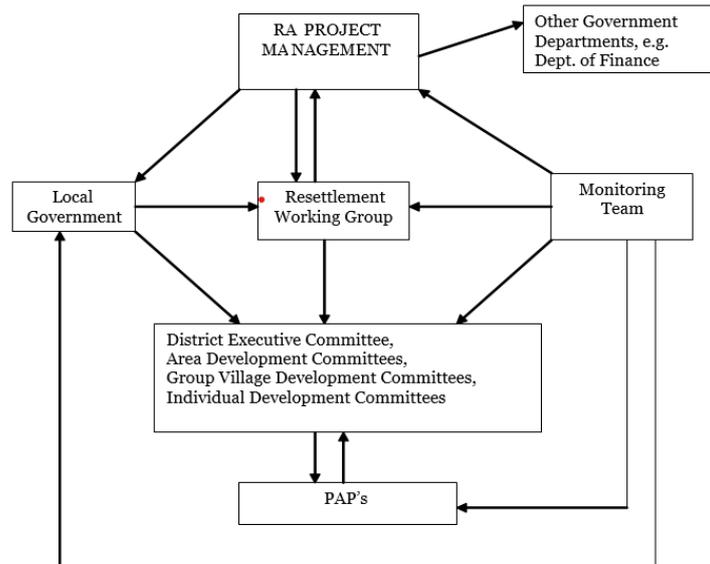


Figure 3 Grievance Flow Chart: Presenting grievance management procedure

7.4 Grievance Redress Process

All attempts shall be made to settle grievances amicably. Those seeking redress and wishing to state grievances will do so by notifying the Community Grievance Redress Committee (CGRMC) within their locality. The CGRMC will investigate and resolve the matter and give feedback to the complainant. If the case cannot be resolved by the CGRMC then should be referred to District Grievance Redress Committee. If the complainant's claim is rejected, the grievant will be informed why and told that if s/he is not satisfied with the response provided, s/he can engage other channels that are handling grievances within the district. All such decisions must be reached within 30 days.

The grievance procedures will ensure that the PAPs are adequately informed of the procedure, before their assets are taken.

The grievance redress mechanism is designed with the objective of solving disputes at the earliest possible time for both parties.

-
- The Community Grievance Mechanism Committee should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If there are grievances related to valuation of assets, which may require additional verification or technical assessment, a maximum of 30 days is required. In cases where resolution exceeds this period, the grievance will be escalated to the DGRMC. If the complainant is not satisfied with the outcome DGRMC or have no confidence in the process s/he may refer

the matter to National Grievance Redress Committee and other grievance resolution channels including the courts of law.

Notification of grievance outcomes will be issued in writing to the complainant, and the same information will be verbally communicated during scheduled GRM committee meetings. This dual communication approach ensures that all PAPs, including those with limited literacy, understand the outcomes of their cases. Local leaders remain involved in the GRM primarily as facilitators and mediators at the community level. Their role is to promote amicable solutions and ensure cultural sensitivity but not to make binding decisions. Escalation to the DGRMC provides independent review and oversight.

7.5 Handling GBV/SH/SEA/VAC

All GBV/SEA/SH/VAC grievances will be referred to and handled by the GBV Service Provider who will be working with Technical Working Groups under the Ministry of Gender, Community Development and Social welfare. Where the grievance is Sexual Harassment related, the GBV Service Provider will still manage the grievance and provide updates to Human Resource. Nevertheless, such cases are sensitive and unfortunately, survivors of GBV/SEA/SH/VAC face challenges in coping due to stigma and discrimination from the society. The GRM will ensure victims are guaranteed confidentiality, safety, dignity and non-discrimination. All GBV and SEA incidents in nature will be handled by the Malawi Police Services. In sites where One Stop Centre (OSC) is available the incidents should be referred there because the police personnel are also part of OSC.

In the event the GRC has been approached by a community member or colleague with information regarding an incident of GBV/SEA/SH/VAC, attention will be paid to the following while receiving the complaint:

- i. React calmly and listen carefully to what is being said;
- ii. Reassure the complainant/witness that s/he has right to raise the concern;
- iii. Reassure the complainant/witness that information will be kept confidential and only shared with their consent to third party as the service provider. Ask only relevant questions required to gain a clear understanding of the complaint so that it can be passed on via GBV Service Provider's reporting procedures;
- iv. Ensure that the survivor/complainant's safety is not at risk;
- v. Consider (prioritize) the survivor's need for services including medical attention and use the available GBV referral pathway if available or seek advice from a GBV Assistant or Social Personnel (from contractor, consultant and PIU-AfDB);
- vi. Recording of information, suspicions or concerns needs to be as clear as possible, as it may be used in subsequent disciplinary or legal action. i.e. Correct names of

- all involved, identity numbers of witnesses, survivor, and if possible, photo records of the subject;
- vii. The nature of the complaint. An accurate account of what was said by the complainant in her/his own words. A description of any visible sign of abuse or other injuries including a body map, maybe helpful;
- viii. Key observations while receiving the complaint: Times, locations, dates given, whether anyone else knows or has been given information, whether survivor has accessed services;
- ix. Inform the complainant of the next steps in the procedure;
- x. Report the complaint (using the form below), as per the agency reporting procedure, at the earliest opportunity.

The survivors will be informed of their rights as by the GRM focal point person receiving their case:

- i. The right to request that her story, or any part of her story, not be documented on case forms;
- ii. The right to refuse to answer any question they prefer not to;
- iii. The right to tell the caseworker when she needs to take a break or slow down;
- iv. The right to ask questions or ask for explanations at any time;
- v. The right to request that a different caseworker be assigned to her case;
- vi. The right to refuse referrals, without affecting our willingness to continue working with her; and
- vii. The right to access their personal information and request deletion.

General data protection requirements when dealing with GBV/SEA-SH cases brought to the project level grievance:

- i. All staff in contact with the data have a strong understanding of the sensitive nature of the data, the importance of data confidentiality and security;
- ii. Clients and/or their caregivers are giving their informed consent for the Grievance Officer and/or service provider to gather and store their data before any information is recorded. Staff are aware that when obtaining informed consent, clients may highlight particular information that they do not want shared with certain people, and that this must be recorded and respected. Signed paper consent forms are being kept in a locked filing cabinet;
- iii. Information is not being passed to a third party without the informed consent of clients and/or their caregivers and following the data sharing protocols of the GBV/SEA-SH Action Plan;
- iv. All staff working with data sign the data protection checklist/agreement as part of their hiring process;

- v. Paper documentation for each incident is stored in its own individual file, clearly labeled with the incident number. Names of clients are NOT on the outside of the paper files.
- vi. Paper files are being kept in a locked cabinet / drawer, accessible only to responsible individuals; and
- vii. All computers being used for data storage are protected with strong case sensitive and special character-included passwords.

7.6 Conflict Resolution with Utility and Service Providers

Companies with infrastructures along the road that might be affected due to the works or other activities associated with the works may be aggravated and wish to express or launch their issues with the project. These companies will have to formally write a letter or email to the Roads Authority or the consultant expressing their issues. Representatives of these institutions will reach out to the aggravated for discussion and consensus. RA will ensure that all issues raised are deliberated and are closed within two weeks or companies are updated on weekly basis the status of the matter.

Emergency Procedures have been established between the project and all utility and service companies whose infrastructure is within the road reserve and might be affected by the works. These companies are ESCOM, Central Region Water Board, Open Connect Limited and Airtel.

7.7 Summary of Grievances Received

A total of 105 grievances were recorded since the formation of GRCs along the Nsipe to Liwonde Project most of which were discovered during the RAP Update (approximately ----). Of these 91 grievances have been resolved cumulatively. 14 Grievances are still outstanding awaiting compensations. For more details about the nature of grievances and other characterists refer to the grievance register attached as Appendix C for transparency and compliance with AfDB OS5.

To ensure communication with PAPs, the GRM will implement a communications strategy that includes quarterly community meetings coordinated by the Contractor and District councils. It also includes use of the Traditional Authority’s Kings men who give out notices to the community and the use of public notice boards at Council offices. The communication strategy also includes the use of community radio announcements for major updates.

