

**Multinational Nacala Road Corridor Development Project
Phase V**

**CONSTRUCTION OF CHIPONDE ONE STOP BORDER POST (OSBP)
RESETTLEMENT ACTION PLAN**

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September, 2026

LIST OF ACRONYMS

AfDB	African Development Bank
ARAP	Abbreviated Resettlement Action Plan
CEO	Chief Executive Officer
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organization
DC	District Commissioner
DIA	Direct Influence Area
DRC	Democratic Republic of Congo
EGENCO	Electricity Generation Company
EMU	Environmental Management Unit
ESSF	Environmental and Social Safeguard Framework
ESCOM	Electricity Supply Corporation of Malawi
EAD	Environmental Affairs Department
EIA	Environmental Impact Assessment
ESMP	Environmental and Social Management Plan
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
EU	European Union
GoM	Government of Malawi
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
GVH	Group Village Headman
ID	Identity Card
IVSC	International Valuation Standards Council
MDC	Mangochi District Council
MBS	Malawi Bureau of Standards
MEPA	Malawi Environmental Authority
MK	Malawi Kwacha
MoT	Ministry of Transport
MoL	Ministry of Lands
MRA	Malawi Revenue Authority
OSBP	One-stop border post
PAP	Project Affected People
RA	Roads Authority
RAP	Resettlement Action Plan
RoW	Right of Way
RWG	Resettlement Working Group

SADC	Southern Africa Development Community
SIM	Surveyors Institute of Malawi
TA	Traditional Authority
ToRs	Terms of Reference

Table of Contents

LIST OF ACRONYMS.....	
LIST OF Tables.....	v
LIST OF FIGURES.....	v
EXECUTIVE SUMMARY.....	vi
Spatial Distribution of PAPs	xi
CHAPTER ONE: INTRODUCTION.....	17
1.1 Project background information	17
1.2 Scope and Objectives of RAP	17
1.2.1 Scope of the RAP	17
1.2.2 Objectives of the RAP	18
1.2.3 Principles governing the RAP	19
1.3 Project description	20
1.4 Project location.....	21
1.5 Nature and Scope of the proposed Project	22
1.6 Existing land use and requirements of the project	22
1.7 Compensation for the PAPs	22
CHAPTER TWO: RESETTLEMENT PLANNING AND DESIGNING.....	23
2.1 Methodology for the preparation of the RAP	23
2.1.1 Literature review	23
2.1.2 Site visits	23
2.2.3 Consultation with Stakeholders	23
2.2.4 Household and Community Surveys	24
2.3 Determination and Negotiation of Entitlements and Compensation	25
2.4 Asset Evaluation	25
2.5 Resettlement Planning, Scheduling, Budget and Responsibilities	25
2.6 Initiation of Resettlement and Compensation	25
CHAPTER THREE: STAKEHOLDER ENGAGEMENT	27

3.1 Overview	27
3.2 Aims and Objectives of Stakeholder Engagement	27
3.3 Stakeholder Mapping	28
3.4 Consultation	33
3.5 Grievance Redress Mechanism	35
3.5.1 Grievance Redress Principles	35
3.5.2 Procedure Negotiations and Resolution of Conflicts	36
3.5.3 Grievance Redress Process	36
3.5.4 Summary of Grievances Received	38
CHAPTER FOUR: POLICY AND LEGAL FRAMEWORK.....	40
4.1 Policy Framework	40
4.1.1 National Land Policy, 2002	40
4.2 Legal Framework	42
4.2.1 The Constitution of the Republic of Malawi	42
4.2.2 The Public Roads (Amendment) Act of 2014.....	43
4.2.3 The Land Act (Amendment) of 2022.....	44
4.2.4 Customary Land (Amendment) Act of 2022	44
4.2.5 The Physical Planning (Amendment) Act of 2022	45
4.2.6 The Land Acquisition and Compensation (Amendment Act) of 2022	45
4.2.7 The Local Government (Amendment) Act of 2017	46
4.2.9 Monuments and Relics Act of 1991	47
4.2.10 Electricity Act of 2004	47
4.2.11 The Mines and Minerals Act (2019)	48
4.3.2 African Development Bank Integrated Safeguard System	50
4.4 Gaps Between National Legislation and AfDB Safeguards Policies	52
CHAPTER FIVE: SOCIO-ECONOMIC CHARACTERISTICS OF PROJECT AFFECTED PERSONS	55
5.1 Introduction	55
5.2 Spatial Distribution of PAPs.....	55
5.3 Demographic Characteristics of PAPs	55

5.4 Vulnerable Households	56
5.5 Physical and Economic Displacement	57
5.6 Housing Characteristics	57
5.7 Land Ownership and Agricultural Livelihoods	58
5.9 Tree and Crop Losses	60
5.10 Community Infrastructure	60
CHAPTER SIX: IMPACTS, LAND ACQUISITION AND RESETTLEMENT	61
6.1 Resettlement Impacts and Mitigation	61
6.1.1 Resettlement Impacts	61
6.1.2 Resettlement Mitigation	62
PAP Eligibility and Entitlement	63
6.2 Valuation of Affected Assets and Compensation Process	68
6.2.1 Valuation Methods	68
6.2.2 Approach to the Valuation of Affected Assets	69
6.3 Utility and Service Infrastructure	71
CHAPTER SEVEN: RESETTLEMENT PLANNING, SCHEDULING, BUDGET AND RESPONSIBILITIES	72
7.2 Scheduling of RAP Implementation Activities	72
7.3 Budgeting of RAP Implementation Activities	73
7.3 Procedure Negotiations and Resolution of Conflicts	77
7.5 Handling GBV/SH/SEA/VAC	79
CHAPTER EIGHT: MONITORING AND REPORTING	82
8.1 Indicators	82
8.2 Monitoring Time Frame	94
8.2.1 Key Considerations	94
8.3 External/Independent Monitoring Arrangements	95
8.4 Reporting	99
CHAPTER NINE: CONCLUSION.....	100

Appendix 1 : LIVELIHOOD RESTORATION PLAN	101
Appendix 3: Entitlement Matrix	112
Appendix 6: PROCEDURES FOR UNPLANNED ACTIVITIES AND ASSOCIATED COMPENSATIONS	126
6.1 Management Procedures for Land Acquisition for Ancillary Works	126
6.2 Management Procedures for Damaged Structures (Cracks)	129
6.3 Chance Find Procedure for Rehabilitation of OSBP Project.....	132

LIST OF Tables

Table 1 - Stakeholder matrix.....	29
Table 2 - Key Issue and concerns raised during stakeholders consultations	33
Table 3 - Summary of grievances	38
<i>RAP Table 4</i> - identified inconsistencies and how they have been addressed in this RAP	53
Table 5 - Summary of PAP Characteristics	55
Table 6 - Nature of Project Impacts.....	57
Table 7- Land Acquisition Impacts	58
Table 8 – Number of Households affected by source of livelihood.....	59
Table 9 Entitlement Matrix.....	66
Table 11 Summary of institutions' Responsible for Resettlement Activities.....	81
Table 12 Indicators and Variables to be monitored	82

LIST OF FIGURES

Figure 2 - Pie Chart, Gender Distribution of the PAPs.....	56
Figure 3 - Vulnerable PAP Categories.....	56
Figure 4 - Type of displacement by percentage.....	57
Figure 5 –Housing Impact	58
Figure 6 Extent of livelihood impact.....	60

EXECUTIVE SUMMARY

The compensation amounts and relevant details for the construction of Chiponde One Stop Boarder Post Project is presented in compensation summary sheet.

Item	Total Compensation (MWK)
Property Assessment	9,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00
Compensations Payment (Verification, Facilitation, OSBP a Compensations)	314,742,552.50
Livelihood Restoration	150,000,000.00
Utility and Services Relocation (Tentative)	N/A
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	50,000,000.00
Contingency (10%)	69,874,255.25
GRAND TOTAL	768,616,807.75

1. Compensation Summary Sheet

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

Compensation Matrix

Item No.	Variables	Data
A. General		
1	Region	Southern Region
2	District	Mangochi District
3	Villages	Nkute, Nyanya and Nkuti villages under T/A Jalasi
4	Activity(ies) that trigger resettlement	Construction of buildings, external works and roads and parking areas within the operative area at Chiponde
5	Project overall cost	Approximately US\$ 16,000,000.00 funded by African Development Bank
6	Overall resettlement cost (RAP Budget)	Mk768,616,807.75 (This total RAP budget is comprehensive, covering compensation, livelihood restoration, chance find, cracks repairs, monitoring, and a 10% contingency.)
7	Applied cut-off date	30 th April 2023 for OSBP
8	Dates of consultation with the people affected by the project (PAP)	In 2023 identification and census of PAPs for OSBP were made, in 2025 valuation and verification, were done. Consultations are a

Item No.	Variables	Data
		continuous process throughout RAP implementation.
9	Dates of the negotiations of the compensation rates/prices	Rates were negotiated in 2025. The RAP will be disclosed in September 2026 upon AfDB clearance.
B. Specific Variables		
10	Number of people affected by the project (PAPs)	100 PAPs
11	Number of Physically displaced	7
12	Number of economically displaced	93
13	Number of affected households	100
14	Number of females affected	58
15	Number of vulnerable affected	7(5 chronically ill and 2 elderly)
16	Number of major PAP	100

Item No.	Variables	Data
17	Number of minor PAP	0
18	Number of total right-owners and beneficiaries	100
19	Number of households losing their shelters	31
20	Total area of lost arable/productive lands (ha)	23.518.Ha (good agricultural land)
21	Number of households losing their sources of revenue	93
22	Total areas of farmlands lost (ha)	23.518Ha
23	Estimation of agricultural revenue lost (USD)	USD 21,800 annually.
24	Number of buildings to demolish totally	7
25	Number of buildings to be demolished partially	0

Item No.	Variables	Data
26	Number of tree-crops lost	1,710
27	Number of commercial kiosks to be demolished	0
28	Number of ambulant/street vendors affected	0
29	Number of community-level service infrastructures disrupted or dismantled	0
30	Number of households whose livelihood restoration is at risk	7(5 chronically ill and 2 elderly)

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

Government of Malawi is planning to establish a OSBP at Chiponde in Mangochi District on the Border with Mozambique. The activities that directly trigger involuntary resettlement are primarily the construction of buildings, external works and roads and parking areas within the operative area at Chiponde in Mangochi district. The total distance coverage for the road within the site is 3.64km and parking area of 924m² that comes up to the total hectarage of 23.518.

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

A socio-economic assessment was undertaken to understand the characteristics of Project Affected Persons (PAPs) who will be impacted by the One Stop Border Post (OSBP) Project. The assessment covered the three affected villages of Nyanya, Nkute and Nkuti under T/A Jalasi in Mangochi District and aimed to establish baseline conditions for compensation, resettlement planning and livelihood restoration. The assessment, for OSBP project, identified 100 PAPs, all of whom are right claimants thus eligible for compensation under the RAP guided by Road Sector guidelines and AfDB's ISS.

Spatial Distribution of PAPs

The project footprint affects three villages namely Nyanya, Nkute and Nkuti where residential structures, farmland and trees fall within the required right-of-way as well as site for the OSBP. Out of the 100 PAPs, 7 are physically displaced and 93 are economically displaced.

Agriculture is the primary source of livelihood for most households within the project area. The socio-economic survey revealed that the majority of Project Affected Households (PAHs) depend on crop production for both subsistence and income generation. In addition to agricultural activities, a smaller proportion of affected persons operate small-scale businesses within the project footprint. Consequently,

project-induced land acquisition and asset losses are expected to have significant impacts on household incomes and livelihoods, especially among farming households.

5. 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 Mangochi Council, are responsible for local coordination, and community mobilization. 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.

6. Compensation Plan

6.1. Right owners, assessment of rights and eligibility

A full and verified census of 100 PAPs was conducted to establish eligibility, with a clear cut-off date of 30th April 2023 communicated to all stakeholders. Eligibility criteria are inclusive, recognizing formal landowners, customary right-holders 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 2025 and are an ongoing process, ensuring that PAPs understand their entitlements and have agreed upon the values.

6.2. 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 Council are actively involved in identifying and preparing alternative relocation sites to facilitate a smooth transition.

7. Budget for RAP Implementation

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	9,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00
Compensations Payment (Verification, Facilitation, OSBP a Compensations)	314,742,552.50
Livelihood Restoration	150,000,000.00
Utility and Services Relocation (Tentative)	N/A
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	50,000,000.00
Contingency (10%)	69,874,255.25
GRAND TOTAL	768,616,807.75

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	September 2026
Finalization of Compensation Schedules by Ministry of Lands	September, 2026
Payment of All Compensation to PAPs	By September 2026
Livelihood Restoration Activities Commence	November 2026
Physical Relocation by PAPs	By November 2026
Site Handover for Construction	November 2026 (Staggered by section)
Internal & Independent Monitoring	Ongoing from September, 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.

In response, the project has committed to full replacement cost compensation, culturally appropriate consultations, continuous engagement with grievance committees, coordination with local authorities accessible grievance mechanisms, and advance notice and transparency on project activities impacting communities.

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.

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 **768,616,807.75** (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 Chiponde OSBP Project.

CHAPTER ONE: INTRODUCTION

1.1 Project background information

The Chiponde-Mandimba OSBP Project is a crucial infrastructure development located on the Nacala Transport Corridor, benefiting economies in the Southern African Development Community (SADC) like Mozambique and Malawi, as well as Zambia, Tanzania, Botswana, Zimbabwe, the Democratic Republic of Congo (DRC), South Africa, and Namibia. The project aims to reduce transit times at the Chiponde-Mandimba Border Post, enhancing trade and lowering transport costs. This construction project directly supports Malawi's long-term development vision, Malawi 2063 (MW2063), which prioritizes improved infrastructure as a key enabler for economic growth and regional connectivity. It seeks to facilitate regional and international trade, improve access to major seaports, enhance corridor efficiency, and promote social and economic integration. The estimated cost for the construction of the proposed Chiponde OSBP and associated infrastructure is approximately US\$ 16,000,000.00.

The environmental and social impact assessment for the construction of the proposed Chiponde OSBP established that the project will lead to involuntary resettlement. As per the requirements by the National legislation and Africa Development Bank Integrated Safeguards Policies, the developer is required to prepare a Resettlement Action Plan to ensure that any potential displacement or resettlement/relocation impact on communities, businesses and utility and service infrastructures are effectively addressed in line with the AfDB ISS particularly OS5 Land Acquisition, Restrictions on Access to Land and Land Use, and Involuntary Resettlement.

1.2 Scope and Objectives of 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 construction of Chiponde OSBP project in alignment with the Malawian legal and policy frameworks and AfDB's Integrated safeguards systems.

1.2.2 Objectives of the RAP

The RAP has been developed to provide procedures and process that will guide resettlement and relocation activities under construction of Chiponde OSBP 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, OS5 and OS10 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

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.