Table 18: Grievances received from Ntcheu and Balaka DGRC and CGRCs

CGRMC	Location	Classification	Nature of Grievance	Corrective Measure	Responsible Entity	Timeliness	Status

Bula	Nsipe - Terazo	Compensation Related	Delay in compensation payment	RA to follow up with RFA to expedite disbursement; PAPs informed through District Council notice board and meetings.	RA, RFA, District Council	30 days	Resolved
Nsiyaludzu	Bawi	Name mismatch	PAP was registered as grace Nkhwambala but the name on her national ID (Grace Wotchi) differed from the one recorded.	RA to follow up with RFA to expedite disbursement	RA, RFA, District Council	30 days	Resolved
		Asset omission	Shop owner not compensated	RA to follow up with RFA to expedite disbursement	RA, RFA, District Council		
		Asset omission	Market shades were not captured during the initial assessment. These shades are within the project's area of impact	Assessment done by Ministry of lands using approved valuation rates.	RA, RFA, Min of Lands, District Council, CGRMc		

			and are at risk of displacement.				
	Balaka Market (Nsiyaludzu)	Asset omission	Stretch was not assessed.	Assessment done by Ministry of lands using approved valuation rates.	RA, RFA, Min of Lands, District Council, CGRMC	30 days	Resolved
	Chingeni Roundabout	Asset omission	Market shades not assessed.	Assessment done by Ministry of lands using approved valuation rates.	RA, RFA, Min of Lands, District Council, CGRMC	30 days	Resolved
Mponda and Kapalamula CGRMC	Chingeni – Balaka Market (Tarven)	Asset Omission	Market Shades on assessed	Assessment done by Ministry of lands using approved valuation rates.	RA, RFA, Min of Lands, District Council, CGRMC		
Mpulula CGRMC	Balaka Market (Tarven) -	Compensation related	Compensation for trees not done	RA to follow up with RFA to expedite disbursement	RA, RFA, District Council	30 days	Ongoing
Mchenga GRMC			Damage to crops and Trees during the clearance	Joint verification by Contractor, Supervising Consultant, District Council, Ministry of Lands and RA/RFA using approved valuation	Contractor, Supervising Consultant, District Council, RA, RFA	14 Days	Ongoing

				rates. Compensation to be processed through RFA within 14 days of verification .			
Chiyendausiku CGRMC	Chiyendausiku		Damage to crops and Trees during the clearance	Joint verification by Contractor , Supervising Consultant, District Council, Ministry of Lands and RA/RFA using approved valuation rates. Compensation to be processed through RFA	Contractor, Supervising Consultant, District Council, RA, RFA	14 Days	Ongoing
Manga CGRMC	Liwonde/Mangoch turn-off		A house at Km 54 opposite Liwonde Sun has been affected due to the relocation of water connection	Joint verification by Contractor , Supervising Consultant, District Council, Ministry of Lands and RA/RFA using approved valuation rates.	Contractor, Supervising Consultant, District Council, RA, RFA	30 days	Resolved

CHAPTER 8: RESETTLEMENT PLANNING, SCHEDULING, BUDGET & RESPONSIBILITIES

Information in terms of resettlement planning, schedules, budget and responsibilities is provided. These various components have been developed based on the outcomes of the previous tasks and will need to be negotiated and discussed with the consultative fora and relevant authorities.

Resettlement Planning

The overall strategy in terms of resettlement, likely phasing and means of compensation must be defined as outlined in this RAP. Further consideration will be needed in terms of construction of any resettlement structures, labour and other issues. The compensation process involves several key steps:

1. ***Disclosure of Compensation Values:*** PAPs and utility providers were informed of compensation entitlements. Service providers (e.g. ESCOM, SRWB) were engaged during stakeholder consultations to review infrastructure impacts and estimated relocation costs.
2. ***Approval of Compensation Schedules:*** Schedules for PAPs will be reviewed by the Regional Lands Commissioner and approved by the Chief Valuation Officer. For public utilities, cost schedules and coordinates were submitted directly by the institutions and will be reviewed by the project's engineering and valuation teams for areas where they can be avoided and verification of those that have to be relocated.
3. ***Payment of Compensation:*** For PAPs- Payments will be disbursed by Roads Fund Administration either using cheques or in cash if the amount is less than MK 100,000, with proper documentation. Public facilities and institutions will be paid directly to their bank accounts or cheques will be issued upon submission of verified quotations and required documents. Payment triggers commencement of relocation works. However, for ESCOM, RA will identify a contractor from a list of ESCOM pre-certified contractors to undertake the relocation of identified ESCOM infrastructure
4. ***Appeals and Grievances:*** PAPs may raise complaints to Community Grievance Redress Committee and if not resolved and require an appeal or referral, they can refer to District Grievance Redress Committee or further to National Grievance Redress Committee if the complainant is not satisfied with the outcome of community or district committees.

5. *Post-Intervention Invoicing (for Public Facilities)*: Public utilities are entitled to submit additional invoices for unplanned or emergency works that occur after initial relocation, ensuring full cost recovery.

Scheduling

The timing for resettlement in terms of the physical resettlement, payment of any cash compensation and ensure it aligns with any civil engineering required by the Project must be defined. Typically, the preparation of a RAP will run over more than six months. Timeframes are often dictated by the consultative process that has to be followed and the need to reach agreement with affected people.

The implementation schedule for the RAP will be concluded by October 2025, starting with payment of compensations per the first supplementary and interval assessment of identified trees by consultant and DC team. To facilitate the resettlement process, the following key activities were initiated immediately upon commencement of the Project:

- Submission of Assessment Report by Ministry of Lands;
- Disclosure and negotiation of values with PAPs;
- Finalization of Assessment of Report by Ministry of Lands;
- Clearance of the RAP by African Development Bank;
- Disclosure of safeguards instruments by RA;
- Request and availability of funds by the GoM through Roads Funds;
- Compensation payment and signing of Resettlement MoU; and
- Resettlement and Monitoring.

Budget

Resettlement costs are often underestimated and thus detailed budgeting/costs for the implementation of the resettlement shall be provided. By far the greatest cost will be the replacement of the structures affected. The Resettlement Action Plan (RAP) for the Nsipe-Liwonde Road project is expected to require a total budget of **MK 5,572,326,203.37** as presented in **Table 19**. Some of the activities have already been undertaken such as consultations and assessment and partial awareness raising and grievance management.

Table 19: Budget for the RAP Implementation

District	TA	Total Compensation (MWK)
Property Assessment		15,000,000.00
Stakeholder Engagement	Consultations	12,000,000.00
	Awareness Raising/Sensitizations	25,000,000.00
	Disclosure	3,000,000.00
	Grievance Management	10,000,000.00
Compensations Payment	Verification	4,000,000.00
	Payment Facilitation	3,000,000.00
	Initial Compensations	274,146,180.00
	First Supplementary Compensations	1,032,526,410.97
	Livelihood Restoration	200,000,000.00
Utility and Services Relocation (Tentative from other projects)		3,163,078,503.00 ²

² This amount excludes ESCOM relocation cost. However, it might even be low subject to site verification.

District	TA	Total Compensation (MWK)
Cracks Repair/Compensations		100,000,000.00
Chance Find procedure		25,000,000.00
Monitoring		200,000,000.00
Contingency (10% of Total Compensation)		506,575,109.40
Grand Total Compensation		5,572,326,203.37

In terms of compensations breakdown, the initial compensations amounted **MK 274,146,180.00** and the supplementary assessment will require **MK 1,032,526,410.97**

8.1.1. Budget Assumptions (public facilities relocation cost will be updated once service providers make provide the invoice)

- 1) **Land Compensation:** Compensation for land is excluded as the land within the corridor of impact falls under the road reserve (public land).
- 2) **Crops:** Crops have not been budgeted, as it is assumed that PAPs will be given adequate time to harvest field crops prior to project commencement.
- 3) **Livelihood Restoration Plan:** The budget will livelihood initiatives for vulnerable PAPs including trainings etc.
- 4) **Pre-Construction Stage:** The budget is applicable only to losses incurred at the pre-construction stage of the project.
- 5) **Fruit Tree Seedlings:** Three fruit tree seedlings are included for each fruit tree lost. The cost of these seedlings is factored into the budget to promote replanting Compensation is based on stipulated prices provided by Department of Forestry and it is covering loss of production and benefits/income from the fruit trees.
- 6) **Contingency:** A contingency of 10% has been added to the total compensation amount to cover unforeseen expenses.
- 7) **Vulnerability Allowance:** Vulnerability allowance is excluded pending analysis from valuation.

Roles and Responsibilities

Organisational structures and responsibilities must be clarified prior to resettlement. This includes all actions that must be adopted by relevant stakeholders including, amongst others, the proponent (RA), the relevant government departments (referred to as the GoM in this section) and the representative for PAPs such as the Grievance Redress Committees (GRCs).

8.1.2. Roads Authority (Proponent)

The RA will provide the financial resources necessary for the resettlement and compensation process and will provide significant additional managerial and technical expertise. The role of the RA may be broken down into two distinct phases: pre-implementation and implementation. This is conceptual and will be further refined during the resettlement planning phase.

During pre-implementation, the RA must ensure it has:

- Collected all data required to effect resettlement.

- Drawn up Terms of Reference and contract all major planning services needed to effect resettlement.
- Attend consultative meetings, and provide administrative support and ad hoc managerial and technical support as required.

In the implementation phase, the RA must continue to finance implementation of the RAP. This will be done via the establishment of a dedicated team. The team will have as its primary responsibilities the following:

- Drawing up offer documents for each individual household / entity affected;
- Managing compensation and resettlement payments;
- Ensuring that the principles of the RAP is respected;
- Providing technical and managerial input to the implementation of the RAP;
- Establishing a socio-economic monitoring programme for the affected households;
- Identifying entities that are 'failing' as a result of the resettlement impacts of the Project and, together with the relevant local authorities, defining and implementing appropriate corrective action;
- Attending consultative meetings and providing support and input as and when required.
- Addressing compensation and resettlement grievances; and
- Defining and implementing the monitoring programmes to ensure that affected households are not worse off in the post-implementation phase.

Ensuring compliance with the resettlement and social commitments contained in this document will be the responsibility of the manager of the resettlement team who will have operational, daily responsibility for the execution of the RAP, including the following specific programme components:

- Survey and value assets taken during project construction;
- Conduct census updates of affected households; and
- Plan and supervise compensation activities, including for lost crops, land buildings and livestock, and to restore lost livelihoods.

8.1.3. Institutional Responsibilities for Implementation of the RAP

Institutional responsibilities for co-ordination, planning, administration, management and control of development and environmental issues (including resettlement) are shared among a number of agencies, ministries and organizations. The GoM is the primary proponent of the project and will have the overall responsibility of coordinating the implementation of the RAP through the RA. The key government institutions that are typically involved during a RAP include:

- Roads Authority and NACALA PIU;

- Ntcheu and Balaka District Councils;
- Road Fund Administration;
- Ministry of Lands;
- Grievance Redress Mechanism Committees;
- Nsipe-Liwonde Road Site Team (Consultant and Contractor)

The RA will set up a Project Management team to manage and implement the resettlement process. The RAP will be executed through RA in conjunction with RFA and Ministry of Lands Roads Fund. The contact persons and teams in each entity will be oriented by the RA representative to ensure that the exercise is undertaken with respect and due care to all PAPs. The councils, GRMs and Contractor will be tasked with identifying the issues emerging from the implementation of the RAP and forwarding them to RA who will in turn forward to RFA or Ministry of Lands depending on the nature.

8.4.3 Grievance Redress Mechanism

RA established 8 RWG along the Nsipe-Liwonde road at T/A level. The GRMs interfaces with the Project Management team and with the PAPs. The GRMs was constituted as the primary representative voice of the PAPs. The GRMs was established during the final design stage and consists of not more than 15 people and these will be:

- Lands Officer, Gender Officer from the District Councils;
- Religious representative
- Market representatives, ADC, Youth Representative, Vulnerable groups representative, Male PAPs representative, Female PAPs Representative.

This committee will help to ensure that all legal processes involving valuation and compensation are followed in a just and transparent manner and will be responsible for handling resettlement related grievances during preparatory phase of individual subprojects. The committee is proposed to ensure participation and inclusion of stakeholders. The RWG will ensure effective communication among affected persons, Ministry of Lands, Housing and Urban Development, District Council and implementing entities. The GRM will include land officers from respective District Council and gendered representation of the PAPs.

The GRM works hand in hand with RA Social Safeguards Specialists. Issues from the GRM are reported to the PIU to facilitate site visits. The site visits by the PIU provides an opportunity for the GRMs to report on any concerns or challenges they face, including issues related to the PIU, District Officials, or other matters. Specifically, the GRM is responsible for:

- Acting as the primary channel of communication between the various interest groups/organizations involved in the resettlement process. In particular, it serves to facilitate communication between RA and the affected population;

- Help identify the owners of property during verification and payment of compensation;
- Solve amicably any problems relating to the resettlement process. If it is unable to resolve any such problems, it is to channel them through the appropriate grievance procedures;
- Assume primary responsibility of assisting RA in overseeing the resettlement processes in all its phases;
- Ensure that the terms of the RAPs are followed;
- Monitoring the implementation of the RAP and suggesting modifications if and when necessary;
- Identify issues/areas of concern that may have been overlooked/under emphasised in the ESIA or RAPs and suggesting ameliorative and or mitigation measures; and
- Monitor the Project area so as to prevent illegal encroachment.

The interactions among the relevant institutions for purposes of managing resettlement and compensation are depicted in figure 3.

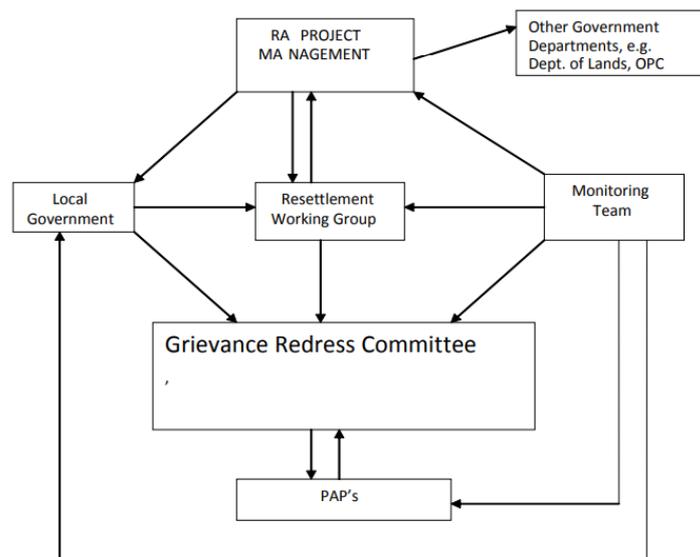


Figure 3: Implementation Arrangement Chart

Table 20: Summary of institutions' Responsible for Resettlement Activities

Institution	Role/Responsibility
Roads Authority (RA)	<ul style="list-style-type: none"> • Review and monitor RAP implementation.
	<ul style="list-style-type: none"> • Finance the RAP.
	<ul style="list-style-type: none"> • Ensure PAP compensation is completed.

Institution	Role/Responsibility
Ntcheu and Balaka Council	<ul style="list-style-type: none"> Identify alternative trading spaces for vendors.
	<ul style="list-style-type: none"> Facilitate relocation of physically displaced PAPs.
	<ul style="list-style-type: none"> Support compensation processes.
Ministry of Lands	<ul style="list-style-type: none"> Conduct land surveys and valuations.
	<ul style="list-style-type: none"> Facilitate compensation payment.
	<ul style="list-style-type: none"> Support grievance resolution.
Civil Society Organizations	<ul style="list-style-type: none"> Monitor the RAP implementation.
	<ul style="list-style-type: none"> Advocate for PAP rights.
Local Leaders (GVH and TA)	<ul style="list-style-type: none"> Witness compensation payments.
	<ul style="list-style-type: none"> Support PAP integration and conflict resolution.
	<ul style="list-style-type: none"> Monitor RAP activities locally.
PAPs	<ul style="list-style-type: none"> Participate in consultations.
	<ul style="list-style-type: none"> Accept compensation packages.
	<ul style="list-style-type: none"> Engage with grievance redress mechanisms.
Public Service Providers (ESCOM, Southern Region Water Board, Mpira Trust, Airtel and OCL)	<ul style="list-style-type: none"> Participate in consultations
	<ul style="list-style-type: none"> Accept relocation packages and relocate services
	<ul style="list-style-type: none"> Engage in negotiations

CHAPTER 9: MONITORING, EVALUATION AND REPORTING

Monitoring and evaluation will form an integral part of project implementation, providing the necessary information about the involuntary resettlement aspects of the project, measuring the extent to which the goals of the resettlement plan have been achieved and the effectiveness of mitigation measures. Problems and successes will be identified as early as possible so that timely adjustment of implementation arrangements will be made. The process needs to be undertaken for a reasonable period after all resettlement and related development activities have been completed.

The RAP specifies the methods to be employed, frequency of measurement, reporting procedures, and the organizational arrangements to be made to undertake the activities including the involvement of those affected in the process.

9.1. Indicators

Indicators and targets will be established for the project as a whole, in consultation with representatives of the affected communities and other key stakeholders. Indicators will be grouped into the following categories:

- a) **Input indicators** – will measure the resources (financial, physical and human) allocated for the attainment of the resettlement objectives, such as livelihood restoration goals.
- b) **Output indicators** – will measure the services/goods and activities produced by the inputs. Examples will include compensation disbursements for acquired assets.
- c) **Outcome indicators** – will measure the extent to which the outputs will be accessible and used, as well as how they will be used. They will also measure levels of satisfaction with services and activities produced by the inputs. Examples will include the ways in which recipients used compensation. Although they are not measures of livelihood restoration in themselves, they will be used as key determinants of well-being.
- d) **Impact indicators** – will measure the key dimensions of impacts to establish whether the goals of the Resettlement Plan will be achieved. Examples will include restoration and diversification of income levels and the sustainability of income-generating activities, as dimensions of livelihood restoration and well-being.
- e) **Process indicators** – will measure and assess implementation processes. Examples will be the functioning of liaison/participation structures, the levels of representation of different social categories/interest groups, and the processes by which conflicts and disputes are resolved.
- f) **Specific livelihood monitoring indicators:** this will measure the % of vulnerable PAPs linked to social protection initiatives, safety net, social cash transfer.

g) **Grievance monitoring indicators** (e.g., number of grievances received, % resolved within timeframe, outstanding grievances and satisfaction level of complainants).

Indicators will also be disaggregated to ensure that social variables are properly accounted for. **Table 21** provides details of different indicators and variables to be monitored.