1.3 Project description

The existing border posts at Chiponde-Mandimba on the Malawi/Mozambique Border Crossing operate as a traditional two-stop border post. Each county maintains its own separate facilities, systems, processes, and procedures, and exit and entry roads. Travelers, goods, and vehicles go through at least two sets of procedures located at the two respective border posts. For the user, this means going through a variety of paperwork, procedures and payments and then driving a few hundred meters and repeating the process on the other side. This causes lengthy transit time and contributes to high transport costs. It is against this background that the Government of Malawi is planning to establish OSBP at Chiponde in Mangochi District on the Border with Mozambique.

The project will construct the building infrastructure at the Chiponde Border Post. The construction of the building infrastructure will be done to meet the requirements of the Border Post in view of the increase in trade and traffic to and from the two countries and generally to meet international standards for such a facility. It's crucial for planning and construction activities associated with OSBP projects to be carefully managed to minimize environmental impacts, ensure worker health and safety, and mitigate disruptions to local communities and ecosystems. The consultant has identified the below listed products and by products anticipated from this project.

1.4 Project location

The project is located at the Malawi- Mozambique border, approximately 14°19'30"S, 35°29'30"E at Chiponde border post with Mozambique. It is located 60km east of Mangochi, south of Lake Malawi. The border gate is next to the M3 road, and the border main office and the building for clearing agents and insurance companies are in the grounds of the border facility. As there is no public parking, the vehicles coming into Malawi park at the school yard next to the main office and go out from Malawi park along the national road. The opposite side of the border facility is open space, but vendors squat, and a market is open every Sunday. The site earmarked for the OSBP is used for subsistence farming. The owners of the land parcels (PAPs) on the proposed site were already identified and their assets were already assessed by Ministry of Lands in collaboration with Roads Authority and Mangochi District Council lands office. The PAPs will be compensated prior to commencement of OSBP works. Figure 1 below gives the general view of the Project Site Location.

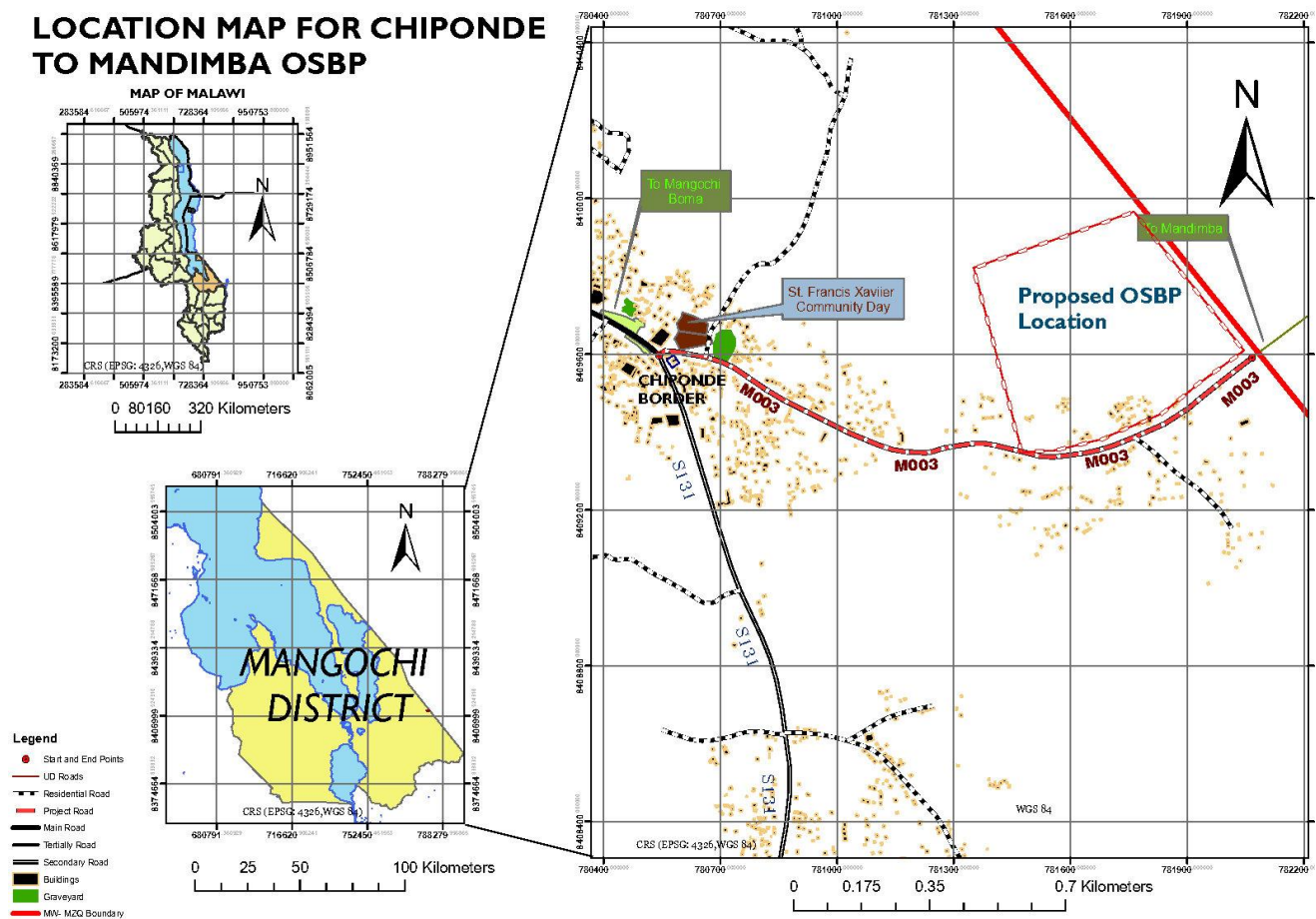


Figure 1: Location of the Chiponde OSBP

1.5 Nature and Scope of the proposed Project

The proposed project shall establish the infrastructure necessary for the modern needs of One Stop Border Post (OSBP) at Chiponde which involves the construction and rehabilitation of the OSBP at the Malawi-Mozambique border, along with associated roadworks, including weighbridge installation and parking facilities. The scope includes:

Infrastructure Development: Modernizing border facilities to streamline customs and immigration processes.

Road Upgrades: Improving connectivity along the Nacala Corridor to enhance trade flows.

Social and Environmental Safeguards: Implementing measures to mitigate displacement, livelihood disruptions, and ecological impacts.

1.6 Existing land use and requirements of the project

The construction of the Chiponde One Stop Border Post (OSBP) will require approximately 23.518 hectares of land. The proposed project land is characterized by a mixed land-use pattern consisting primarily of agricultural land, residential housing, and associated homestead facilities. Agriculture represents the main economic activity and source of livelihood for affected households, with land being used for the cultivation of various crops. Residential areas comprise household dwelling units and related structures, including kitchens, sanitation facilities, livestock kraals, granaries, fences, and trees. The identification and valuation of these land uses and associated assets have been undertaken to determine potential project impacts and inform the development of appropriate compensation and livelihood restoration measures during the acquisition of the 23.518 Ha in accordance with this Resettlement Action Plan.

1.7 Compensation for the PAPs

The project has OSBP facility covering about **23.518 Ha**. This RAP will facilitate compensation for 100PAPs identified under the OSBP aspect of the project.

CHAPTER TWO: RESETTLEMENT PLANNING AND DESIGNING

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 persons. The approach focused on site observation for site analysis, contextualization of the project within policy and legislation frameworks, deliberative stakeholder engagement, accurate socio-economic data collection, and compliance with compensation principles.

2.1.1 Literature review

The RAP study team reviewed Chiponde OSBP design report and drawings, ESIA Report as well as National policies and legislations and Operating Procedures under AfDB's Integrated Safeguards Systems. The intention of reviewing designs, policies, legislations and guidelines was to determine the scope of the RAP and 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 Mangochi Districts were also used.

2.1.2 Site visits

Site visits were undertaken for site analysis through screening and scoping. Site visits were conducted to understand the project impact areas, to obtain verifiable information about the area, and to collect socio-economic data of the PAPs. The visits further provided an opportunity for the team to interact with members of the communities and staff from relevant ministries and departments of Mangochi 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 from 2020 through 2026 and this process allowed for site analysis, in-depth stakeholder engagement, a robust validation of the socio-economic baseline for PAPs and comprehensive asset inventory, ensuring that all data used are accurate and reflect the current status of the project site.

2.2.3 Consultation with Stakeholders

Initial stakeholder consultations were held from 2020 through 2026. Successful resettlement requires stakeholder participation during all stages of the resettlement process and project circle. 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

The RAP undertook two set of census, a surveys undertaken to determine socio-economic context of potentially affected persons and communities and an asset inventory to identify affected assets:

- **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;
- **Socio-economic Census:** Socio-economic census was conducted in March 2024.
- **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 construction of the OSBP Project. An asset inventory was undertaken by representatives from the Ministry of Lands in September 2025 for the OSBP. Inventories included information relating to losses of the following aspects, as appropriate and relevant:
 - Houses and their support structures;
 - Businesses;

- Trees;
- Crops

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 PAPs eligible for compensation with various entitlements. The eligibility criteria was defined and agreed upon by all stakeholders early in the resettlement process. Compensation values were disclosed and negotiated with PAPs October 2025 for OSBP. Multiple compensation options were discussed with affected parties during consultations in order to establish a consensus on payment modes.

Compensation consultation focused on the following:

- Compensation options in terms of replacement of homesteads, structures and land. The PAPs preferred cash indicating that 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 of the OSBP facility
- Structures located the land to be acquired by the proposed project of OSBP; and
- Trees and crops on the proposed site and within the road reserve.

2.5 Resettlement Planning, Scheduling, Budget and Responsibilities

Information in terms of resettlement planning, schedules, budget and responsibilities is provided in chapter 9. These arrangements have been developed through consultations with key affected persons, community representatives, relevant government agencies, and other interested stakeholders. The consultation process informed the identification of resettlement activities, the sequencing of implementation, resource requirements, and the allocation of roles and responsibilities to ensure effective and timely delivery of the Resettlement Action Plan.

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 safeguards specialist under the PIU. Implementation of the RAP will require close co-operation with local authorities. Monitoring and reporting are also important elements of the resettlement action plan and the requirements for this task are also 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 National legislation and African Development Bank's Integrated Safeguards Systems.

CHAPTER THREE: 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 OS10. Consultation and participation of the public allows the project management to design resettlement such that it is able to benefit affected people. 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.

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 Engagement

Every effort has been made to undertake meaningful stakeholder engagement and deliberative consultations where stakeholders were informed of the Project and its resettlement components. In this regard the RAP development process had a consultative process that has been followed. The objectives of the stakeholder engagement and consultation process undertaken during the RAP development process was to:

- Discuss land requirements of the project, impacts and implication on various stakeholders;
- Discussing compensation principles, including applying AfDB ISS 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

From the onset of the project, RA has facilitated stakeholder engagement with various stakeholder namely councils, communities, project affected persons and government agencies. Stakeholder engagement and consultations started from 2020 through 2026. RA targeted

consultations were held with Project-Affected Persons (PAPs), Mangochi District Council, Traditional leaders, Ministry of Lands and Small-scale traders. The engagements focused on resettlement, compensation, and livelihood restoration measures as part of the RAP development process. Stakeholder engagement facilitated effective collaboration among key stakeholders, enabled the identification and resolution of concerns, and ensured transparency and inclusiveness throughout the RAP preparation process.

3.3 Stakeholder Mapping

During the scoping stage of the assignment, the RAP team identified key stakeholders to initiate the stakeholder engagement process. A comprehensive stakeholder identification matrix was employed to categorize, analyze, and assess stakeholders' roles and significance in the project. The analysis considered responsibilities, influence, proximity to the project, dependency, representation, and strategic alignment with the project's objectives. Table 3.1 below outlines the categories of stakeholders, their mandates or interests, their influence on the project, and their expectations.

Table 1 - Stakeholder matrix

Stakeholder Category	Stakeholders	Mandate/Interest	Influence on the Project	Expectations
Project Affected Persons	Directly Affected Persons (Households, Farmers, Business Community)	Sustainability of their livelihoods	Can influence level of acceptability and public interest in the project	Prompt and fair compensation for all property
		Fair compensation for their properties	Can influence the mode of compensation	Restoration of livelihoods
		Preservation of social networks		Vulnerability support
Communities	Local communities, PAPs, traditional leaders, grievance committees	- Transparency and engagement of projects actions and changes	High: Impacts on land, livelihoods, and trust	- Expect transparency in project scope changes, especially for those who are close to the project site but considered outside the project impact area. - Expect continuous involvement of grievance committees in decision-making processes. - Expect clear explanation of the tree valuation and counting process. - Expect dust management measures during construction to prevent health risks. - Expect local labour to be prioritized for employment opportunities.

				- Expect timely project implementation to reduce uncertainty and community frustration. - Expect prompt compensation disbursement to prevent reoccupation or new structures on assessed land.
Traditional Leaders	Traditional leaders, community leaders	Represent the interests of landowners and local communities, particularly in the rural and traditional landholding areas.	Medium: Help in PAP identification Helps mediate and facilitate communication between the project and local communities, especially those directly affected by land acquisition.	Fair compensation, consideration of local customs in land acquisition processes, and timely relocation support.
Local Governments	Local Councils Mangochi District Council	Monitoring project activities within their jurisdiction Community mobilization and support	Medium: Impacts on communities and public communication	- Expect timely and improved communication from RA to avoid community frustration. - Expect early commencement of disclosure activities to avoid PAP uncertainty. - Expect at least two (2) months' advance notice before construction starts to prepare for the removal of infrastructure.

Development Partners	Africa Development Bank (AfDB)	Ensuring compliance with international best practices and standards	Can influence adherence to international standards	Full compliance with international standards
		Providing financial support and monitoring	Can influence budgetary allocations and implementation	Effective project implementation and reporting
Central Government Agencies	Ministry of Lands, Ministry of Trade, Ministry of Justice and Constitutional Affairs Ministry of Transport and Public Works	Protection of human rights and security of livelihoods	Can influence preparation of mitigation plans	Prompt and fair compensation
		Ensuring compliance with national laws and guidelines	Can affect the pace of implementation	Restoration of livelihoods with special focus on vulnerable groups
		Approvals for operations	Can enforce local content laws	

Utility Companies	Electricity Supply Corporation of Malawi (ESCOM)	Provides electricity distribution and generation services.	Medium: assist in electricity law compliance and relocation	- Assist in identifying all ESCOM assets, including underground cables. - Plan and book outages in areas needing power disconnection. - Report any infrastructure damage or emergencies immediately. - Support ESCOM during emergencies (e.g. transport, access). - Avoid damaging ESCOM infrastructure during construction. - Payment of Capital Contribution Fee part of the overall relocation expense if applicable
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3.4 Consultation

Community consultations were done from October 2020 through August 2026 with PAPs within the villages along the 1.8 Kilometer stretch and the proposed site for the construction of the OSBP facilities. The consultations targeted stakeholders that were identified during the stakeholder mapping exercise. The target stakeholders included PAPs, District Councils, Ministry of Lands, and local leaders. ESCOM was also engaged to confirm existence of their infrastructure, identify their infrastructure and agree on measures to protect the infrastructure that might potentially obstruct the works including relocation and establishment of procedures to cover events where such infrastructure is damaged especially during construction phase. The stakeholder consultation and engagement meeting were guided by a checklist of key issues to be discussed by each category of stakeholders.