Table 21: Indicators and Variables to be monitored

Aspect	Variable	Indicator	Suggested Monitoring Period
Land	Affected land	- Area of cultivable land acquired or impacted.	Yearly, for 3 years post displacement
		- Area of communal land acquired or impacted.	Yearly, for 3 years post-displacement
		- Area of private land acquired or impacted.	Yearly, for 3 years post-displacement
		- Area of government land acquired or impacted (e.g. in forest).	Yearly, for 3 years post-displacement
	Mitigation for land loss	- Number of affected households receiving compensation for land (land restoration or equivalent support).	Quarterly during first year of project, then yearly
		- Number of Land restored/rehabilitated	4 months before commissioning
		- Implementation of livelihood restoration programs (e.g., alternative land and host area, number of PAPs that received technical skills).	Yearly for 2 years post-displacement
		- Number of PAPs employed	Yearly for 2 years post-displacement
Buildings/Structures	Affected buildings	- Number and type of private buildings impacted.	Yearly, for 2 years post-displacement
		- Number and type of community facilities/structures impacted.	Yearly, for 2 years post-displacement
		- Number and type of public facilities/utilities impacted.	Yearly, for 2 years post-displacement
	Mitigation for building/structure loss	- Number of households or businesses receiving compensation for lost structures.	Quarterly in first year, then yearly
		- Number of structures rebuilt or restored	Yearly for 2 years post-displacement
		- Number of PAPs employed	Yearly for 2 years post-displacement
		- Number of PAPs given technical training	A year after compensation
Trees	Affected trees	- Number and type of trees impacted (commercial or subsistence use).	Yearly, for 2 years post-displacement
	Mitigation for tree loss	- Compensation for affected trees (e.g., seedlings and replanting or monetary compensation).	Yearly for 2 years post-displacement
Hazards and Disturbances	Introduction of nuisance factors	- Number of homesteads affected by construction-related hazards (noise, dust, vibration, increased traffic).	Monthly during construction

		- Changes in traffic patterns and safety hazards for local communities.	Quarterly during construction
		- Disturbance from increased blasting or excavation activities.	Monthly during construction
	Mitigation for nuisance factors	- Implementation of mitigation measures for nuisance factors (e.g., noise barriers, dust suppression).	Monthly during construction
Social/Demographic	Population migration	- Number of households required to relocate and resettlement patterns.	Yearly during resettlement phase and 1 year after project completion
		- Type of support provided for relocation (, transportation allowance etc.).	Yearly during resettlement and livelihood restoration phase
		- Number of vulnerable groups (chronically ill, elderly, female-headed households, child-headed households, people with disabilities) impacted by resettlement	Yearly during resettlement phase
	Mitigation for migration impacts	- Livelihood restoration support provided to those affected by resettlement (skills training, cash support).	Yearly for 2 years post-displacement
Changes to Access	Changes in access to services	- Changes in access to water, health, education, and markets (impact due to labour influx)	Quarterly during construction, yearly for 2 years after
	Mitigation for loss of access	- Construction of alternative access roads, water supply points due to water extraction if necessary, assistance in health facilities to cover labour influx,	Yearly until restoration of services
Health and Safety	Health impacts	- Number of people affected by health-related issues due to the project (e.g., malaria, respiratory issues, diarrhoea, STIs).	Yearly during project construction, then 1-year post-project
		- Monitoring of waterborne diseases or health impacts arising from construction activities (e.g., contamination of water sources- water extraction, runoff from project works, sand mining).	Quarterly during construction
		- Access to healthcare for PAPs during resettlement and rehabilitation- which may be congested due to labour influx	Quarterly during resettlement and livelihood restoration phase
	Mitigation for health impacts	- Provision/ assistance to health facilities (e.g., clinic at camps, health education, sanitation programs).	Monthly during construction, yearly for 1-year post-displacement

		<ul style="list-style-type: none"> - Community Health & safety measures for surrounding/nearby villages 	Monthly during construction
Vulnerable Groups	Impact on vulnerable groups	<ul style="list-style-type: none"> - Number of vulnerable groups affected by the project (chronically ill, elderly, female-headed households, child-headed households, disabled persons). 	Yearly during and after resettlement
	Mitigation for impacts on vulnerable groups	<ul style="list-style-type: none"> - Tailored assistance to vulnerable groups, including compensation, relocation support, and livelihood restoration programs. 	Quarterly during 1st year, then yearly
Livelihood Restoration Programs	Implementation of livelihood restoration activities	<ul style="list-style-type: none"> - Number of affected households and individuals involved in livelihood restoration programs (skills training, business support, etc.). 	Yearly for 3 years post-displacement
		<ul style="list-style-type: none"> - Types of livelihood restoration programs implemented (vocational training, small business support, financial literacy). 	Quarterly for first year, then yearly
		<ul style="list-style-type: none"> - Number of displaced individuals or households that restore or improve livelihoods. 	Yearly for 3 years post-displacement
	Livelihood restoration effectiveness	<ul style="list-style-type: none"> - Percentage of participants in livelihood programs who report successful income restoration or improvement. 	Yearly during livelihood restoration phase
Compensation	Compensation effectiveness	<ul style="list-style-type: none"> - Number of affected persons receiving fair and adequate compensation for land, structures, crops, businesses, and other assets. 	Quarterly for first year, then yearly
		<ul style="list-style-type: none"> - Timeliness of compensation payments and provision of entitlements. 	Yearly for 2 years post-displacement
		<ul style="list-style-type: none"> - Number of grievances related to compensation resolved. 	Monthly during construction, yearly after
Population Influx	Influx of temporary workers or settlers	<ul style="list-style-type: none"> - Increase in local population due to construction workforce and displaced persons. 	Yearly during construction phase
	Mitigation for population influx	<ul style="list-style-type: none"> - Infrastructure improvements to handle influx (e.g., water supply, sanitation, temporary housing). 	Yearly during construction phase
		<ul style="list-style-type: none"> - Monitoring of informal settlements and providing basic services (e.g., toilets, water, health care). 	Quarterly during construction phase
Consultation Program	Stakeholder consultation and engagement	<ul style="list-style-type: none"> - Frequency and number of public consultations held with affected communities. 	Quarterly during planning and construction phase

		- Number of grievances and concerns raised during consultations and how they were addressed.	Quarterly during consultation meetings
		- Number of local committees and community stakeholders involved in planning and implementation.	Quarterly during the project period
Grievance Redress Mechanism	Grievance resolution	- Number of grievances raised, categorized by type (e.g., compensation, livelihood, resettlement issues).	Monthly during construction, yearly after
		- Number of grievances resolved and compensation provided to complainants.	Quarterly during project, then yearly
		- Monitoring of unresolved grievances and steps taken to resolve them.	Yearly after construction phase ends
Mitigation for Environmental Impacts	Implementation of environmental safeguards	- Monitoring of the effectiveness of environmental safeguards (e.g., erosion control, tree planting, waste management).	Monthly during construction, yearly for 2 years
		- Mitigation measures for auxiliary sites (quarries, borrow pits, spoil sites) to prevent environmental degradation.	Quarterly during auxiliary site operations
Auxiliary Site Management	Environmental & safety impacts at auxiliary sites	- Monitoring of dust, noise, and water contamination at quarries, borrow sites, spoil sites.	Monthly during site operation
		- Monitoring of worker safety at auxiliary sites (PPE, sanitation, accident rates).	Monthly during site operation
		- Measures to prevent soil erosion, water contamination, and vegetation loss at auxiliary sites.	Monthly during site operation
Communication/Responses/Disclosure	Project communication and transparency	- Regular updates provided to affected communities about project progress and mitigation measures.	Quarterly during project, then yearly
		- Frequency of meetings with local authorities, NGOs, and stakeholders for feedback and concerns.	Quarterly during the project period

9.2. Suggested Monitoring Periods

During Construction Phase:

- **Monthly:** For issues like noise, dust, health & safety measures, and environmental impacts from quarries, borrow pits, spoil sites, and roadwork.
- **Quarterly:** For changes in traffic, health impacts, socio-economic conditions of PAPs, and grievance resolution.

Post-Displacement Monitoring:

- **Yearly for 3 years' post-displacement:** To track livelihood restoration, health, access to services, compensation effectiveness, and socio-economic status of PAPs.
- **Yearly for 2 years:** To assess the success of mitigation measures and livelihood recovery, particularly for vulnerable groups.

Environmental and Safety Monitoring at Auxiliary Sites:

- **Monthly:** For dust control, water contamination, and worker health & safety measures at quarries, borrow pits, spoil sites, and other auxiliary locations.

Livelihood and Compensation Monitoring:

- **Yearly:** To ensure compensation adequacy, effectiveness of livelihood restoration programs, and social impacts.

9.2.1. Key Considerations

- **AfDB Safeguards Systems Alignment:** The monitoring period and aspects are designed to align with the **AfDB Safeguards Systems**, ensuring continuous engagement and adaptive management strategies throughout the project lifecycle.
- **Socio-Economic Monitoring:** Regular yearly assessments of the **socio-economic status of PAPs** (including vulnerable groups) will ensure the long-term sustainability of the mitigation and livelihood restoration strategies.
- **Health & Safety:** Regular monitoring will help mitigate **health risks** associated with the project, especially in construction and auxiliary site operations, safeguarding both workers and local communities.

This comprehensive approach ensures that both the **social and environmental impacts** of the road rehabilitation and auxiliary sites are effectively managed, while also ensuring that **affected communities**, particularly **vulnerable groups**, receive the necessary support to restore their livelihoods and well-being.

At the end of the compensation and resettlement period the RAP shall be evaluated on its performance. The evaluation will assess the number of people to be resettled, issues to be addressed versus what will have been achieved in the agreed period.

9.3 Monitoring

The monitoring program will involve the following:

- Establishment of required institutional structures;
- Operation of compensation, grievance and other necessary procedures;
- Disbursement of compensation payments;
- Development of livelihood restoration programs; and
- Preparation and submission of monitoring and evaluation report.

9.4 Reporting

Reporting on the activities around involuntary resettlement forms an integral part of monitoring and evaluation, to:

- Ensure early detection of conditions that necessitate particular mitigation measures; and
- Provide information on the progress and results of mitigation. Reporting methods of any resettlement activities on the project to date seem to have been limited to reports from consultants working on different aspects of the project. It is recommended that in the future all consultation and disclosure activities be reported in detail, internally and externally.

CHAPTER 10: CONCLUSION AND RECOMMENDATIONS

The primary challenge posed by the project is the displacement and relocation of businesses and households. However, adherence to this Resettlement Action Plan (RAP) will minimize inconvenience and ensure that the livelihoods and well-being of the displaced persons are effectively restored or improved. To achieve this, the following recommendations should be implemented:

- a) Institutions recommended for negotiations and RAP implementation, such as the Resettlement Working Groups and District Grievance Redress Committee, should be established immediately upon approval of the project instruments to ensure smooth coordination and oversight. These committees were already set, however, there is need to revamp, engage and train them;
- b) The RAP should be adaptable and modified in response to actual conditions and unforeseen circumstances encountered during the resettlement process. Monitored indicators should be reviewed at least quarterly to allow for timely interventions and necessary adjustments to mitigate emerging challenges.
- c) Community sensitization meetings should be conducted to discourage encroachment onto the road reserve and vending along the roadside, ensuring compliance with project guidelines and preventing future conflicts.

Once all resettlement and compensation procedures are fully implemented, the project is recommended for execution. The RWG as stipulated on 10.1.1 is essential, and will serve as the primary voice representing the interests of Project Affected Persons (PAPs).

RA as a client will also have direct involvement of the implementing agency in addressing resettlement concerns. By implementing these measures and maintaining regular engagement with stakeholders, the project will address resettlement challenges effectively while ensuring the rights and welfare of PAPs are protected in line with **AfDB Integrated Safeguards System** and international best practices. .

APPENDICES

Appendix 1 A: LIVELIHOOD RESTORATION PLAN

1.0 Introduction

The primary objective of this Livelihood Restoration Plan (LRP) is to ensure that the livelihoods of Project-Affected Persons (PAPs) are either improved or, at the very least, restored to pre-displacement levels. Recognizing the significant impacts caused by land acquisition, displacement, and other project-related activities, this LRP establishes a framework for restoring and enhancing PAPs' living standards. In alignment with AfDB O.55, the LRP prioritizes fairness, inclusivity, and sustainability in addressing the physical and economic displacement of PAPs. It ensures compensation for lost land, property, and income-generating assets at full replacement cost and introduces measures to restore livelihoods effectively. The plan seeks to minimize vulnerabilities while fostering opportunities for economic growth, resilience, and self-sufficiency.

1.2 Objectives

The LRP is designed to achieve the following objectives:

- Ensure PAPs regain or exceed their pre-displacement income levels and living standards.
- Provide targeted assistance to ensure equitable participation in and benefits from livelihood restoration activities.
- Diversify income sources to reduce reliance on a single livelihood stream.
- Build capacity and provide resources to ensure long-term economic viability and environmental protection for PAPs.
- Empower PAPs to make informed decisions and actively participate in livelihood planning and implementation.

1.3 Key Principles Underpinning the LRP

The LRP is guided by a set of principles that align with AfDB O.55 and national development objectives, including:

1. **Holistic Approach:** Addresses multiple dimensions of livelihoods, including financial, physical, natural, human, and social capital.
2. **Community Participation:** Encourages inclusive decision-making processes, ensuring the active involvement of women, youth, and marginalized groups.

3. **Equity and Inclusion:** Tailors interventions to address disparities in access to resources and opportunities among PAPs.
4. **Building Back Better:** Promotes sustainable infrastructure and livelihood systems that are more resilient to future shocks.
5. **Sustainability:** Integrates capacity building, skills training, and environmental stewardship into livelihood restoration activities.
6. **Monitoring and Evaluation:** Establishes robust systems to track progress, measure outcomes, and identify areas for improvement.

1.4 Distribution of PAPs for Livelihood Restoration Support

Livelihood restoration activities will be tailored based on the type and extent of livelihood and asset losses experienced by Project-Affected Persons (PAPs). The following measures will guide the distribution of livelihood restoration support:

- **Cash compensation for support structures:** PAPs losing support structures such as toilets, kitchens, or sheds will receive cash compensation at full replacement cost.
- **Compensation for main dwelling structures:** PAPs losing main dwelling structures will be given compensation at full replacement cost, including relocation allowance. The PAPs will be allowed to salvage their construction materials.
- **Compensation for crops and trees:** Standing crops and trees, including fruit-bearing, indigenous, and exotic species, will be compensated at rates agreed with the government. Additionally, fruit tree seedlings will be provided to encourage replanting at resettlement locations, promoting long-term environmental and livelihood benefits.
- **Compensation for additional impacts during construction:** Any additional impacts identified during the construction phase, which were not documented during the preparation of the final RAP, will be compensated based on rates defined in the RAP's Entitlement Matrix. The construction contractor will be responsible for addressing these impacts.

These measures aim to ensure that PAPs receive fair and adequate support, addressing both their immediate needs and long-term livelihood restoration.

1.5 Livelihood Restoration Interventions and Activities

To support PAPs whose livelihoods will be impacted by the road project, a range of livelihood restoration interventions have been proposed. These interventions are

informed by the documented impacts of the project, the existing livelihood systems of PAPs, and their socio-economic characteristics.

- **Restoration of existing livelihoods:** Focuses on re-establishing the current livelihood activities of PAPs to enable them to resume familiar and effective practices.
- **Intensification of existing livelihood strategies:** Aims to sustainably increase productivity, ensuring that the remaining land or resources yield as much or more than before the impact.
- **Introduction of alternative livelihoods:** Emphasizes resilience and diversification, introducing viable options that do not increase burdens on women or other vulnerable groups.

The proposed interventions are categorized into general and specific measures:

- **General interventions:** Applicable to all eligible PAPs and largely related to ongoing government programs, such as agricultural extension services. These programs will continue beyond the LRP period.
- **Specific interventions:** Tailored to individual PAPs based on the type of negative impact, existing skills, age, and education levels. These measures will be evaluated at the end of the project.

The preliminary livelihood enhancement interventions include:

- **Skills training:** Focused on severely affected especially younger PAPs and vulnerable PAP's to improve employment opportunities, with business development support provided to improve income generation potential diversify and income sources.
- **Employment Opportunities:** PAPs will be prioritized for jobs related to the project. Market linkages – help allocate new area for trading during project works (e.g., outside contractor campsites).
- **Access to social and financial training** such as life skills and financial literacy through NGOs.
- **Access to social protection programs** initiatives by the client.
- **Provision of access to additional social programs** or initiatives that benefit vulnerable groups.

Supplementary interventions:

- **Support through Corporate Social Responsibility (CSR):** The Contractor and Roads Authority will explore initiatives to support adversely affected

communities, including funding for community-based projects. CSR is supplementary and will not replace formal livelihood restoration entitlements under this RAP.

Table 19: Appendix A Provides compensation aspects and the livelihood interventions identified for PAPs under LRP

Type of Loss	Category of PAP	Compensation Aspect to meet full replacement Cost	Livelihood Restorative Measures	How It Will Assist PAPs
PRE-CONSTRUCTION STAGE				
Loss of land	PAPs in auxiliary sites	For permanent land acquisition for auxiliary land with freehold title, transferring replacement land ownership within one year from compensation.		Ensures timely transfer of land rights, minimizing disruption for PAPs.
		Taxes and costs for land transactions, including cadastral survey, new land titling, and registration for replacement land to be borne by the Contractor for permanent land acquisition		Covers transactional costs, reducing financial burden on PAPs.
		Income loss compensation for temporary land acquisition/ rental as per agreement with PAP		Provides financial assistance during temporary land displacement
				Ensures the land is safe for communities and capable of growing natural vegetation
Residential Property	Dwelling/fe-nce/toilet	Transaction and replacement costs to be borne by the Project within one year from compensation.		Ensures financial support for relocation and rebuilding.
		Provision of relocation allowance.		Provides financial assistance for moving and rebuilding.

				Salvaging materials lowers reconstruction costs.
Commercial Property	Permanent structures (shops/immovable hawkers)	Transaction and replacement costs to be borne by the Project within one year from compensation.		Provides financial support for relocation and rebuilding.
		Provision of relocation allowance.		Provides financial assistance for moving and rebuilding.
		Provision of compensation for income loss		Prevents economic loss during displacement
				Salvaging materials lowers reconstruction costs.
			Skills development and vocational training for financial literacy, carpentry, tailoring, bricklaying, cell phone repair, weaving.	Helps PAPs develop skills for new income sources.
	Temporary structures (Movable hawkers/containers)	Provision of compensation for income loss		Prevents economic loss during displacement
		Provision of relocation allowance.		Provides financial assistance for moving and rebuilding.
				Salvaging materials lowers reconstruction costs.