The consultation sessions among others, aimed to inform, engage, and address concerns, ensuring transparency and participation in the resettlement and compensation process. Following that, the major issues and concerns raised as well as the project feedback and commitment is outlined in the Table 2.

Table 2 - Key Issue and concerns raised during stakeholders consultations

Concerns from Participants	Issue/Concern Raised	Response/Proposed Mitigation
Crops within the project area of impact	Shall we continue growing our crops?	PAPs with crops within the affected area will be allowed to harvest their crops, including commercial trees, before commencement of works. In accordance with Section 45(2) of the Land Act, 2016, a minimum seven-day notice will be provided to affected persons occupying the site prior to the commencement of project activities.
Compensation	When will compensation be paid to affected persons?	Compensation will be paid prior to displacement and commencement of civil works in affected areas, in accordance with national legislation and AfDB requirements.
Valuation of assets	How will crops, trees, and structures be valued?	All affected assets will be valued by qualified valuers from the Ministry of Lands using approved valuation methodologies and current replacement costs. PAPs will be informed of the valuation results and grievance mechanisms available.

Concerns from Participants	Issue/Concern Raised	Response/Proposed Mitigation
Livelihood restoration	How will affected households restore their livelihoods after losing land or assets?	Appropriate livelihood restoration measures will be implemented for eligible PAPs, including support measures identified through consultations and socio-economic assessments.
Grievance redress	What should we do if we disagree with the valuation or compensation offered?	PAPs will have access to the project's Grievance Redress Mechanism (GRM), which will provide a transparent process for receiving, reviewing, and resolving complaints.
Access to information	How will communities be informed about project activities and schedules?	Continuous stakeholder engagement will be undertaken throughout project implementation. Information on project activities, compensation, and construction schedules will be communicated through meetings, notices, and local leaders.
Employment opportunities	Will local people be given employment during construction?	Contractors will be encouraged to prioritize local labour for unskilled and semi-skilled jobs, subject to availability of required skills and qualifications. PAPs will be given priority as a livelihood restoration measure
Community safety	How will the project ensure the safety of community members during construction?	The contractor will implement traffic management, site safety measures, community awareness programs, and other health and safety provisions to minimize risks to local communities.
Commence date of project	When will the project start	The project is expected to start in October 2026, after obtaining all the necessary clearances and payment of compensations
Eligibility for Compensation	Who qualifies for compensation? What about tenants or new property owners?	Compensation is based on assets documented before the cut-off date. Tenants and new property owners are eligible if they meet assessment criteria.

Concerns from Participants	Issue/Concern Raised	Response/Proposed Mitigation
Cut-off Date Awareness	How will people know about the cut-off date?	Public announcements via local radio, loudspeakers, and community meetings will ensure awareness. Committee members will assist in spreading information.

3.5 Grievance Redress Mechanism

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, the project facilitated establishment of credible and accessible grievance redress mechanism.

3.5.1 Grievance Redress Principles

Grievance redress is being based on the following principles:

- The project's grievance redress mechanism took into account community and traditional dispute settlement systems whereby the Group Village Heads and Village 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 heads which are make the project direct impact areas. The RCC members are accessible to all PAPs and PAPs can utilize the GRM at No cost;
- The GRM membership is representative and it consists of 10 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.

3.5.2 Procedure Negotiations and Resolution of Conflicts

The negotiations between Roads Authority on behalf of the Malawi 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.

3.5.3 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 Resettlement and Compensation Committee (RCC) within their group village head. The RCC will investigate the matter then inform and consult with RA and Lands Officer at the Council to determine validity of claims. If valid, the RCC will notify the complainant and s/he will be assisted. If the

complainant's claim is rejected, the grievant will be informed why and told that if he is not satisfied with the response provided, he can engage the council. All such decisions must be reached within the two weeks stipulated timeframe after the complaint is lodged.

It has to be noted that in the local communities, people take time to decide to complain when aggrieved. Therefore, the grievance procedures will give people up to the end of the next full agricultural season, after surrendering their assets, to allow for enough time to present their cases. 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, which will be in the interest of all parties concerned and therefore, it implicitly discourages referring such matters to the external platforms (ombudsman or court of law) for resolution. Contracts for compensation and resettlement plans will be binding under statute, and will recognize that customary law is the law that governs land administration and tenure in the rural areas. This is the law that most Malawians living in these areas, are used to and understand.

All objections to land acquisition shall be made in writing, in the language that the PAPs understand and are familiar with, to the RCC. Channelling complaints through the RCCs is aimed at addressing the problem of distance and cost the PAPs may have to face. The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The procedure for handling grievances will be as follows:

- The affected person should file her/his grievance in writing (in English or the local language that s/he is conversant with), to the RCC. The grievance note should be signed and dated by the aggrieved person. Where the PAP is unable to write, he should obtain assistance to write the note and emboss the letter with his thumb print; and
 - The RCC should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the RCC that his/her complaint is being considered. If the local leader cannot provide an appropriate solution to the problem, the problem will be referred to the RCC to use established mechanisms of grievance redress, which may include the presence of peers of the PAP and other local leaders.
- Conflict Resolution with Utility and Service Providers

Sites visits established that there is no infrastructure for utility or service companies at the OSBP project foot print that can be impacted by civil works associated with the

project. However, in the event that there is change of designs and ESCOM poles will be impacted then the company with infrastructures that will be affected may wish to express or launch their issues with the project. These company 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 for ESCOM as is the only company with utility services on project site although they will not be affected with the current scope of works.

3.5.4 Summary of Grievances Received

During the development of the Resettlement Action Plan (RAP), the project received a total of 9 grievances. These grievances were received through Resettlement and Compensations Committees that were responsible for receiving, investigating and deliberation on resolutions. All grievances were related to the omission of structures during the property census and valuation. The project ensured that eligible properties that were not valued would be assessed and included in the compensation schedule. This rectification meant that the grievances were resolved and the resolution was communicated to the grievant parties.

Table 3 - Summary of grievances

Grievance No.	Nature of Complaint/Grievance	Date Received	Response	Action Recommended
GRM-001	PAP claims that their crop field was omitted during the asset inventory.	17/10/2025	Verification visit conducted by the RAP team.	Reassess the affected area and update the asset register.
GRM-002	Disagreement with valuation of a residential structure.	19/10/2025	Valuation methodology explained to PAP.	Undertake a joint review of the valuation and provide feedback to the PAP.
GRM-003	Concern that compensation rates for mango trees are too low.	20/10/2025	Compensation rates explained based on approved valuation schedules.	
GRM-004	PAP alleges that part of their land was measured incorrectly.	21/10/2025	Complaint acknowledged and site verification arranged.	Conduct a re-survey of the affected plot in the presence of the PAP.

Grievance No.	Nature of Complaint/Grievance	Date Received	Response	Action Recommended
GRM-005	Request for clarification on eligibility for compensation for crops grown within the road reserve.	21/10/2025	Eligibility criteria explained during consultation.	Provide written information on entitlements and applicable legal provisions.
GRM-006	Complaint that household members were not adequately informed about RAP consultations.	23/10/2025	Community sensitization efforts reviewed.	Conduct additional consultations and ensure wider dissemination of information.
GRM-007	PAP requests compensation for a tenant-operated business affected by the project.	23/10/2025	Case reviewed against RAP entitlement framework.	Assess eligibility and determine appropriate assistance measures.
GRM-008	Concern regarding the timing of compensation payments.	23/10/2025	PAP informed of the planned compensation schedule.	Continue regular updates on compensation processing and payment dates.
GRM-009	Vulnerable household requests additional assistance during relocation.	23/10/2025	Vulnerability status confirmed through RAP survey.	Include household in the project's vulnerable persons support program.
GRM-010	PAP fears losing access to farmland before harvesting crops.	25/10/2025	Project confirmed that advance notice will be provided before site handover.	Allow harvesting where feasible and provide the required statutory notice before commencement of works.

The project aims to resolve all grievances before compensation payments are made. Grievances will be resolved during the disclosure of valuation results and negotiation of compensation agreements. Where complaints relate to omissions, errors, or discrepancies in the asset inventory, the asset register will be updated accordingly following verification. This process will ensure that compensation is based on accurate and agreed-upon information, thereby minimizing disputes during RAP implementation.

CHAPTER FOUR: 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 Policy Framework

4.1.1 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.

4.1.2 Malawi 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 Construction of Chiponde OSBP 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 Resettlement and Compensation Committees that consist of community members representing various groups and influences at village level.

4,2 Legal Framework

4.2.1 The Constitution of the Republic of Malawi

The Malawi Constitution undersection 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 construction of the Chiponde OSBP will require acquisition of land from communities. To that the project developer (RA) will follow the provision in the constitution to acquire the land. There, the project will ensure that, there is 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, thus RA will facilitate payment of compensations for the land and structures on the proposed OSBP site. 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 save as a baseline for determination of structural impact caused by the project.

4.2.2 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 OSBP project will compensate the PAPS properly for the land that was used for Agriculture and the loss of economic value, Ministry of Lands, valuation Department has assessed the Land and valued it at full replacement value.

4.2.3 The Land Act (Amendment) of 2022

The Land Act (Amendment) 2022 provides the legal framework for land administration, tenure, and land use in Malawi. Section 7 of the Act classifies land into public land, customary land, and private land. Section 9A regulates land ownership and access, and prohibits unauthorized occupation or development of land without the consent of the lawful owner. The Act also imposes penalties for encroachment on public land and emphasizes equitable access to land and proper land management.

For the proposed construction of the Chiponde One Stop Border Post (OSBP), the Act is particularly relevant where project activities require the acquisition of land or affect existing land uses and assets. Any land required outside the existing road reserve or public land boundaries will be acquired in accordance with the provisions of the Act and other applicable laws. The project will recognize the role of local authorities and relevant land administration institutions in managing land acquisition processes. Project Affected Persons (PAPs) whose land, crops, structures, or other assets are affected by the project will be compensated in accordance with national legislation and applicable international requirements. The project will therefore ensure that all land acquisition and resettlement activities are undertaken lawfully, transparently, and in consultation with affected communities.

4.2.4 Customary Land (Amendment) Act of 2022

Section 3 of the Customary Land Act provides for the administration and management of customary land by Traditional Authorities on behalf of their communities and in accordance with customary law and other applicable legislation. The Act recognizes the role of Traditional Authorities, village headpersons, and land committees in the governance of customary land, including land identification, allocation, boundary management, ownership verification, and the designation of communal land for specific purposes.

In relation to the construction of the One Stop Border Post (OSBP) and associated infrastructure, the Act is particularly relevant where project activities may require the use or acquisition of customary land. The project recognizes traditional leaders as key custodians of customary land and will actively involve them throughout the land acquisition and resettlement process. Traditional leaders, together with relevant local authorities, will participate in community consultations, site assessments, verification of land ownership and user rights, and the resolution of land-related issues. Where ancillary facilities or temporary project sites are required on customary land, the

necessary approvals and agreements will be obtained in accordance with the provisions of the Act. Traditional leaders and local councils will also serve as witnesses to land agreements and will confirm that land restoration and rehabilitation measures have been satisfactorily completed upon completion of construction activities. This approach will help ensure that land acquisition for the OSBP project is undertaken transparently, lawfully, and with the full participation of affected communities.

4.2.5 The Physical Planning (Amendment) Act of 2022

The Physical Planning Act provides the legal framework for orderly land use and development in Malawi by requiring that all developments obtain the necessary planning approvals and comply with approved physical plans (**Section 3**). **Section 45** of the Act prohibits unauthorized developments within designated road reserves and regulates land subdivision, land use changes, and development activities to promote sustainable and well-planned growth.

For the Chiponde One Stop Border Post (OSBP) Project, the Act is relevant because the construction of the OSBP must comply with planning and development requirements established by the relevant planning authorities. The Act reinforces the protection of road reserves by prohibiting unauthorized structures and developments within these areas, thereby guiding the management of project impacts on affected assets and land users. In addition, the Act provides a framework for managing any necessary relocation or resettlement activities in a manner that is consistent with approved land use plans and development standards. To ensure compliance, the Roads Authority will continue to engage the Mangochi District Council throughout project implementation, including obtaining planning approvals, disclosing project information, and coordinating the implementation of resettlement and other environmental and social management measures. This will help ensure that the Chiponde OSBP Project is implemented in a lawful, orderly, and socially responsible manner.

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

The **Lands Acquisition and Compensation (Amendment) Act, 2022** provides the legal framework for the acquisition of land for public purposes and the payment of compensation to affected persons. Under **Section 3**, the Minister responsible for lands is empowered to acquire land, either compulsorily or through agreement, where such acquisition is considered necessary for public interest or public utility projects. **Sections 5–7** require the issuance of notices to persons with interests in the affected land, while **Section 12** provides that land subject to an acquisition notice reverts to Government as public land within two months of publication of the notice.

The Act further strengthens compensation provisions through **Sections 9, 10, and 10A**. **Section 9** requires the payment of appropriate compensation for acquired land, while **Section 10** provides that compensation assessments shall be undertaken by an independent valuer appointed by the Minister, with affected parties having the right to

engage their own licensed valuer if dissatisfied. **Section 10A** outlines the factors to be considered in determining compensation, including loss of land, loss of occupational rights, disturbance costs, and reasonable professional expenses incurred by affected persons. The Act also requires compensation to be paid as a lump-sum payment. Under **Section 11**, acceptance of compensation generally extinguishes further claims relating to the acquired land, except where another person subsequently establishes a better entitlement to the compensation.

In relation to the **Chiponde One Stop Border Post (OSBP)** the Act provides the legal basis for any land acquisition required outside the existing road reserve. The project will comply with all statutory requirements relating to land acquisition, asset valuation, notification of affected persons, and compensation. All Project Affected Persons (PAPs) whose land, structures, crops, trees, or other assets are affected by the project will be compensated based on approved valuation procedures and in accordance with both national legislation and applicable project requirements. The Roads Authority, working closely with the Mangochi District council as delegated land administration authorities, will ensure that land acquisition and compensation processes are conducted transparently, fairly, and in consultation with affected communities. Compensation agreements will be documented and signed by PAPs prior to land possession and commencement of works, thereby facilitating the smooth implementation of the Chiponde OSBP Project while safeguarding the rights and interests of affected persons.