Loss of Work/B business	Wage Earners (Workers/Employees in shop/business, temporary vendors)	Provision of income and wage loss compensation.		Prevents economic loss during displacement by compensating wage loss.
			Skills development and training in financial literacy, carpentry, tailoring, bricklaying, cell phone repair, weaving to enhance employability.	Provides training to enhance employability and diversify income streams.
			Provision of work opportunities by the contractor.	Creates employment opportunities to bridge income gaps during relocation.
			Market linkages – help allocate new area for trading during project works (e.g., outside contractor campsites).	Helps PAPs access new markets to sell goods or services during temporary restriction to selling good in RR
Loss of Livelihood	All PAPs (including vulnerable groups)		Financial literacy training.	Improves financial management, enhancing the PAP's ability to cope with change.
			Skill and business development training.	Supports business growth and new opportunities.

			Prioritise PAPs for both skilled and unskilled labour opportunities during the construction	Supports PAPs by providing stable income through construction jobs; and Income earned can help PAPs improve their living standards and increase their resilience thereby to reduce the effects of displacement;
			Access to social and financial training such as life skills and financial literacy through NGOs.	Provides life skills and financial education to help PAPs manage their resources effectively.
			Vocational Training in Technical Skills (e.g., cell phone repair, weaving, bricklaying, tailoring), with business management training, and provision of start-up toolkits and capital for selected PAPs to establish small-scale service businesses.	Equips middle-aged PAPs with technical and business management skills, helping them establish sustainable small businesses, increasing household income.
Loss of Crops/Trees	Crop and Tree Owner	Compensation at replacement cost.		Compensates PAPs for crop/tree loss, ensuring they can restore their agricultural livelihoods.
			Three seedlings will be provided for each fruit tree lost.	Provides seedlings to help restore the environment

				and future crop production.
Public Utilities		Compensation for relocation costs and financial loss, with rates to be provided by service providers		Mitigates disruptions caused by relocation of public utilities, ensuring PAPs are compensated.
Public Forests		Compensation at replacement cost.		Compensates for forest loss to mitigate negative impacts.
			Three seedlings will be provided for each tree lost and land rehabilitation	Restores environmental balance by offering seedlings for replanting.
Vulnerable groups			Linkage to Government Social Cash Transfer Program through Ministry of Gender for vulnerable PAPs.	Ensures long-term social support for vulnerable households, linking them to existing government assistance programs.
			2. Access to social protection initiatives by the client.	2. Provides access to additional social programs or initiatives that benefit vulnerable groups.

1.6 PAPs Participating in the LRP

Participation in livelihood restoration programs will be voluntary and demand driven. Eligible PAPs willing to participate in the LRP will be identified through meetings where details of the livelihood restoration programs will be disclosed. A final list of participants will be compiled, and activities will proceed according to the proposed implementation schedule provided in the LRP.

1.7 Potential Training Institutions for Skills Training and Courses Offered

Several institutions have been identified as potential partners for providing vocational skills training to enhance the livelihoods of Project Affected Persons (PAPs). Error! Reference source not found. provides a summary of the courses offered by these institutions, which align with the livelihood restoration objectives outlined in this plan. These institutions will play a critical role in delivering tailored capacity-building programs for the PAPs.

SN	Institution	Course(s) Offered	Requirement(s)
1	Financial literacy, business and financial management	Building capacity for men and women farmers and traders (60% women) along the road in financial management and access to loans for business development. This seeks to enable small scale business management including knowledge of accessing loans for business development	<ul style="list-style-type: none"> - The rationale for such training is to build their capacities and capabilities to better manage the funds and prudently invest in enterprise that will have a multiplier effect of the compensations received and restore and improve their livelihoods for Project Affected Persons in general and particularly for women and girls
2	Road Construction and Maintenance	The project will provide preliminary training for women and the youth aimed at building their confidence to take up jobs during construction and operation of the road	<ul style="list-style-type: none"> - Training of youth and women in road construction and maintenance to enable their employment during road construction and operation; - . This will boost income earning for the women and contribute to minimizing of the gender inequality within project area.

A Summary of Potential Courses under LRP

The Livelihood Support Agent will collaborate with the recommended training institutions to implement training and follow-up activities during the project duration. Upon project completion, the relevant government departments and development partners, including NGOs, will take over these programs to ensure sustainability and continuity.

The practical skills, including carpentry, tailoring, weaving, welding, and bricklaying, will be delivered through apprenticeship programs due to the limited availability of

formal vocational training opportunities and the long duration of such programs. Training institutions will collaborate with Master Craftsperson's to provide hands-on training for the PAPs. This approach will enable beneficiaries to balance their daily activities with the acquisition of skills. The apprenticeship program is expected to last three (3) months, providing sufficient time for the participants to develop their expertise.

1.8 Risks and Limitations to the Livelihood Restoration Plan and Mitigation Measures

The Livelihood Restoration Plan (LRP) is designed to ensure that PAPs not only restore but also improve their livelihoods to a level better than their pre-project status. However, the implementation of these interventions is not without risks and limitations. One key risk is the long-term nature of some interventions, such as agricultural support programs and skills training, which may take time before yielding measurable results. If relevant sector ministries, such as the Ministry of Agriculture and Ministry of Gender and Social Welfare, do not remain actively engaged after the LRP implementation phase, the sustainability of these programs may be jeopardized. To mitigate this risk, these key ministries will be actively involved from the start of the LRP to build their ownership and capacity for continuity.

Another challenge is the limited capacity of District Councils to fully integrate PAPs into ongoing programs such as the social cash transfer initiative. While linking PAPs to such programs is a viable mitigation strategy, these initiatives often target specific groups, making it difficult to accommodate all eligible PAPs immediately. This limitation will require additional planning and prioritization to ensure that the most vulnerable PAPs are supported without delay.

Further risks include external factors such as natural disasters, which may disrupt planned activities, and potential accountability issues during the implementation of the LRP. Mitigation measures will include regular monitoring of program implementation, capacity-building for implementers, and establishing robust grievance redress mechanisms to address any complaints or irregularities. By addressing these risks and limitations proactively, the LRP aims to ensure that the interventions are effectively implemented and contribute to the long-term resilience and sustainable livelihoods of the PAP.

Appendix A2: Entitlement Matrix

<i>Entitlement Matrix</i>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Commercial Land	Land used for business partially affected Limited loss	Title holder/business owner	Cash compensation for affected land, taking into account full resettlement value. Opportunity cost compensation until the income is restored in the new place (it could be equivalent to 5% of net annual income based on tax records for previous year, or tax records from comparable business, or estimates where such records do not exist). They can be considered for loss of daily income for up to one month. The business start-up capital will be assessed based on the new business selected by the PAP where business will be provided to ensure success and sustainability
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Compensation in cash according to PAP's choice, taking into account full replacement calculations for materials. If an ancillary building is affected but not the main structure, cash compensation will be paid to replace the ancillary structure. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting + allowance)

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land equal to replacement value, taking into account full replacement calculations for the land.
	Land and assets used for residence severely affected Remaining area insufficient for continued use	Title holder	Land for land replacement or compensation in cash according to PAP's choice based on replacement value, taking into account full replacement calculations for the land. Transfer of the land to the PAP shall be free of taxes, registration, and other costs to the PAP but the project owner, Roads Authority, will find means to pay the costs. Relocation assistance (costs of shifting + allowance)
		Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal. Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures partially affected Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets based on its replacement value without including depreciation, and taking into account full replacement calculations for the structures and materials. Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected Remaining structures not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, and taking into account full replacement calculations for the structures and materials. Right to salvage materials without deduction from compensation Rehabilitation assistance if required (assistance with job placement, skills training)
Squatters		Rental/lease holder	Cash for affected assets (verifiable improvements to the property by the tenant),

Entitlement Matrix			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
and encroachers			taking into account values for materials. But there is no compensation for the land because it is the legal land owner who will claim compensation for the land Right to salvage assets. Assistance in relocating to a place where they can live and work legally. Ensure there is no double compensation of the land Assistance with restoring livelihoods.
		Squatter/informal dweller	Cash for affected structure without depreciation, taking into account values for materials. Right to salvage materials without deduction from compensation Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available. Assistance with restoring livelihoods through skills training and business start-up capital.
Standing crops	Crops affected by land acquisition or temporary acquisition or easement.	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market price per kg for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium. For fruit trees it is the value of production lost until replacement seedlings mature. Fruit trees replacement will be at 5 seedlings per one fruit tree lost taking into consideration that not all trees seedlings will be surviving to maturity.
Loss of grazing land, communal	Loss of livelihoods	PAPs depending on the affected resources	Livelihood Restoration Plan including compensation for loss of livelihoods; road should be designed in such a way to ensure that it facilitates access to resources e.g. crossings for human and livestock, construction of new communal properties if affected.

<i>Entitlement Matrix</i>			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
property			Access to communal property will be negotiated with the DC's office. So far there are already plans to construct markets which will accommodate all the vendor that have been displaced from the road sides.