4.2.7 The Local Government (Amendment) Act of 2017

The Local Government (Amendment) Act, 2017 strengthens the role of local authorities in development planning, land administration, service delivery, and community participation. The Act empowers local councils to oversee and coordinate development activities within their jurisdictions and promotes transparency, accountability, and stakeholder engagement in local governance. Under Section 34, local councils are authorized to acquire and manage land for public purposes, including through purchase, lease, exchange, or other lawful means, subject to the provisions of relevant land laws.

The Act is particularly relevant to the Chiponde One Stop Border Post (OSBP) because local councils play a key role in land acquisition, development approvals, stakeholder engagement, and the management of environmental and social impacts. The Roads Authority will work closely with Mangochi District Council to obtain the necessary planning approvals, facilitate consultations with affected communities, and coordinate the implementation of resettlement and compensation activities where required. Consistent with the Act's provisions on transparency and public participation, the project will ensure continuous engagement with Project Affected Persons (PAPs), traditional leaders, and other stakeholders throughout project implementation.

The Act also supports local authorities in addressing unlawful occupation and encroachment on public land. In the context of the Chiponde OSBP Project, awareness

campaigns and stakeholder consultations will be undertaken to inform communities about land requirements, project impacts, eligibility for compensation, and restrictions relating to occupation of public land and road reserves. Through collaboration with local councils, the project will ensure that all land acquisition, compensation, and resettlement activities are implemented in a lawful, transparent, and participatory manner.

4.2.9 Monuments and Relics Act of 1991

The Monuments and Relics Act provides for the protection, conservation, preservation, and management of Malawi's cultural heritage resources, including monuments, relics, archaeological sites, historical sites, cultural objects, and places of significant natural or cultural value. The Act establishes procedures for the identification, registration, protection, excavation, and preservation of cultural heritage resources and empowers Government to acquire and protect monuments and relics where necessary. Under Section 18, where a monument or relic is threatened by destruction, deterioration, or proposed land development, the responsible Minister may initiate measures for its protection, including acquisition in accordance with the land laws of Malawi.

The Act is relevant to the Chiponde One Stop Border Post (OSBP) because construction activities have the potential to affect known or previously undiscovered cultural heritage resources. During the preparation of the Resettlement Action Plan (RAP) and related studies, no known monuments, relics, or protected cultural heritage sites were identified within the project footprint that would require application of the acquisition provisions under Section 18. Nevertheless, the project design has sought to avoid impacts on cultural, religious, and heritage resources wherever possible.

Given the possibility of encountering previously unknown archaeological or cultural materials during excavation and construction works, the project will implement a Chance Find Procedure in accordance with the requirements of the Act. This procedure will guide contractors and project personnel on the appropriate actions to take in the event that artifacts, relics, human remains, or other cultural heritage resources are discovered during construction. Through these measures, the Chiponde OSBP Project will ensure compliance with national legislation while safeguarding Malawi's cultural heritage resources.

4.2.10 Electricity Act of 2004

The Electricity Act, 2004 regulates the generation, transmission, distribution, and supply of electricity in Malawi and establishes requirements for the safe management and protection of electrical infrastructure. The Act provides guidance on the relocation, diversion, and protection of electricity installations that may be affected by development projects.

For the Chiponde One Stop Border Post (OSBP) project, the Act is particularly relevant where existing electricity infrastructure, such as power lines, poles, transformers, and related facilities, may be affected by construction activities. Section 44 provides for the diversion or relocation of electricity infrastructure where necessary, while Sections 45 and 47 require that such activities be undertaken in a manner that safeguards public safety, protects electrical assets, and minimizes disruption to electricity services.

To ensure compliance with the Act, the Roads Authority will engage with relevant utility providers, including the power utility responsible for electricity distribution, to identify infrastructure that may be affected by the project and agree on appropriate protection or relocation measures. Any required relocation of electricity infrastructure will be undertaken in consultation with the utility provider and in accordance with approved technical and safety standards. The project will also implement measures to protect workers and the public from electrical hazards during construction and ensure the timely restoration of services where temporary interruptions are unavoidable. Through these measures, the Chiponde OSBP Project will protect existing utility infrastructure, maintain continuity of electricity supply, and ensure compliance with the requirements of the Electricity Act, 2004.

4.2.11 The Mines and Minerals Act (2019)

The Mines and Minerals Act, 2019 (Act No. 8 of 2019) establishes the legal framework for the regulation, management, and sustainable utilization of mineral resources in Malawi. The Act classifies materials such as sand, gravel, stone, clay, and other aggregates used in construction as mineral resources whose extraction is subject to licensing and regulatory control by the relevant authorities. The Act requires that mineral extraction activities be undertaken only by authorized operators holding valid permits and licenses.

The Act is relevant to the Chiponde One Stop Border Post (OSBP) project because construction activities will require significant quantities of materials such as gravel, crushed stone, sand, and other aggregates. The project will therefore ensure that all construction materials are sourced from legally licensed borrow pits, quarries, and supplier sites operating in compliance with the Act. This will prevent illegal extraction of resources and promote responsible use of mineral resources. The Act also emphasizes environmental protection and requires that extraction activities be conducted in a manner that minimizes environmental impacts and includes the rehabilitation of borrow pits and quarry sites following completion of material extraction. In addition, the Act recognizes the rights of landowners and land users who may be affected by mineral extraction activities and requires appropriate consultation and compensation where applicable.

Accordingly, the Chiponde OSBP Project will procure construction materials only from approved and licensed sources and will ensure that any project-related borrow areas

or quarry sites comply with the requirements of the Mines and Minerals Act, 2019, environmental regulations, and applicable social safeguards. This will help ensure that construction material sourcing is undertaken in a legal, environmentally sustainable, and socially responsible manner.

4.2.12 Gender Equality Act, 2013

The Gender Equality Act's purpose is to act and address the inequalities that exist between men and women in many aspects of daily life in Malawi. The Act seeks to promote gender equality, equal integration, influence, empowerment, dignity and opportunities for men and women in all functions of society; to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment; to provide public awareness on promotion of gender equality. The Act applies to all persons and to all matters. The Act in Part 2 prohibits of sexual discrimination and harmful social or cultural practices; Section 7 calls for all workplace policy to ensure that sexual harassment, abuse and exploitation are avoided. The Project is as such obligated to ensure these principles are included in all its activities including during RAP preparation and implementation. The project should provide a conducive environment without sexual harassment and any other types of gender discrimination.

In compliance with the Gender Equality Act, Roads Authority shall:

- Implement gender equality policies across all project activities, ensuring equal opportunities, influence, and empowerment for both men and women in entire RAP process.
- Consider vulnerable groups elderly, chronically ill and people living with disabilities in prioritizing them in compensation payments and livelihood programs.
- Strictly prohibit and address any form of sex discrimination or harmful cultural practices within the project, ensuring that all actions and policies promote the dignity and equality of all employees.
- Develop and enforce a robust workplace policy to prevent sexual harassment, providing a safe and conducive working environment where all employees are treated with respect and can work free from harassment and discrimination.

4.3 Management Standards

4.3.1 Road Sector Environmental and Social Guidelines

4.3.2 African Development Bank Integrated Safeguard System

4.3.2.1 Assessment of Environmental and Social Risks and Impact

This is an overarching Operational Safeguard (OS), which aims to mainstream environmental and social (E&S) considerations, including those related to climate change vulnerability. OS1 helps to determine the scope and extent to which other OSs are addressed. It sets out the Borrower's responsibilities for assessing, managing, and monitoring E&S risks and impacts associated with each stage of an operation supported by the Bank. The Specific objectives of OS 1 are as follows;

- Identify and assess the E&S risks and impacts including those related to gender inequalities, climate change, and vulnerability;
- Provide opportunity for stakeholder engagement and consultation in assessing and managing the E&S risks and impacts; and
- Adopt a mitigation hierarchy approach that aim to avoid risks and impacts, minimize or reduce risks and impacts, mitigate and where significant residual impacts remain, compensate for or offset them.

OS1 ensured that the proposed project environmental and social risks and impacts are assessed. to that an environmental and social impact assessment report was prepared which also recommended preparation of RAP as a way of managing social risks (resettlement) associated with the project. Therefore, OS 1 ensures that all environmental and social risks are managed responsibly, fostering transparency and participation.

4.3.2.2 Land Acquisition, Restrictions on Access to land and land use, and Involuntary Resettlement- OS5

Environmental and Social Operational Safeguards 5 governs the management of physical and economic displacement caused by project-related land acquisition and use. OS 5 applies to both temporary and permanent physical and economic displacement. The objectives of OS 5 are follows:

- Avoid involuntary resettlement where feasible, or minimize resettlement impacts where involuntary resettlement is deemed unavoidable;
- Ensure that resettlement plans and activities are informed by social assessments;
- Avoid forced eviction;
- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (i) providing timely compensation for loss of assets at full replacement cost and (ii) providing sufficient resettlement assistance under the project to support displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards;
- improve the living conditions of poor or vulnerable persons who are physically displaced by the project
- Mitigating impacts by compensating for loss of assets at full replacement cost and ensuring effective implementation of livelihood restoration measures; and

- To ensure that resettlement activities are planned and implemented with the appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

For the Chiponde One Stop Border Post (OSBP) project, project-induced displacement is expected to affect both residential and livelihood assets, including land, structures, crops, trees, businesses, and other economic activities located within the project footprint. In accordance with applicable national legislation and project resettlement requirements, all Project Affected Persons (PAPs) will be compensated for eligible losses prior to the commencement of construction activities and physical or economic displacement. The Roads Authority (RA) will ensure that compensation is paid at full replacement cost and that affected persons are meaningfully consulted throughout the planning and implementation of the Resettlement Action Plan (RAP). The project will also undertake comprehensive stakeholder engagement and disclosure activities to ensure that PAPs are fully informed of their rights, entitlements, compensation packages, and grievance redress procedures. Recognizing that some PAPs may experience temporary or permanent livelihood disruptions as a result of the project, livelihood restoration measures will form an integral component of RAP implementation. These measures will be designed to assist affected households and businesses in restoring, and where possible improving, their pre-project income levels and living standards. The RAP will also establish a cut-off date to determine eligibility for compensation and resettlement assistance and to prevent speculative claims.

Consistent with resettlement best practice, no displacement or land acquisition for the Chiponde OSBP Project will occur until compensation and other agreed resettlement assistance have been provided to affected persons. The RAP therefore includes measures for managing both physical and economic displacement impacts, including compensation, livelihood restoration, stakeholder engagement, and grievance management, to ensure that affected persons are not left worse off as a result of the project.

4.3.2.3 Environmental and Social Operational Safeguards 10- Stakeholder Engagement and Information Disclosure

Environmental and Social Operational Safeguards 10 outlines requirements for engaging stakeholders in a transparent, inclusive, and culturally appropriate manner throughout the project lifecycle. Objectives include:

- To assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and E&S performance;
- To enhance project benefits and mitigate harm to local communities;
- To ensure that appropriate project information on E&S risks and impacts is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format;
- To ensure that appropriate project information on E&S risks and impacts is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format; and

- Provide project-affected parties with accessible and inclusive means to provide input, raise issues, questions, proposals, concerns, and grievances, and allow Borrowers to respond to and manage such grievances.

The OS10 also provides for the establishment of grievance redress mechanism. RA will also ensure that GRM is available and functional during the implementation of this RAP. This addendum RAP will be disclosed to both interested and affected parties. Extensive consultation process involving local leaders, community grievance redress committee stakeholders to ensure that all concerns are addressed and participation is inclusive.

4.3.2.4 Operational safeguards 8, Cultural Heritage

The African Development Bank's Operational Safeguard 8 (Cultural Heritage) requires that development projects identify, protect, and manage both tangible and intangible cultural heritage that may be affected by project activities. Cultural heritage includes sites, structures, objects, landscapes, traditions, and practices that communities value for their cultural, historical, spiritual, or social significance. The safeguard applies even where such heritage is not formally registered or legally protected, and it requires that risks to cultural heritage be assessed early through the environmental and social assessment process.

For the One Stop Border Post (OSBP) construction project, OS8 implies that any excavation, demolition, or ground disturbance must consider the possibility of encountering cultural or archaeological resources. A chance-finds procedure must be included in construction contracts to ensure that work is immediately stopped if unknown cultural heritage is discovered, the area is secured, and relevant authorities and experts are informed. The project must also undertake meaningful consultation with local communities and stakeholders to identify any known cultural sites, burial grounds, or culturally significant areas that could be affected by the development.

The implication for the OSBP project is that design and construction activities may need to be adjusted to avoid or minimize impacts on cultural heritage resources. This may include redesigning infrastructure layouts, preserving identified sites in situ, or documenting and relocating heritage where avoidance is not possible. Overall, compliance with OS8 helps prevent project delays, legal challenges, and community conflicts, while ensuring that the border infrastructure is developed in a culturally sensitive and socially acceptable manner.

4.4 Gaps Between National Legislation and AfDB Safeguards Policies

The review of national legislation and policies, along with AfDB safeguards policies, revealed gaps between them. The identified inconsistencies and how they have been addressed in this RAP are presented in Table 4.

RAP Table 4 - identified inconsistencies and how they have been addressed in this RAP

Aspect	Malawian Legislation	AfDB Policies	Gap	How the addendum has addressed Gap
Consultation	Requires consultations, limited emphasis on livelihood restoration.	Requires inclusive, culturally appropriate consultation with all PAPs, particularly vulnerable groups, throughout the project lifecycle.	Malawian laws do not require livelihood restoration	Ensure inclusive, culturally sensitive consultations; engage vulnerable groups directly in the consultation. Emphasized inclusive consultations, involving vulnerable groups in decision-making.
Livelihoods	Focus on fair compensation for lost assets; no mandate for livelihood restoration.	Requires livelihood restoration or improvement, with monitoring of outcomes.	No legal provision for livelihood restoration.	The RAP has included the livelihood restoration programs, Livelihood Restoration Plan (LRP) to improve and monitor the livelihoods of affected persons such as skills training, business support, and temporary employment opportunities.
Vulnerable Groups	Protects vulnerable groups in general terms under the Constitution.	Requires targeted assistance and engagement to improve or restore livelihoods for vulnerable groups.	No explicit requirement for targeted assistance to vulnerable groups in resettlement or compensation.	Vulnerable groups identified during consultations are provided with additional support, including priority access to livelihood restoration programs.
Grievances	Affected parties can access judicial or administrative remedies.	Requires a project-specific grievance mechanism that is accessible, culturally appropriate, and free of charge.	No requirement for a specific grievance redress mechanism in Malawian laws.	A grievance mechanism was established for PAPs, ensuring it is culturally appropriate, accessible, and free of charge.
Eligibility	Only legal or customary	All persons affected before the cut-off	Informal traders,	All affected persons, including informal

	landowners are eligible for compensation.	date, including informal occupants and squatters, are eligible for compensation or resettlement assistance.	occupants and squatters are excluded under national laws.	occupants, vendors, and squatters, are eligible for compensation based on the cut-off date and in line with both national law and OS5. However, these category were not available on site
Entitlements	Compensation typically provided as cash payments.	Compensation at full replacement cost.	In-kind compensation is not prioritized under Malawian laws.	Compensation for assets was calculated at full replacement cost
Crop Compensation	Compensation for crops is not explicitly mandated; PAPs may harvest crops before vacating.	Requires compensation for crops at full replacement cost, even for those without legal claims to the land.	No explicit provision for crop compensation at full replacement cost in national laws.	Full compensation for crops, including those planted by informal land users, is provided to affected persons. Only perennial crops will be compensated. Annual crops will be given time to harvest.

CHAPTER FIVE: SOCIO-ECONOMIC CHARACTERISTICS OF PROJECT AFFECTED PERSONS

5.1 Introduction

A socio-economic assessment was undertaken to understand the characteristics of Project Affected Persons (PAPs) who will be impacted by the One Stop Border Post (OSBP) Project. The assessment covered the three affected villages of Nyanya, Nkute and Nkuti under T/A Jalasi in Mangochi District and aimed to establish baseline conditions for compensation, resettlement planning and livelihood restoration. Assessment for OSBP identified 100 PAPs, all of whom are right claimants thus eligible for compensation under the RAP guided by Road Sector guidelines and AfDB's ISS.

5.2 Spatial Distribution of PAPs

The project footprint affects three villages namely Nyanya, Nkute and Nkuti where residential structures, farmland and trees fall within the required right-of-way as well as site for the OSBP. Out of the 100 PAPs, 7 are physically displaced and 93 are economically displaced.

5.3 Demographic Characteristics of PAPs

The following table presents a summary of the key characteristics of the Project Affected Persons (PAPs) identified within the project area.

Table 5 - Summary of PAP Characteristics

Indicator	Number
Female PAPs	58
Male PAPs	42
Vulnerable PAPs	7
Physically displaced PAPs	7
Economically displaced PAPs	93

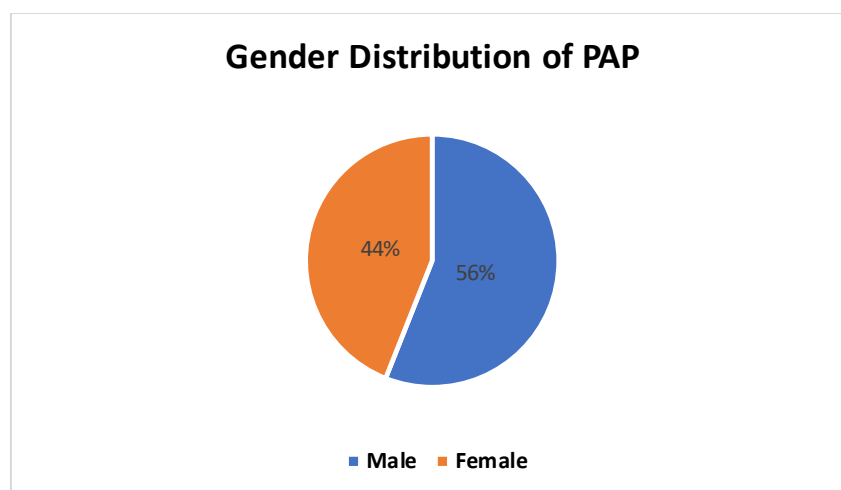


Figure 1 - Pie Chart, Gender Distribution of the PAPs

Of the 100 PAPs identified, 44% are female while 56% are male. The relatively high proportion of female PAPs requires attention during compensation and consultation processes to ensure equitable access to project benefits and grievance redress mechanisms.

5.4 Vulnerable Households

The census identified 37 vulnerable PAPs, consisting of 28 chronically ill and 9 with disabilities.

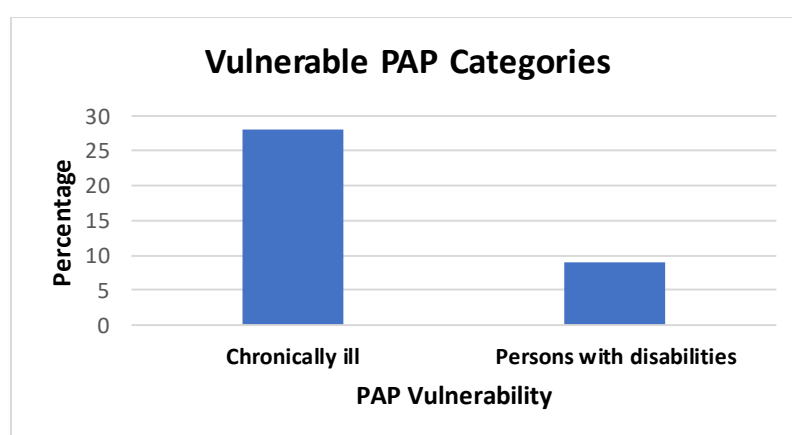


Figure 2 - Vulnerable PAP Categories

Vulnerable PAPs account for approximately 21% of all affected persons. These households may experience greater difficulty restoring livelihoods and adapting to displacement impacts.

5.5 Physical and Economic Displacement

The table below presents a summary of the nature of impacts associated with the project, highlighting the economically displaced and physically displaced during project implementation.

Table 6 - Nature of Project Impacts

Impact Category	Number
Physically displaced PAPs	7
Economically displaced PAPs	93
Total PAPs	100

Physical displacement is the dominant impact affecting approximately 41% of PAPs. These households will require relocation assistance, compensation for structures, and transitional support. Economic displacement affects households whose income-generating assets, agricultural land or businesses are affected by the project. Figure 4 shows type of displacement by percentage in a pie chart.

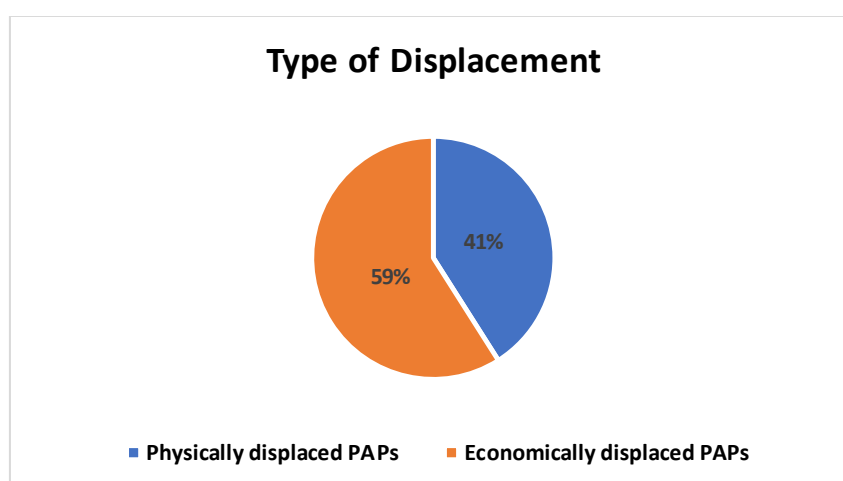


Figure 3 - Type of displacement by percentage

5.6 Housing Characteristics

Figure 5 shows the extent of housing-related impacts resulting from the proposed One Stop Border Post (OSBP) project. The findings indicate that **7 Project Affected Persons (PAPs)** will lose their residential shelter as a result of project land acquisition and site clearance activities. In addition, **7 PAPs** will have structures demolished, including dwelling houses and associated household structures located within the project footprint.

The loss of shelter represents the most significant housing impact, as it will require affected households to relocate and reconstruct their homes elsewhere. Consequently, appropriate compensation, resettlement assistance, and livelihood restoration measures will be provided in accordance with the Resettlement Action Plan (RAP) and applicable national legislation and development partner requirements. These measures are intended to ensure that affected households are able to restore or improve their living conditions and standards of living following displacement.

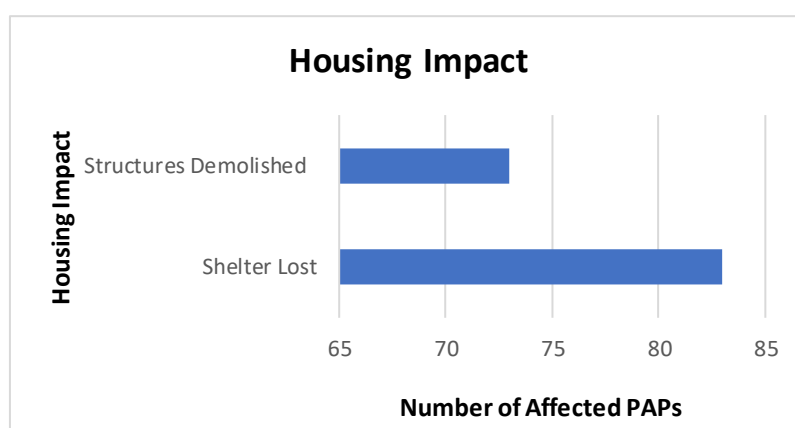


Figure 4 –Housing Impact

5.7 Land Ownership and Agricultural Livelihoods

Agriculture is the dominant land use within the project area. A total of 22 hectares of farmland will be acquired. The loss of productive agricultural land represents a significant livelihood impact requiring compensation and livelihood restoration interventions.

Table 7- Land Acquisition Impacts

Land Type	Area Lost (ha)
Productive Agricultural Land	23.
Agricultural/Residential Land	0.518
Total Farmland Lost	23.518

5.8 Sources of Livelihood

Agriculture is the primary source of livelihood for most households within the project area. The socio-economic survey revealed that the majority of Project Affected

Households (PAHs) depend on crop production for both subsistence and income generation. In addition to agricultural activities, a smaller proportion of affected persons operate small-scale businesses within the project footprint. Consequently, project-induced land acquisition and asset losses are expected to have significant impacts on household incomes and livelihoods, especially among farming households.

A total of 100 households are expected to experience loss of income sources as a result of the project. Of these, 93 farming households will be affected by the development of the One Stop Border Post (OSBP) due to the acquisition of agricultural land, loss of crops and structures. Although both categories of impacts are significant, the loss of agricultural land is expected to have the greatest effect on household welfare given the heavy reliance of affected households on farming as their main livelihood activity.

To address these impacts, the Resettlement Action Plan (RAP) provides for compensation for affected assets and livelihoods, as well as appropriate livelihood restoration measures aimed at assisting affected households to restore, and where possible improve, their pre-project income levels and living standards. The distribution of affected households by source of livelihood is presented in Table 8, while Figure xxx illustrates the extent of livelihood impacts associated with the project.

Table 8 – Number of Households affected by source of livelihood

Indicator	Number
Households losing sources of income	100
Farmers affected (OSBP)	93

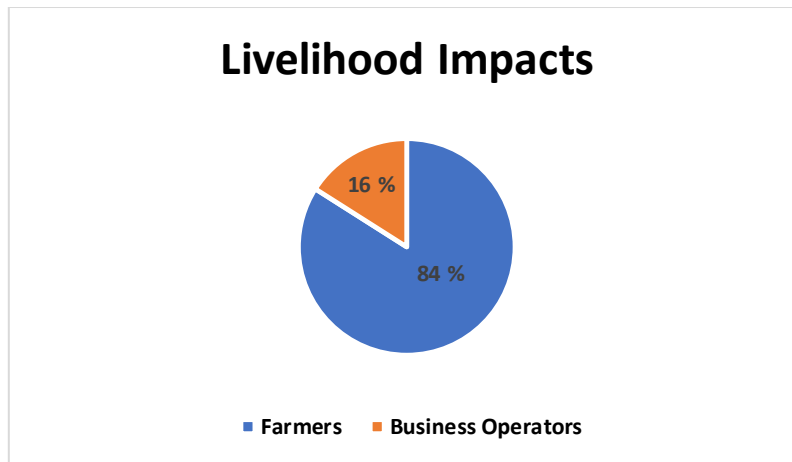


Figure 5 Extent of livelihood impact

5.9 Tree and Crop Losses

The project will result in the loss of approximately 1,710,851 trees, which constitute an important household asset base. The trees provide food, fuelwood, construction materials and supplementary income. Compensation should therefore consider both economic and ecological values.

5.10 Community Infrastructure

No community infrastructure will be displaced or disrupted by the project. Consequently, no community-level relocation measures are anticipated.

CHAPTER SIX: IMPACTS, LAND ACQUISITION AND RESETTLEMENT

6.1 Resettlement Impacts and Mitigation

6.1.1 Resettlement Impacts

In line with the objectives of this Resettlement Action Plan (RAP), efforts were made during project planning and design to avoid and minimize physical and economic displacement to the greatest extent practicable. The following measures were incorporated into the project design:

- The location and layout of the proposed One Stop Border Post (OSBP) were carefully selected to minimize impacts on existing settlements, residential structures, and community assets within the project area.
- The boundaries of the OSBP site were optimized to reduce the extent of land acquisition and the number of affected households and structures while maintaining the functional requirements of the facility.
- Existing access routes and disturbed areas were utilized where feasible to limit the need for additional land take and avoid unnecessary impacts on private property and livelihood assets.
- Ancillary project facilities, including construction access routes, material storage areas, and temporary works, will be located within the designated project area or other approved locations to minimize impacts on surrounding communities and productive land.
- During the design process, particular consideration was given to avoiding impacts on residential dwellings, commercial structures, community infrastructure, and culturally sensitive sites wherever technically and economically feasible.
- The OSBP site was selected in an area with relatively low settlement density, thereby reducing the scale of physical displacement and associated resettlement impacts.

As a result of these design measures, the project has significantly reduced the extent of displacement and asset loss while ensuring that the objectives and operational requirements of the OSBP are achieved. The asset inventory undertaken by the Ministry of Lands under the supervision of the RA provides information on the issues listed below (as relevant and appropriate):

- Approximate land acquisition requirements;
- Affected households / businesses;
- Loss of private buildings and other structures;

- Livelihood impacts;
- Income sources of affected households / businesses;
- Loss of produce;
- Impacts on vulnerable groups; and
- Loss of heritage items.

The inventory indicates that while the Design Engineers have aimed to avoid displacement, the Project will impact on a number of households, institutions and business operators (both formal and informal),

6.1.2 Resettlement Mitigation

The primary mitigation measure for land acquisition and associated resettlement impacts under the OSBP Project is the implementation of this Resettlement Action Plan (RAP). All Project Affected Persons (PAPs) will be compensated for losses incurred as a result of land acquisition, loss of structures, crops, trees, businesses, and other livelihood assets. In accordance with the RAP and applicable national legislation and development partner requirements, no civil works shall commence until all compensation payments have been completed, resettlement assistance has been provided, and affected persons have been given sufficient notice to vacate the project area.