APPENDIX B 1: RAP IMPLEMENTATION BUDGET AS PROVIDED IN MAIN REPORT

Item	Total Compensation (MWK)
Property Assessment	15,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00
Compensations Payment (Verification, Facilitation, Initial & Supplementary Compensations)	1,312,672,590.97
Livelihood Restoration	200,000,000.00
Utility and Services Relocation (Tentative)	3,163,078,503.00
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	200,000,000.00
Contingency (10%)	506,575,109.40
GRAND TOTAL	5,572,326,203.37

APPENDIX B 2: ROLES AND RESPONSIBILITIES FOR RAP IMPLEMENTATION

No	Institution	Responsibility
1	Ministry of Lands, Housing and Urban Development	Valuation of structures and trees
2	Ministry of Finance and Economic Planning	Funding of compensations
3	Office of the President and Cabinet	Approves all compensation payments
4	Roads Fund Administration	Payment of Compensations
5	Roads Authority	Monitoring and Reporting on RAP Implementation of grievances
6	Resident Engineer:	Oversee implementation, compliance, and reporting;
7	Site Engineers	Conduct inspections and supervise repairs
9	Contractor Social Safeguards Officer	Baseline data collection, engage stakeholders and facilitate redress of concerns
8	District Council	Assess contested damages to determine causes and monitor closeout of issues Follows up on grievances and handling of grievances or referring the grievances to Roads Authority
9	Resettlement Working Groups and Grievance Redress Committees	Uptake of grievances, undertaking initial investigation, referral of grievances and providing feedback to the PAPs

Appendix B3: SUPPLEMENTARY ASSESSMENT FOR NSIPE-LIWONDE ROAD

Appendix C: PROCEDURES FOR UNPLANNED ACTIVITIES AND ASSOCIATED COMPENSATIONS

C.1 Management Procedures for Land Acquisition for Ancillary Works

The project will acquire land and structures for offices or residential outside the Road Reserve for ancillary works such as contractor's camp site, material sources (borrow site, quarry site, water sources and mining) and access roads to such sites. To that regard, the contractor will be responsible for facilitating and footing the cost for such acquisitions.

Potential Issues

- Conflict on resources – water, energy etc.
- Conflict with surrounding communities due to disturbance (environmental such as dust and noise or social such as SEA, Community Health and Safety etc.)
- Land related issues – land grabbing/encroachment, fraudulent lease agreements, unpaid or underpaid compensations, unrehabilitated or poorly rehabilitated land; and
- Tenancy related issues – Damaged property, Unpaid utility bills, fraudulent lease agreements, unpaid or underpaid compensations, unrepaired or poorly repaired structures.

In view of the above mention impacts, this procedure sets out to guide contractor's acquisition of land and structures for office or residential use during the implementation of the Nsipe-Liwonde Project.

Procedures

a. Site Selection

All sites under this project will be located as far away from communities as possible in order to ensure there is minimal interaction with communities. It is recognized that quarry sites and borrow pits are subject to availability of areas that have been prequalified as material sources, however, strict measures will be undertaken including carrying out a joint site risk assessment with consultants and council officials (from departments of Lands, Environmental, Community Development/Social Welfare).

b. Stakeholder Engagement

Upon identifying a suitable site, the contractor will have to undertake engagement sessions with various stakeholders including council officials, community leaders, claimed land owners and neighbours.

- i. **Ownership Verification:** The contractor will be responsible for identifying the owners of the land they want to acquire, ownership status and size. At this point only owner's willingness to lease the land should be expressed and consent to undertake tests;
- ii. **Consultations:** Once owners are identified, the contractor should undertake consultations with local leaders, owners, neighbors and council's officials on possible utilization of the site for whatever intended use with associated risks, impacts and mitigation measures – method statement. Issues raised, response provided and assurances/guarantees should be captured in a report for inclusion in the Site Risk Assessment Report. It is highly recommended that the contractor's representatives should be as honest and preemptive as possible. Obviously, this is a reiterative process;
- iii. **Site Assessment:** Each identified site will be assessed for risk with regard of the activities to be undertaken at that particular site and in relation to the surrounding. This has to be undertaken jointly with all stakeholders in order to ensure credible and honest results. A report on the activity with its findings and proposed mitigation measures shall be shared with RA for review and approval – where necessary, RA safeguards team will be involved in the assessment for smoother processes. The risk assessment report shall also capture existing land uses, location, ownership status, size, consultation minutes with other stakeholders, method statement for intended activities; risk matrix, risks and impacts, mitigation measures and access issues;
- iv. **Assessment and Price Determination:** No site will be acquired for free or paid in kind. For all land acquisition Land officer who is a valuer from the Ministry of Lands shall be responsible for assessments and those reports will serve as basis for compensation payment. Negotiated prices will only be allowed where the owner is requesting for prices higher than those reached at by the councils. For rented structures, owners are at liberty to set their own prices but these have to be shared with the Council Officials for knowledge seek in case something rises in future
- v. **Lease Agreement:** Draft lease agreement should be share with the consultant and will be vetted by RA. All possible contentious issues should be included and cleared in the agreement. For rented structures such issues can include but not limited to: post evacuation repairs, rights to enter and modify the structure, payment of utility bills, use of premises;
- vi. **Verification and Vetting:** Before payments are made, ownership should be verified with involvement of local leaders and councils. Once ownership is verified and before payment is made, signed lease agreements should be annotated and stamped by both local leaders and councils;
- vii. **Grievances and Conflict:** Grievances can be launched directly to the contractor but a grievant is also at liberty to go to the Community Grievance Redress Committees, consultant, local leader, council or even the Gender Based Violence Service Provider (depending on the nature of the complaint). The contractor shall

be responsible for investigating, responding and addressing issues raised promptly. All issues and grievances shall be recorded and presented in a safeguards bi-weekly reports and monthly reports;

- viii. **Operation:** The contractor shall implement all agreed measures as stipulated in site assessment report and lease agreement including effective communication, addressing grievances and issues raised from owners, neighbors and community, secure and maintain the site and also adhere to safeguards requirements for environment, social, health and safety (both occupational and community);
- ix. **Monitoring:** The contractor shall inspect the site and accompany RA/Council/MEPA on site monitoring sessions. Reports shall be prepared on adherence to method statement, compliances, non-compliances, grievances, issues and new risks associated with operationalization of the sites;
- x. **Rehabilitation and Handover:** The contractor shall carry out a post works site assessment to determine to extent of damage caused which in turn will inform rehabilitation measures. The contractor shall undertake all recommended actions to rehabilitate the site in line with national standards, AfDB Safeguards Systems and project recommendations (owners views will be incorporated as long as they align with the aforementioned requirements). Upon completion of the rehabilitation, RA and MEPA will come to certify the rehabilitation and close the site. The contractor shall be required to prepare Land Acquisition and Compensation Report for all sites acquired. For rented facilities, a letter from the council will be a clearance document for the contractor certifying that all rentals and other obligations stipulated in the lease agreement were satisfied by the contractor and that there are no outstanding issues – this can be cosigned by the property owner.

C.2 Management Procedures for Damaged Structures (Cracks)

1. Objective

Ensure that structures (houses and shops) that are within the road reserve and any other structures along access roads to or near sites for ancillary works are compensated for damages caused by compaction, vehicle impacts, or electrical wire tangling.

2. Scope

Applies to permanent and temporary structures along road reserves; near borrow pits, quarries, sand sites, and camp sites; and along access road to such ancillary works sites. The scope activities include baseline data collection, inspection, assessment, repair, prevention, and stakeholder engagement.

Roles and Responsibilities

- Roads Authority: Determine cause of action, facilitate implementation and monitor undertaking of determined action;
- **Resident Engineer:** Oversee implementation, compliance, and reporting;
- **Site Engineers:** Conduct inspections and supervise repairs;
- **Social Safeguards Expert:** Ensure adherence to safety protocols;
- **Contractors:** Execute repairs and preventive measures
- **Social Safeguards Officer:** Baseline data collection, engage stakeholders and facilitate redress of concerns; and
- **Councils:** Assess contested damages to determine causes and monitor closeout of issues

3. Procedure Steps

a. Baseline Data Collection

The contractor's Social Officer shall engage property owners that are found with the aforementioned areas but were not compensated and explain to them about the purpose of data collection and the process for damage responsibility determination, intervention determination and availability of grievance redress mechanism.

The contractor shall undertake Dilapidation Survey capturing photos of the structure and existing cracks (with date and location – GPS-Camera is an alternative app), ownership information, existing use and location (GPS) and commentary on nature of construction and condition. The file for structures that might be affected by compaction in the RR will be kept separate from other because this will be compensated for by RA while the rest is the contractor's responsibility.

b. Inspection & Monitoring

Frequency: Depending on stated condition or weather conditions, the structures can be inspected weekly. There are also inspections that can be done post-weather events, activity (blasting or working close to structures), after heavy machinery use (jackhammer) or incident/accident (vehicle hitting structure or flooding);

Methods: Visual checks or high-end technologies (drones, IoT sensors, and 3D mapping).

Documentation: Digital logs with photos, GPS tagging, and severity classification (Low/Medium/High).

c. Risk Assessment

Categorization: Use a risk matrix (severity × likelihood) to determine level of intervention. This can be informed by expert judgement and narrations from owners for instance how shaky the structure is.

Root Cause Analysis: Compaction (soil testing), structure settling, weak structure integrity (poor construction method and materials), vehicle impact (traffic patterns), wire tangling (utility audits), earth vibration from blasting, weather impacts (thermal

effects on timber), water (flooding, heaving or roof leaking from rain) impact on the structure, or actual hitting by construction vehicles.

Tools: Expert judgement or use of high-end technologies (Crack gauges, ultrasonic testing, structural modelling).

d. Immediate Mitigation

The damages will be classified in three categories:

- **High-Risk Cracks:** Erect barriers, divert traffic, stabilize structures or compensate for repairs or relocation;
- **Electrical Hazards:** Coordinate with utilities to insulate/reroute wires; and
- **Emergency Response:** Evacuate areas if imminent danger; notify authorities.

e. Repair & Rehabilitation

The measures presented below have been proved to be effective, however, the engineers will determine what interventions to be made.