Construction of the OSBP and associated facilities will require site clearance and preparation activities within the designated project footprint. To minimize adverse impacts, all temporary construction facilities, including contractor camps, storage areas, equipment yards, and access routes, shall be located within the approved project area or on land obtained through voluntary agreements with landowners. Where temporary land occupation is necessary, written agreements shall be concluded between the Contractor and the affected landowners, with compensation provided for any damages or loss of use arising from construction activities. Upon completion of the works, all temporarily occupied areas shall be restored to conditions acceptable to the landowners and relevant authorities.

The Contractor shall ensure that all construction debris, excavated materials, and waste are managed and disposed of at approved locations designated by the relevant local authorities. Any trees or vegetation that require removal during site preparation shall be subject to prior approval and compensated in accordance with the entitlement framework provided in this RAP. Construction activities shall be confined to approved work areas to avoid unnecessary disturbance to adjacent properties, agricultural land, and community resources.

The establishment and operation of construction camps may place additional pressure on local resources and create social interactions between workers and surrounding

communities. To minimize potential adverse impacts, the location of contractor camps shall be determined through consultation with local authorities, community leaders, and affected landowners. Site selection shall be guided by environmental and social risk assessments to ensure that camps do not adversely affect local livelihoods, community resources, public services, or cultural practices. The Contractor shall compensate landowners for any temporary use of land required for camp establishment.

During construction, the Contractor shall also implement measures to address broader social and environmental impacts that may affect surrounding communities. These include controlling dust, noise, and traffic-related disturbances; maintaining safe access for pedestrians and vehicles; providing appropriate safety signage; managing construction waste; preventing damage to adjacent properties and farmland; and conducting community awareness activities on project-related risks and opportunities. These measures are addressed in detail within the Environmental and Social Management and Monitoring Plan (ESMMP) and shall be implemented alongside the RAP to ensure effective management of project impacts.

PAP Eligibility and Entitlement

6.1.3.1 Eligibility Criteria for Compensation

This section defines the categories of affected persons (PAPs), the types of losses eligible for compensation, and the entitlements provided under the National legislation and AfDB ISS, specifically OS5. The goal is to ensure fair, equitable, and transparent compensation while minimizing the adverse effects of displacement and supporting the restoration or improvement of livelihoods.

Eligibility for compensation is based on the principles of this RAP, consistent with OS5 and Malawian legal frameworks, including the Land Act and the Public Roads Act. The following categories of PAPs are entitled to compensation and resettlement assistance:

- i. ***Formal landowners:*** Individuals with legal ownership or titles to land.
- ii. ***Claimants without legal titles:*** Individuals with claims to land or assets recognized under national or customary laws.
- iii. ***Public property:*** facilities provided by government for public use
- iv. ***Occupants without legal rights (squatters and encroachers):*** Individuals using land without a legal claim but who were present before the cut-off date.
- v. ***Occupants outside project area with damaged assets from to project works*** (to be compensated by the contractor)

PAPs in categories (i), (ii) and (iii) are entitled to compensation for land and other assets, as well as resettlement assistance. In category (iv), PAPs are compensated only for non-land assets, such as structures and crops. However, for temporary vendors who do not have any assets will be assisted with livelihood restoration because their livelihood will be affected. Persons who occupy/encroach the land or assets after the

30th April 2023 not eligible for compensation. All PAPs (i), (ii), or (iii) at the OSBP site will be compensated for both land and assets

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. People who encroach the area after the socioeconomic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

The identification of persons eligible for compensation and resettlement will be based on the following the entitlement matrix (Table 9):

- 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;
- 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 resettlement principles outlined in Section 1.2.3 have been applied throughout the planning and design of the Chiponde One Stop Border Post (OSBP) Project. The key measures adopted are summarized below:

- **Avoidance and Minimization of Resettlement:** The design and layout of the OSBP were optimized to minimize land acquisition and reduce the number of affected households, structures, businesses, and livelihood assets while maintaining the operational requirements of the border facility.
- **Stakeholder Consultation:** Meaningful and continuous consultations were undertaken with Project Affected Persons (PAPs), traditional leaders, local authorities, government institutions, and other stakeholders throughout the RAP preparation process, as detailed in Chapter 3.
- **Socio-Economic Survey and Asset Inventory:** A comprehensive socio-economic survey, census, and asset inventory were conducted to establish a database of PAPs and affected assets, forming the basis for compensation and resettlement planning.
- **Compensation :** through stakeholder engagement and land availability reconnaissance survey confirmed by the district council land office the feasible option was monetary compensation. The aforementioned showed that there is no land within the locality of the boarder that offers similar access to social

facilities, prevailing economical activities and adequate land for 100 PAPs as the adjacent land areas are estates. PAPs will receive compensation at replacement cost for affected land use rights, structures, crops, trees, businesses, and other assets at full replacement cost in accordance with the Entitlement Matrix presented in this RAP.

- **Resettlement Assistance:** In addition to compensation, eligible PAPs will receive resettlement assistance and livelihood restoration support to facilitate the restoration of their living standards and income sources.
- **Special Support for Vulnerable Households:** Vulnerable individuals and households identified during the socio-economic survey will receive additional assistance to ensure that they are not disproportionately affected by project-induced displacement.
- **Grievance Redress Mechanism:** A grievance redress mechanism has been established to provide PAPs and other stakeholders with accessible channels for raising concerns and resolving complaints related to land acquisition, compensation, and resettlement. The mechanism is described in detail in Chapter 3 of this RAP.
- **Monitoring and Evaluation:** Internal and external monitoring arrangements will be implemented to assess the effectiveness of RAP implementation and ensure compliance with national legislation and African Development Bank requirements.

In accordance with Malawi's legal framework and international best practice, all persons affected by the project including customary land users, owners of affected structures, tenants, business operators, and individuals whose livelihoods are affected by project activities are recognized as Project Affected Persons (PAPs) and are eligible for compensation and assistance in accordance with the entitlement framework.

PAPs whose residential structures, business premises, agricultural land, crops, trees, or other assets are affected by the Chiponde OSBP Project will be compensated at full replacement cost in accordance with the Entitlement Matrix and applicable national legislation and African Development Bank requirements. Compensation for structures will be based on current replacement values without depreciation, ensuring that affected persons are able to restore their housing and other affected assets to pre-project conditions. Where physical displacement occurs, affected households will also be provided with resettlement assistance to facilitate relocation and restoration of their living conditions.

Compensation for affected trees will be determined based on the type, age, and productive value of the trees, using rates approved by the Department of Forestry. For affected businesses and livelihood activities, compensation and livelihood restoration assistance will take into account demonstrated income losses, business disruption, and other economic impacts resulting from project implementation. The objective is to

ensure that PAPs are assisted in restoring, and where possible improving, their livelihoods and standards of living after displacement.

A cut-off date was established 30th April, 2023 following completion of the census, asset inventory, and valuation exercise. The cut-off date was widely communicated to all affected persons, community leaders, and District Council Officials. Any individuals who moved into the project area, established new structures, planted crops or trees, or otherwise sought to create eligibility for compensation after the cut-off date will not be entitled to compensation or resettlement assistance under this RAP. Table 9 present the entitlement matrix for the project.

Table 9 Entitlement Matrix

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
A. Land			
Loss of Land (Residential / Commercial / Agricultural)	Registered Land/Title holders	Cash payments for land lost at full replacement cost	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 Central Bank reference rate as of September 2024) 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.
		Compensation for income loss	
		Relocation/Shifting Allowance.	
		Disturbance allowance at 20% (based on Central Bank reference rate as of September 2024).	
	Informal users and squatters	Compensation for income loss Relocation/Shifting Allowance.	Payment for lost income, assistance to relocate, and

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
	(containers, movable hawkers)	Disturbance allowance at 28% (based on Central Bank reference rate as of September 2024).	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 28% (based on Central Bank reference rate as of September 2024).	
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, Fences)	All PAPs	Cash payment for affected structures at replacement cost. Cash assistance for relocation of structures.	Payment for loss and relocation if required.
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. Provision of replacement trees (2 seedlings for each affected tree).	
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 (2 seedlings for each affected tree).	

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
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.	
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			
Permanently Affected Employees	Employees affected permanently	Cash payment equivalent to six months' salary/wages or the government's minimum wage, whichever is higher.	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	Additional 20% compensation over and above asset compensation.	Assistance to mitigate disproportionate resettlement impacts and ensure restoration or improvement of socio-economic status.
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

6.2.1 Valuation Methods

There are five methods which are commonly used in valuation of properties as follows:

- i. The Comparison Method:* This is an approach of determining the value of a property by comparing it with similar properties for which transactions have already taken place. This method is widely adopted in practice but requires the

keeping of adequate records of transactions. The aspects of value with this method looks at the location of the property, topography, accessibility, age, construction material and legal factor of the property. Comparable must be comparable in terms of the legal rights being sold. If the legal titles are not the same or similar, then valuation by comparison may be impossible. The method can only be used in markets with regularly occurring sales of comparable parcels of real estate. The valuer's knowledge of the market together with other market data and statistics enables a judgment to be made as to whether the market is rising, falling or static. The valuer's awareness of all the factors that affect changes in value supports the valuer's opinion of the level or rate of price movement between sale dates and valuation dates.

- ii. Cost approach:* This approach requires the estimation of the cost of rebuilding a particular property and adding to it the value of the land on which it stands. The method is mostly used to properties which do not come on the market and which you cannot find comparable data. Costs of construction may be assessed on either the replacement or renewal approach. The replacement cost approach assesses the costs, including fees, of reconstructing the existing building in exactly the same style and materials, as it currently exists; whereas the renewal approach is to construct a new building of the same size and to perform the same function as the present structure, but in modern materials and style.

6.2.2 Approach to the Valuation of Affected Assets

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 utilized the direct comparison approach, which involves analyzing similar land transactions in the same area and comparing them to the subject affected land.
- 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 metre.

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: Crops will not be compensated as affected PAPs were given an opportunity to harvest their crops.

f) *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, based on the Central Bank Lending Rate (26%) also considered as consumer inflation rate plus 2% allowance.

g) *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.

h) *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.

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 set by a government valuator as derived from summation of the costs of affected land, buildings, trees and crops to which a 20% mark-up was added 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 total compensation cost is **MK 768,616,807.75** the aforementioned cost includes **10% contingency** for 100 PAPs. The matrix lists the PAPs and identifies the land/structures and resources such as trees that will need to be acquired and compensated. Upon revising the Assessment report based on issues encountered during verification, disclosure and negotiation of values, Ministry of Lands will submit a report to RA to facilitate payment of compensations. There is also provision for cracks and other damages that might occur during the works amounting to **MK 100,000,000.00**.

6.3 Utility and Service Infrastructure

The Roads Authority (RA) engaged relevant utility and service providers to determine whether any existing infrastructure would be affected by the proposed Chiponde One Stop Border Post (OSBP) development. The consultations revealed that none of the utility companies have infrastructure within the proposed project footprint, with the exception of the Electricity Supply Corporation of Malawi (ESCOM). To verify the potential impacts on ESCOM infrastructure, the RA facilitated a joint site inspection with ESCOM officials. The site assessment reviewed the current project design and land requirements against the location of existing electricity infrastructure. The assessment confirmed that the proposed OSBP development will not require the relocation, modification, or removal of any ESCOM infrastructure.

Based on the consultations and field verification undertaken, this RAP concludes that no known utility or service infrastructure will be affected by the project. Nevertheless, recognizing the possibility of encountering previously unidentified underground utilities during construction, a contingency provision of MWK 69,874,255.25 has been included in the project budget under the Contingency allocation to cater for the investigation, protection, relocation, or restoration of any unforeseen utility infrastructure that may be discovered during project implementation.

CHAPTER SEVEN: 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.

7.1 Resettlement Planning of RAP

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:

- ***Disclosure of Compensation Values:*** PAPs were informed of compensation entitlements and negotiations were held during the same time where all PAPs in both phases agreed to the values presented to them
- ***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.
- ***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. Payment for public facilities was made directly to their accounts or cheques will be issued upon determination of affected infrastructure and submission of verified quotations. Payment triggers commencement of relocation works..
- ***Appeals and Grievances:*** PAPs may raise complaints via the Grievance Redress Mechanism (GRM).

7.2 Scheduling of RAP Implementation Activities

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 September 2026 as the construction schedule is scheduled for November, 2026. 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 AfDB;
- 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.

7.3 Budgeting of RAP Implementation Activities

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 OSBP project is expected to require a total budget of **MK 768,616,807.75** as presented in Table 10. Some of the activities have already been undertaken such as consultations and assessment and partial awareness raising and grievance management. The Ministry of Finance through Roads Fund Administration will provide funds for the RAP implementation and the funds are secured.

Table 10: Budget for RAP Implementations

Item	Total Compensation (MWK)
Property Assessment	9,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00
Compensations Payment (Verification, Facilitation, OSBP a Compensations)	314,742,552.50
Livelihood Restoration	150,000,000.00

Item	Total Compensation (MWK)
Utility and Services Relocation (Tentative)	N/A
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	50,000,000.00
Contingency (10%)	69,874,255.25
GRAND TOTAL	768,616,807.75

A detailed breakdown of the Compensation Budget is presented in, highlighting costs Table 10 associated with various categories of losses, including fruit trees, exotic trees, indigenous trees, structures, disturbance allowance, and shifting allowance.

7.4 Institutional responsibilities for Implementation of the RAP

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 Resettlement and Compensation Committees (RCC) and Grievance Redress Committees (GRCs).

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.

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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 PIU;

- Mangochi District Council;
- Road Fund Administration;
- Ministry of Lands;
- Resettlement and Compensation Committee;
- Chiponde OSBP 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. 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, RCCs 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.

7.4.3 Grievance Redress Mechanism

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.

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 10 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.

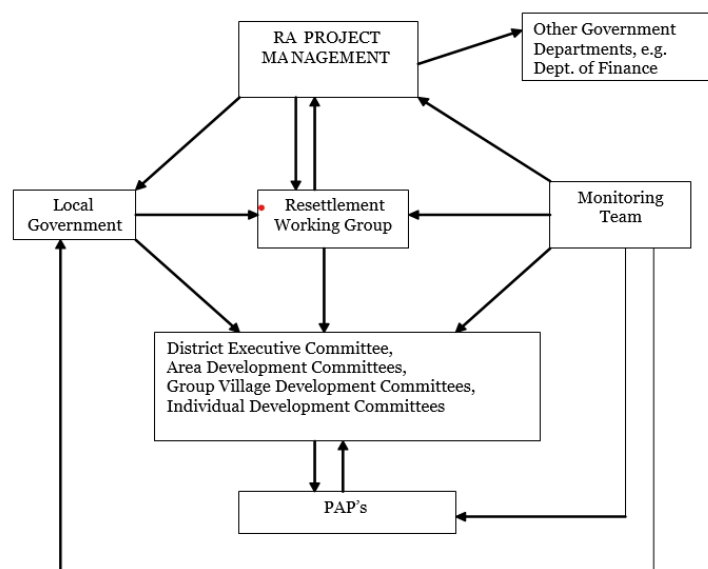


Figure 7 Grievance Flow Chart: Presenting grievance management procedure

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 two weeks.

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.

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- 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.

To facilitate a clear understanding of the roles and responsibilities of the various institutions involved in RAP implementation, a summary of the key responsibilities assigned to each institution is presented in Table

Table 10 Summary of institutions' Responsible for Resettlement Activities

Institution	Role/Responsibility
Roads Authority (RA)	• Review and monitor RAP implementation.
	• Finance the RAP.
	• Ensure PAP compensation is completed.
	• Facilitate relocation of physically displaced PAPs.
	• Support compensation processes.
Ministry of Lands	• Conduct land surveys and valuations.
	• Facilitate compensation payment.
	• Support grievance resolution.
District Council	• Witness payment of Compensations • Assist in resolving grievances • Facilitate community mobilization
Civil Society Organizations	• Monitor the RAP implementation.
	• Advocate for PAP rights.
Local Leaders (GVH and TA)	• Witness compensation payments.
	• Support PAP integration and conflict resolution.
	• Monitor RAP activities locally.
PAPs	• Participate in consultations.
	• Accept compensation packages.
	• Engage with grievance redress mechanisms.

CHAPTER EIGHT: MONITORING AND REPORTING

8.1 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 12** provides details of different indicators and variables to be monitored

Table 11 Indicators and Variables to be monitored

Aspect	Variable	Indicator	Suggested Monitoring Period
Land	Affected land	- Area of cultivable	Yearly, for 3 years

		land acquired or impacted.	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	Yearly for 2 years post-displacement

		of PAPs that received technical skills).	
		- 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	Monthly during construction

		excavation activities.	
	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
		- Community Health & safety measures for surrounding/nearby villages	Monthly during construction
Vulnerable Groups	Impact on vulnerable groups	- Number of vulnerable groups	Yearly during and after

		affected by the project (chronically ill, elderly, female-headed households, child-headed households, disabled persons).	resettlement
	Mitigation for impacts on vulnerable groups	- 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	- Number of affected households and individuals involved in livelihood restoration programs (skills training, business support, etc.).	Yearly for 3 years post-displacement
		- Types of livelihood restoration programs implemented (vocational training, small business	Quarterly for first year, then yearly

		support, financial literacy).	
		- Number of displaced individuals or households that restore or improve livelihoods.	Yearly for 3 years post-displacement
	Livelihood restoration effectiveness	- Percentage of participants in livelihood programs who report successful income restoration or improvement.	Yearly during livelihood restoration phase
Compensation	Compensation effectiveness	- Number of affected persons receiving fair and adequate compensation for land, structures, crops, businesses, and other assets.	Quarterly for first year, then yearly
		- Timeliness of compensation payments and provision of entitlements.	Yearly for 2 years post-displacement
		- Number of grievances related to compensation resolved.	Monthly during construction, yearly after

Population Influx	Influx of temporary workers or settlers	- Increase in local population due to construction workforce and displaced persons.	Yearly during construction phase
	Mitigation for population influx	- Infrastructure improvements to handle influx (e.g., water supply, sanitation, temporary housing).	Yearly during construction phase
		- Monitoring of informal settlements and providing basic services (e.g., toilets, water, health care).	Quarterly during construction phase
Consultation Program	Stakeholder consultation and engagement	- 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	Quarterly during the

		committees and community stakeholders involved in planning and implementation.	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
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8.2 Monitoring Time Frame

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.

8.2.1 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.

8.3 External/Independent Monitoring Arrangements

To strengthen the credibility, transparency, and effectiveness of the project's Environmental and Social (E&S) monitoring system, external/independent monitoring shall be undertaken by an appropriately qualified and independent environmental and social monitoring specialist or firm. The independent monitor shall have no direct implementation responsibility for the activities being monitored and shall be sufficiently independent from the Contractor, Supervising Consultant, and implementing agencies to provide an objective assessment of project performance.

The external monitor shall independently verify the implementation of the Environmental and Social Management Plan (ESMP), Resettlement Action Plan (RAP), livelihood restoration measures, stakeholder engagement commitments, Grievance Redress Mechanism (GRM), occupational and community health and safety measures, and management of environmental and social impacts associated with construction and auxiliary sites.

The independent monitoring shall include, but not be limited to, the following:

- Verification of compensation and entitlement payments to affected persons and households, including timeliness and adequacy of compensation.
- Verification that affected land, buildings, community facilities, trees, businesses, and other assets have been appropriately addressed and restored where applicable.
- Assessment of livelihood restoration activities and whether affected households and individuals have restored or improved their livelihoods.
- Verification of support provided to vulnerable groups and whether additional assistance is reaching the intended beneficiaries.
- Review of the effectiveness of stakeholder engagement, consultation, disclosure, and communication activities.
- Assessment of the functionality and effectiveness of the GRM, including the status of unresolved grievances and the actions taken to resolve them.
- Verification of environmental mitigation measures, including erosion control, waste management, dust suppression, noise and vibration management.
- Assessment of environmental, health and safety performance at quarries, borrow pits, spoil areas, camps, and other auxiliary sites.
- Verification of community health and safety measures, including traffic safety, access to services, construction-related hazards, blasting, and other risks to surrounding communities.

- Review of project records, monitoring reports, consultation records, grievance registers, compensation records, training records, incident records, and other relevant documentation.
- Consultation with PAPs, affected communities, workers, local authorities, community leaders, and other relevant stakeholders to independently verify reported project performance.

The independent monitor shall use the indicators established in the project monitoring framework as the basis for verification. These include indicators relating to land acquisition and restoration, affected structures, tree loss, construction-related hazards, resettlement, access to services, health and safety, vulnerable groups, livelihood restoration, compensation, population influx, stakeholder consultation, GRM, environmental safeguards, auxiliary site management, and project communication. The monitoring framework already establishes different monitoring frequencies, including monthly, quarterly, and annual monitoring depending on the indicator.

Frequency of independent monitoring: Independent monitoring shall be undertaken at least **quarterly during active construction and resettlement/livelihood restoration activities**, with additional targeted monitoring where significant E&S risks, unresolved grievances, serious incidents, or material non-compliances are identified. During the post-construction period, monitoring shall be undertaken **annually until the applicable post-project monitoring obligations have been completed**. This is consistent with the monitoring framework, which provides for continued monitoring of compensation, livelihood restoration, grievances, environmental safeguards, and other social impacts after construction. Following each independent monitoring mission, the independent monitor shall prepare a report identifying:

1. compliance and areas of satisfactory performance;
2. non-compliances and outstanding E&S risks;
3. grievances and unresolved issues;
4. progress against agreed corrective actions;
5. views and concerns raised by affected stakeholders;
6. recommendations and corrective measures;
7. responsible parties and proposed deadlines for corrective actions.

The implementing agency and relevant project parties shall respond to the findings and implement agreed corrective actions within the specified timeframe. Significant or repeated non-compliances shall be escalated to project management and, where applicable, the financing institution.

Completion Audit

A formal **Environmental and Social Completion Audit** shall be undertaken following substantial completion of construction and implementation of the major resettlement, compensation, livelihood restoration, and environmental mitigation commitments. Where livelihood restoration or post-resettlement commitments extend beyond

construction, the completion audit shall take place after sufficient time has elapsed to assess whether these commitments have been effectively implemented.

Objectives

The completion audit shall:

- determine whether the project has fulfilled its environmental and social commitments;
- assess the extent to which the ESMP, RAP and other E&S instruments have been implemented;
- verify that compensation and other entitlements have been provided to eligible affected persons;
- determine whether affected land, structures, livelihoods, community facilities and other assets have been restored or appropriately addressed;
- assess whether livelihood restoration objectives have been achieved;
- verify that vulnerable persons and households received the required assistance;
- determine whether outstanding grievances have been resolved or are subject to an appropriate resolution process;
- assess the effectiveness and sustainability of environmental and social mitigation measures;
- identify any outstanding E&S liabilities, corrective actions, or residual risks requiring follow-up after project completion; and
- provide an independent basis for confirming E&S closure of the project.

Methodology

The completion audit shall combine document review, field verification, stakeholder consultation, interviews, site inspections, and comparison of planned commitments against actual implementation. The methodology shall include:

1. **Document review:** Review the approved ESMP/RAP, monitoring reports, compensation records, livelihood restoration records, GRM register, consultation records, incident reports, environmental monitoring results, contractor records, and previous independent monitoring reports.
2. **Field verification:** Inspect representative project sites, affected properties, restored land, relocated households, livelihood restoration activities, community facilities, environmental restoration areas, and auxiliary sites.
3. **Beneficiary verification:** Interview a representative sample of PAPs and affected households to verify receipt of compensation, restoration assistance, livelihood support and other entitlements.
4. **Stakeholder consultation:** Consult affected communities, vulnerable groups, local authorities, community leaders, workers and other relevant stakeholders to determine whether commitments have been fulfilled.
5. **GRM assessment:** Review the number, type, status and resolution of grievances, with particular attention to unresolved or recurring complaints. The monitoring framework specifically requires monitoring of grievances raised,

resolved grievances, compensation provided, and unresolved grievances and actions taken to resolve them.

6. **Performance assessment:** Compare actual project outcomes against the established monitoring indicators and agreed targets.
7. **Gap analysis:** Identify outstanding commitments, residual impacts, unresolved grievances, deficiencies, and corrective measures required for closure.

Key Completion Audit Indicators

The audit shall assess, at a minimum:

Area	Key completion indicators
Land acquisition	All affected land identified, acquired/impacted areas verified, and restoration measures completed where applicable
Compensation	Percentage/number of eligible PAPs receiving full compensation and entitlements; timeliness of payments
Structures	Affected structures compensated, rebuilt or restored
Livelihoods	Percentage of affected households/individuals participating in livelihood restoration and evidence of restored or improved livelihoods
Vulnerable groups	Vulnerable PAPs identified and required tailored assistance provided
GRM	Number of grievances received, resolved, outstanding and subject to an agreed resolution process
Stakeholder engagement	Consultation commitments completed and stakeholder concerns appropriately addressed
Environmental management	Environmental mitigation measures implemented and effective, including erosion control, waste management, tree planting and restoration
Auxiliary sites	Borrow pits, quarries, spoil areas and other auxiliary sites appropriately managed, rehabilitated and closed
Health and safety	Community and worker health and safety measures implemented and outstanding risks addressed
Access and services	Temporary disruptions to water, health, education, markets and other services addressed/restored
Communication	Required project information disclosed and affected communities informed of project completion and outstanding obligations

These indicators build directly on the project's existing monitoring framework, which includes compensation effectiveness, livelihood restoration, GRM performance, environmental safeguards, auxiliary site management, stakeholder consultation, and communication/transparency.

Timing

The completion audit shall be commissioned **at or shortly after substantial completion of construction**, but it shall not be considered the final E&S closure audit where compensation, livelihood restoration, grievance resolution, environmental rehabilitation, or other commitments remain outstanding. In such cases, a follow-up closure assessment shall be undertaken after the relevant commitments have been completed and sufficient evidence is available to demonstrate their effectiveness.

The audit report shall clearly classify findings as **closed, partially closed, or outstanding**, and shall provide a corrective action plan for all outstanding matters, including the responsible party, required action, priority, and deadline. Final E&S closure shall only be recommended when all material commitments have been satisfactorily addressed or an approved mechanism is in place for managing any remaining obligations.

8.4 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 NINE: CONCLUSION

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. Further to implementing these measures, maintaining regular engagement with stakeholders will enhance effectiveness of the RAP process while ensuring the rights and welfare of PAPs are protected in line with national legal and policy frameworks as well as African Development Bank Integrated Safeguard Systems. The project will only commence once all resettlement and compensation procedures are fully implemented.

Appendix 1 : 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.S5, 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.S5 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 13: Appendix 2 Provides compensation aspects and the livelihood interventions identified for PAPs under LRP

Type of Loss	Category of PAP	Livelihood Restorative Measures	How It Will Assist PAPs
PRE-CONSTRUCTION STAGE			
Loss of land	PAPs in auxiliary sites	1. For permanent land acquisition for auxiliary land with freehold title, transferring replacement land ownership within one year from compensation.	1. Ensures timely transfer of land rights, minimizing disruption for PAPs.
		2. 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	2. Covers transactional costs, reducing financial burden on PAPs.
		3. Income loss compensation for temporary land acquisition/ rental	3. Provides financial assistance during temporary land displacement

		as per agreement with PAP	
		4. Land rehabilitation	4. Ensures the land is safe for communities and capable of growing natural vegetation
Residential Property	Dwelling/fence/toilet	1. Transaction and replacement costs to be borne by the Project within one year from compensation.	1. Ensures financial support for relocation and rebuilding.
		2. Provision of relocation allowance.	2. Provides financial assistance for moving and rebuilding.
		3. Allow PAPs to salvage materials from the existing structure (except hazardous materials like Asbestos).	3. Salvaging materials lowers reconstruction costs.
Commercial Property	Permanent structures (shops/immovable hawkers)	1. Transaction and replacement costs to be borne by the Project within one year from compensation.	1. Provides financial support for relocation and rebuilding.
		2. Provision of relocation allowance.	2. Provides financial assistance for moving and rebuilding.
		3. Provision of compensation for income loss	3. Prevents economic loss during displacement

		4. Allow PAPs to salvage materials from the existing structure (except hazardous materials like Asbestos).	4. Salvaging materials lowers reconstruction costs.
		5. Skills development and vocational training for financial literacy, carpentry, tailoring, bricklaying, cell phone repair, weaving.	5. Helps PAPs develop skills for new income sources.
	Temporary structures (Movable hawkers/containers)	1. Provision of compensation for income loss	1. Prevents economic loss during displacement
		2. Provision of relocation allowance.	2. Provides financial assistance for moving and rebuilding.
		3. Allow PAPs to salvage materials from the existing structure (except hazardous materials like Asbestos).	3. Salvaging materials lowers reconstruction costs.
Loss of Work/Business	Wage Earners (Workers/Employees in shop/business, temporary vendors)	1. Provision of income and wage loss compensation.	1. Prevents economic loss during displacement by compensating wage loss.