- **Non-Structural Cracks:** Sealants (polyurethane/epoxy);
- **Structural Cracks:** Epoxy injection, carbon fiber reinforcement, or reconstruction; and
- **Quality Control:** Post-repair inspections.

E. Preventive Measures

- **Compaction Control:** Geotextiles, proper soil gradation;
- **Physical Protections:** Bollards, guardrails, reinforced poles;
- **Electrical Safety:** Elevate wires, routine utility checks; and
- **Training:** Driver education on load limits, speed controls via signage.

F. Documentation & Reporting

- **Records:** Digital database for inspections, repairs, costs.
- **AfDB Reporting:** Quarterly progress aligned with safeguards requirements.

G. Stakeholder Engagement

- **Community:** Notifications via meetings/signage; feedback hotline.
- **Utilities:** Monthly coordination for wire maintenance.
- **Workers:** Safety drills, crack management workshops.

H. Review & Improvement

- **Audits:** Bi-monthly by third parties.
- **Lessons Learned:** Adapt procedures based on incident reviews.

I. Emergency Protocol

Contractor shall set a Rapid Response Team for responding to emergencies for critical cracks.

7. Budget & Resources

There is need to dedicated funds for repairs, training and compensations. The project has set allocated a budget that might be used for repairs or compensations;

The contractor together with the supervising engineer will develop the following:

- Risk Assessment Matrix
- Inspection Checklists
- Contact List for Utilities/Emergency Services
- Baseline Data
- Database for monitoring

C.3 Chance Find Procedure for Rehabilitation of Nsipe-Liwonde Road Projects

This is a protocol to follow when unexpected cultural heritage items are discovered during construction. This has been developed in line with the Monument and Relics Act of 19191 and the AfDB's Safeguards Systems particularly O.S 8 on Cultural Heritage, which requires protecting cultural heritage during projects.

The field survey that was conducted during the development of this RAP revealed that there will be no form of a monument or relic whose removal or destruction would trigger the application of the act. Consequently, the project's designs have made considerable effort to avoid cultural and heritage facilities and places in view of the Act. However, for the artifacts and other cultural, heritage and religious materials unknown and undiscovered, particularly those buried underground, the project has chance find procedure that will guide management of such materials in an event they have been discovered.

The Protocols

Consultants, Contractors and Subcontractors' Workers shall be trained beforehand on what to do if they find something through project kick-off meeting, safeguards training, inductions and toolbox talks. Maybe include this in the environmental management plan. The chance find protocol shall be included in the contract documents so contractors know their responsibilities.

Budget considerations for handling chance finds, like contingency funds in the project for such events have also been included in the RAP Budget

1. Immediate Response Upon Discovery

- **Halt Construction:** Cease all activities within at least 50 meters of the discovery to prevent damage.

- **Secure the Area:** Cordon off the site using barriers and post guards to restrict unauthorized access.
- **Initial Documentation:** Photograph/video the find and record GPS coordinates, depth, and context.

2. Notification Protocol

- **Internal Reporting:** Site supervisor notifies the Social Officer who will in turn inform the Site Agent within 1 hour.
- **External Reporting:** Site Agent informs Resident Engineer who shall inform Roads Authority (RA). The national cultural heritage authority (e.g., Ministry of Culture, Archaeology Department) will be notified by RA within 24 hours.
- **AfDB Notification:** Coordinator from RA alerts the AfDB Task Team Leader (TTL) if the find is significant, per O.S 8 requirements.

3. Expert Assessment

The cultural heritage authority or a qualified archaeologist would need to evaluate the find. They would determine the significance—whether it's a minor artifact or a major site. Based on that, they decide on mitigation measures. For minor finds, maybe document and remove the artifact. For major finds, more extensive measures like salvage excavation or redesigning the project to avoid the site.

- **Deploy Specialists:** Cultural heritage authority dispatches a qualified archaeologist/heritage expert within 48 hours.
- **Evaluate Significance:** Determine if the find is minor (e.g., isolated artifact) or major (e.g., monument, burial site).
- **Mitigation Measures:**
 - *Minor Finds:* Document, recover artifacts, and resume work after clearance.
 - *Major Finds:* Conduct salvage excavation, redesign project alignment, or preserve in situ with Bank approval. This will be facilitated by the responsible ministry.

The AfDB would need to be informed, especially if there's a significant impact. The project might need to adjust plans, which could require approval from the Bank. Also, local authorities and stakeholders should be involved, maybe the community as well, especially if the site has cultural significance to them.

4. Stakeholder Engagement

Informing the councils and local community (local and religious leaders) about the find, especially if it's significant. Maybe involve them in decisions if it affects their cultural heritage

- **Community Involvement:** Consult local communities if the site holds cultural or religious significance.
- **Public Communication:** Share findings with academic institutions and media (if appropriate), upon guidance from ministry responsible while respecting confidentiality during sensitive assessments.

5. Approvals and Compliance

- **AfDB Review:** Submit mitigation plans to the Bank for approval if project redesign or major excavations are needed.
- **Legal Compliance:** The project shall ensure that subsequent actions align with national legislation on monuments and relics as well as O.S 8 requirements.

6. Documentation and Reporting

- **Detailed Records:** The project will compile excavation reports, photographs, and expert assessments into a dossier.
- **AfDB Reporting:** Such findings will be included in semi-annual ESIA/ESMP reports and final project documentation.

7. Resumption of Work

Once everything is documented and the site is either preserved or artifacts are removed, then construction can continue and measures will be in place for monitoring to ensure compliance.

- **Clearance Certificate:** The project shall obtain written approval from the cultural heritage authority and Bank (if applicable).
- **Monitoring:** The project will liaise with responsible ministry to assign an archaeologist to monitor continued work near the site if preservation in situ is chosen.

8. Preparedness Measures

- **Training:** The project will conduct pre-construction workshops for workers on identifying artifacts and reporting protocols. These will be done through

Safeguards Training for management teams from both the consultant and contractor, induction sessions for new workers and repetitive toolbox talks.

- **Contractual Clauses:** Chance find procedures were included in contract agreements, with penalties for non-compliance. These will be translated into the contractor's management strategies and implementation plans for the project.
- **Contingency Fund:** Allocate budget for unexpected excavations, lab analysis, and community consultations. The RAP budget has included cost for facilitating excavation, transportation and ceremonial activities for relocating graveyards which is the most common encountered artefacts.

9. Legal and Ethical Safeguards

- **Repatriation:** All discovered artifacts shall be transfer to designated museums or institutions per national laws.
- **Anti-Looting Measures:** The artifacts will be secured on site during storage/transport to prevent theft and this is only upon request from the responsible agencies. In order to safeguard against this, all site workers will side Code of Conduct that has punitive measures and it will be enforced through the contract or contractor's Human Resource process this

10. Timeline Framework

- Expert assessment within 48 hours.
- Mitigation plan submission within 7 days for major finds.
- Bank approval (if needed) within 14 days.

References

- AfDB (2018) : Cultural Heritage. Environmental and Social Framework
- Malawi Government (1991) Monument and Relics Act
- Roads Authority (2025) ESIA Nsipe-Liwonde Road Rehabilitation Project

Appendix D: STAKEHOLDER CONSULTATIONS WITH UTILITY AND SERVICE COMPANIES AND COMMUNITIES

Minutes of the Stakeholder Engagement Meeting with Central Region Water Board, ESCOM, OCL and Airtel on Road Works’ Impact on Utility and Service Infrastructure for the Proposed Nsipe-Liwonde Road Sub-Projects

APPENDIX E Rates for valuation of assets

Asset	Rate used (MK)	Comments on valuation
Pit latrine	50,000- 70,000	Vary depending on size and status
Bathroom	30,000-50,000	Vary depending on size and status
Fence	80,000- 180,000	Vary depending on size
Maize Mill	200,000-350,000	Vary depending on size
Shed	10,000 -40,000	
Dwelling House	70,000 -300,000	Vary depending on size and status
Shop	100,000 - 350,000	Vary depending on size status
Kiosk	100,000-200,000/kiosk	
Sign post	70,000 -150,000	Vary depending on whether its cement built or metal
Private Land	5 to 20 million per hectare	
Exotic Trees	the valuation of trees is done based on species of trees, measured diameter of breast height and market price in kwacha per cubic metre.	It is the value of production lost until replacement seedlings mature and the prescribed list provided by the Forestry Department was used.
Fruit trees	For fruit trees it is the value of production lost until replacement seedlings mature.	

Note:

- Land rates vary significantly even for adjacent parcels/plots because of different factors influencing the values. These factors include location, zoning/ land use, topography, natural resources, developmental potential, real estate market conditions/market demand and Time among others.
- On rates for trees, section 86 of the Forestry Act has provided guidelines on values/rates for sale of both indigenous trees and exotic trees. The current values were gazetted in June, 2024 and are used so that those who are involved in forestry are paid reasonable compensations on their timber trees and fruit trees

- For crops, yield/per hectare is used for that particular crop against market crop prices at that particular time. Yields of crops are obtained from Ministry of Agriculture

APPENDIX F: SUMMARY MATRIX OF PAP