		2. Skills development and training in financial literacy, carpentry, tailoring, bricklaying, cell phone repair, weaving to enhance employability.	2. Provides training to enhance employability and diversify income streams.
		3. Provision of work opportunities by the contractor.	3. Creates employment opportunities to bridge income gaps during relocation.
		4. Market linkages – help allocate new area for trading during project works (e.g., outside contractor campsites).	4. 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)	1. Financial literacy training.	1. Improves financial management, enhancing the PAP's ability to cope with change.
		2. Skill and business development training.	2. Supports business growth and new opportunities.
		3. Prioritise PAPs for both skilled and unskilled labour	3. Supports PAPs by providing stable income through construction jobs; and Income earned can help

		opportunities during the construction	PAPs improve their living standards and increase their resilience thereby to reduce the effects of displacement;
		4. Access to social and financial training such as life skills and financial literacy through NGOs.	4. Provides life skills and financial education to help PAPs manage their resources effectively.
		5. 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.	5. 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	1. Compensation at replacement cost.	1. Compensates PAPs for crop/tree loss, ensuring they can restore their agricultural livelihoods.
		2. Three seedlings will be provided for each fruit tree lost.	2. Provides seedlings to help restore the environment and future crop production.
Public Utilities		1. Compensation for relocation costs	1. Mitigates disruptions caused by relocation of

		and financial loss, with rates to be provided by service providers	public utilities, ensuring PAPs are compensated.
Public Forests		1. Compensation at replacement cost.	1. Compensates for forest loss to mitigate negative impacts.
		2. Three seedlings will be provided for each tree lost and land rehabilitation	2. Restores environmental balance by offering seedlings for replanting.
Vulnerable groups		1. Linkage to Government Social Cash Transfer Program through Ministry of Gender for vulnerable PAPs.	1. Ensures long-term social support for vulnerable households, linking them to existing government assistance programs.
		2. Access to CSR 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	- 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	OSBP 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 OSBP	- Training of youth and women in OSBP 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 3: Entitlement Matrix

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
A. Land			
Loss of Land (Residential / Commercial / Agricultural)	Registered Land/Title holders	Cash payments for land lost at full replacement cost	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 Central Bank reference rate as of September 2024) 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.
		Compensation for income loss	
		Relocation/Shifting Allowance.	
		Disturbance allowance at 20% (based on Central Bank reference rate as of September 2024).	
	Informal users and squatters (containers, movable hawkers)	Compensation for income loss	Payment for lost income, assistance to relocate, and support for the transition period.
		Relocation/Shifting Allowance.	
		Disturbance allowance at 28% (based on Central Bank reference rate as of September 2024).	
Loss of Residential Structures		Compensation for affected buildings at full replacement cost calculated at current market prices without	

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
		deduction for depreciation or salvage materials.	
		Relocation/Shifting Allowance.	
		Disturbance allowance at 28% (based on Central Bank reference rate as of September 2024).	
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, Fences)	All PAPs	Cash payment for affected structures at replacement cost.	Payment for loss and relocation if required.
		Cash assistance for relocation of structures.	
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.	
		Provision of replacement trees (2 seedlings for each affected tree).	
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 (2 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.	
D. Loss of Income			

Type of Loss	Entitled Persons	Entitlements	Intent / Requirement
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			
Permanently Affected Employees	Employees affected permanently	Cash payment equivalent to Six months' salary/wages or the government's minimum wage, whichever is higher.	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	Additional 20% compensation over and above asset compensation.	Assistance to mitigate disproportionate resettlement impacts and ensure restoration or improvement of socio-economic status.
Unanticipated Adverse Impacts	Any affected persons	Any unforeseen impacts due to the project will be mitigated in line with the agreed resettlement framework.	

APPENDIX 4: RAP IMPLEMENTATION BUDGET

Item	Total Compensation (MWK)
Property Assessment	9,000,000.00
Stakeholder Engagement (Consultations, Awareness Raising, Disclosure, Grievance Management)	50,000,000.00

Item	Total Compensation (MWK)
Compensations Payment (Verification, Facilitation, OSBP a Compensations)	314,742,552.50
Livelihood Restoration	150,000,000.00
Utility and Services Relocation (Tentative)	N/A
Cracks Repair/Compensations	100,000,000.00
Chance Find Procedure	25,000,000.00
Monitoring	50,000,000.00
Contingency (10%)	69,874,255.25
GRAND TOTAL	768,616,807.75



COMPENSATION ASSESSMENT REPORT FOR LAND TO BE ACQUIRED BY MINISTRY OF TRANSPORT AND PUBLIC WORKS ROADS AUTHORITY AT CHIPONDE IN MANGOCHI DISTRICT

PREPARED BY:

MINISTRY OF LANDS
REGIONAL LANDS (SOUTH)
PRIVATE BAG 568.
BLANTYRE .

PREPARED FOR:

THE CHIEF EXECUTIVE
ROADS AUTHORITY
PRIVATE BAG B346
LILONGWE 3

Tel: 01 820108/01 834 819

Fax: 01 834 819



Please address all communications to:
The Deputy Director of Quality Assurance (S)

The Deputy Director of Quality
Assurance (S)
Ministry of Lands
Private Bag 568
Blantyre
Malawi

REF. NO: SR/V/2025/09/02

02nd September, 2025

THE CHIEF EXECUTIVE
ROADS AUTHORITY
PRIVATE BAG B346
LILONGWE 3

CC: THE DISTRICT COMMISSIONER
MANGOCHI DISTRICT COUNCIL
P.O BOX 38
MANGOCHI

Dear Sir,

**COMPENSATION ASSESSMENT REPORT FOR LAND TO BE ACQUIRED BY MINISTRY
OF TRANSPORT AND PUBLIC WORKS - ROADS AUTHORITY, AT CHIPONDE IN MANGOCHI DISTRICT**

1.0 INSTRUCTION.

We write with reference to the instruction received by this office to revise compensation report which was disclosed to the beneficiaries whose assets will be affected by the land acquisition for One Stop Boarder Post at Chipode in Mangochi District. The instruction further directs the inclusion of some few structures that were initially out of the boundary.

I confirm that we carried out inspections, made relevant enquiries and obtained such further information as we deemed necessary to derive opinion as to the current values for compensation purposes.

2.0 PURPOSE OF VALUATION

This valuation is for compensation purposes of land to be affected.

3.0 TENURE OF LAND

The affected land is held under customary tenure.

4.0 BASIS OF THE VALUE

The best basis of value used in compulsory acquisition is: **Fair Replacement Value.**

This is defined as: *“The value to the owner equivalent with market value of the property with the consideration of the extraordinary condition of non-physical losses caused or occasioned by the acquisition of the property.*

5.0 DATE OF INSPECTION AND VALUATION

The inspections were done from 22nd April, 2023 and lasted for a couple of days. This was followed by verification and disclosure on 17th January, 2024. This report has been given the date of 02nd September, 2025 as the valuation date.

6.0 INVESTIGATIONS

For the purpose of this report, we have accepted and relied upon the information received from the people within the affected area and elsewhere, on the assumption that it is both accurate and complete.

7.0 RESTRICTIONS ON PUBLICATION.

Our report is provided for sole use of the party to whom it is addressed and is confidential to the said party and their professional advisers for the specific purpose for which it is required and we accept responsibility to the said party alone for the stated purpose of the report.

Therefore neither the whole nor any part of this report or references thereto should be included in any published document, circular or statement, nor published in any way without the prior written approval in the form and context in which it may appear.

8.0 STATEMENT OF APPROACH.

There are several Acts/laws that govern the compensation assessment process for land acquisition and land-based resources and these are:

Section 28 (1&2) of the Constitution of Malawi says “every person shall be able to acquire property “and that having acquired that property, “no person shall be arbitrarily deprived of property.”

Section 44(4) states that “Expropriation of property shall be permissible only when done for public utility, and only when there has been adequate notification and appropriate compensation, provided that there shall always be a right to appeal to a court of law.”

Section 28 of the Land Act (Cap 57:01) provides that any person who suffers any disturbance of, or loss or damage to any interest which he had shall be paid compensation for such disturbance, loss or damage as is reasonable. However, the stipulation in this Act can be superseded by what can be agreed between the parties (See Section 10(1)).

The Land Acquisition and Compensation Act (Cap.58:04) and the Land Acquisition and Compensation (Amendment) Act, 2022 provide for the procedure to be followed to acquire land and how to assess appropriate compensation including the head of claims.

9.0 PURPOSE OF THE PROPOSED ACQUISITION

The subject land is being acquired for the purposes of government development.

10.0 VALUATION APPROACH

The appropriate approach in determining the amount of compensation is always a question of an Act. In this assessment, **Direct Sales Comparison Method** has been adopted.

11.0 DIRECT COMPARISON METHOD

This method compares the subject property with the prices obtained for other similar properties almost at the same point in time. We carried out the market research within the vicinity to determine the reasonable value for land in the project area. The valuer, having considered the information obtained and as prevailing in the subject area and elsewhere has regarded it as satisfactory to base a decision on.

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 (*Redeam Pty Ltd v South Australian Land Commission (1977)*). Stephen J (*Riverbank Pty Ltd v Commonwealth 1074*) describes a direct comparison as „the conventional valuation technique“.

12.0 DISTURBANCE

Besides the above consideration, Ricket V. Metropolitan Rail.Co. (1867) established a fundamental principle in compulsory purchase compensation: compensation is the amount required, so far as money can do so, to put the owner in the same position as if his property had not been acquired. Therefore, compensating the owner at the market value for the land taken from him goes only part of the way to attaining this end. So, in addition, monetary compensation has to be payable to reimburse the claimant for „disturbance“ or any other matter not directly based on the loss considered above.

Disturbance compensation is a sum added to the purchase price of properties compulsorily acquired. It is not payable in respect of the part retained by the claimant. First there is an acquisition price and, if there is such a price, disturbance compensation can be included in it.

It was also stated in the judgement derived from *Director of Buildings and Lands v Shun Fung Ironworks Ltd (1995)* that:

“The adverse consequences to a claimant whose land is taken may extend outwards and onwards a very long way, but fairness does not require that the acquiring authority shall be responsible ad infinitum.”

According to the decision made by the Courts in *Brewarrana Pty Ltd v Commissioner of Highways (1973)*, compensation under the head of disturbance includes:

“Such matters as the cost of purchasing a comparable property, increased rent, removal expenses, diminution in value of fixtures on a forced sale, loss of goodwill in relation to a trade conducted on the subject land, loss of profits during re-establishment of a business on another site and the like.”

The foregoing case laws provide precedents for disturbance claims for the affected people in the project area. Their disturbance claims are reasonably foreseeable and a natural consequence of the acquisition.

We have therefore included **20%** of the asset value as disturbance allowance.

13.0 QUALIFICATION OF THE REPORT

I confirm that in arriving at the amount of compensation, we have disregarded

- Any enhancement of the market value due to the proposal of the project.
- Any increased value thereof due to use of the land or any premises thereon which is contrary to law or could be restrained by a court
- The degree of urgency which has led to the taking of the land
- Any disinclination of the claimant to part with his interest in the land.

14.0 DISCLOSURE OF MATERIAL INVOLVEMENT

I disclose that the valuer/signatory of this report has got no any pecuniary interest that could reasonably be regarded as being capable of affecting his ability to give an unbiased opinion of value, or that could conflict with the valuation of the property. We advise that this position will be maintained until the purpose for which this valuation is being obtained is completed.

15.0 STATEMENT OF COMPENSATION

We now certify that having considered all relevant factors regarding the current property market in this area and based on our knowledge of the market, we are of the opinion that the total compensation Value as at **02nd September, 2025** is in the sum of

MK314,742,557.50 (Three Hundred and fourteen Million -Seven Hundred forty-Two Thousand, Five Hundred Fifty -Seven Kwacha- Fifty Tambala Only).

Reference can be made to the attached compensation schedule.

The values are as at the date of valuation. The property market is not currently stable as the local currency keeps fluctuating. The validity of the value in this report is therefore for the period of **Six months** from the date of valuation subject to currency fluctuation.

Kindly note that there is 25% upward adjustment on the disclosed compensation amounts. This has been arrived at after considering currency fluctuation since the submission of the disclosed compensation report.



Peter Chikweni
Chief Valuation Officer

For: THE DEPUTY DIRECTOR OF QUALITY ASSURANCE (S)

APPENDIX 5: 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	Grievance Redress Committees	Uptake of grievances, undertaking initial investigation, referral of grievances and providing feedback to the PAPs

Appendix 6: PROCEDURES FOR UNPLANNED ACTIVITIES AND ASSOCIATED COMPENSATIONS

6.1 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 OSBP 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 raises 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.

6.2 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

6.3 Chance Find Procedure for Rehabilitation of OSBP Project

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 OSBP Project

APPENDIX 7: STAKEHOLDER CONSULTATIONS

Photographs Of Stakeholders Engagement

PHOTOGRAPHS OF STAKEHOLDERS ENGAGEMENT

Below is a series of photos taken during the stakeholder and PAPs engagement process.



Figure Annex7-1: PRAP Team interacting with Concillor and Traditional Leaders



Figure Annex7-2: RAP Team interacting with Selected PAPs, Concillor and Traditional Leaders



Stakeholder engagement on OSBP and site familiarization

APPENDIX 9: SUMMARY OF CONCENT SIGNED BY PAPS

APPENDIX 10: SUMMARY MATRIX OF PAP

This has been attached as a separate document.

APPENDIX 11: LETTER FROM DC'S OFFICE TO ROADS AUTHORITY

Telephone: +265 (0) 1 594030
Fax: +265 (0) 1 594757
All communications should be addressed to:
The District Commissioner



In reply please quote No Ref.....
MANGOCHI DISTRICT COUNCIL,
PRIVATE BAG 138,
MANGOCHI,
MALAWI.

Ref. No. MHDC/07/026

21st August, 2026

Roads Authority
Functional Building
Private Bag B346
Lilongwe

Dear Sir/Madam,

**RE: RESOLUTIONS ON LAND ACQUISITION AND COMPENSATION – CHIPONDE
BORDER POST**

Following stakeholder engagement and the land availability reconnaissance survey conducted at Chiponde Border Post, and subsequently confirmed by the District Council team (Lands Office inclusive) on 20th August, 2026, it has been resolved that the feasible option for addressing Project Affected Persons (PAPs) is monetary compensation.

The survey findings established that there is no land within the locality of the border that offers comparable access to social facilities, prevailing economic activities, and adequate land to resettle the 100 PAPs. Adjacent land areas are occupied by estates, making physical relocation impractical.

Accordingly, PAPs will receive compensation at full replacement cost for all affected land use rights, structures, crops, trees, businesses, and other assets. This approach ensures that PAPs are adequately compensated and that their livelihoods are safeguarded in line with Council standards and applicable legal frameworks.

The Client emphasizes that this resolution was reached through a transparent and consultative process, and it reflects the most viable and equitable option for both the PAPs and the project.

We therefore request the Roads Authority to take note of these resolutions and provide the necessary support to ensure timely implementation of the compensation process.

Yours faithfully,


Rodney Simwaka,
DISTRICT COMMISSIONER

