



REPUBLIC OF MALAWI
PRIDE – PROGRAMME FOR RURAL IRRIGATION DEVELOPMENT
RESETTLEMENT ACTION FRAMEWORK

Final Version
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List of Acronyms

DOI	Department of Irrigation
DPIST	District Planning and Implementation Support Team
EAD	Environmental Affairs Department
EIA	Environmental Impact Assessment
EMA	Environment Management Act
ESIA	Environmental Social Impact Assessment
ESMP	Environmental Social Management Plans
PPIC	Free Prior and Informed Consent
GAPs	Good Agricultural Practices
GoM	Government of Malawi
HIV/AIDs	Human immunodeficiency virus infection and acquired immune deficiency syndrome
IFAD	International Fund for Agricultural Development
IMPIF	Irrigation Master Plan and Investment Framework
MoAIWD	Ministry of Agriculture Irrigation and Water Development
MoFEPD	Ministry of Finance Economic Planning and Development
MLHUD	Ministry of Lands, Housing and Urban Development
MLGRD	Ministry of Local Government and Rural Development
MoNREM	Ministry of Natural Resources, Energy and Mining
PAH	Project Affected Household
PAP	Project Affected Person
PCO	Programme Coordination Office
PDO	Programme Development Objective
PRIDE	Programme for Rural Irrigation Development
RAF	Resettlement Action Framework
RAP	Resettlement Action Plan
SECAP	Social, Environmental. Climate Assessment Procedures
TA	Technical Assistance
WUA	Water User Association

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Thanks are also due to the design team of PRIDE, and IFAD officials and technicians.

Terms and definitions

Census means any field survey carried out to identify and determine the number of Project Affected Persons (PAP) and their assets; in accordance with the procedures, satisfactory to the National legislation and IFAD's Environmental, Social and Climate Assessment Procedures and Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.

Compensation is the payment in cash, and jobs, houses, in kind, alternative livelihoods options, land and conservation measures, or other assets given in exchange for the taking of land including fixed assets thereon, in part or whole depending on the context, the nature of the right or use or occupancy, the type of losses and the purpose of the resettlement or economic displacement.

Cut-off date is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.

Environmental and Social Management Framework (ESMF) is a safeguard document that establishes procedures and guidelines for the mitigation, adaptation, monitoring and governance measures to be considered and implemented during the design and operation of the Programme as well as to provide orientation to the development of ESMPs. For the PRIDE, the ESMF has been prepared as a separate and stand-alone document to be used in conjunction with this RAF.

Free, Prior and Informed Consent Principle (FPIC) is a Principle adapted from the UN Permanent Forum on Indigenous Issues (2015), meaning:

- FREE implies no coercion, intimidation or manipulation.
- PRIOR implies consent is sought far enough in advance of any authorization or commencement of activities, and the time requirements of consultation and consensus processes are respected.
- INFORMED implies that all information relating to the activity is provided to concerned people and that the information is objective, accurate and presented in a manner or form that is understandable to these people.

- **CONSENT** implies that the concerned people have agreed to the activity that is the subject of the consultation. These people also have the prerogative to withhold consent or to offer it with conditions. Consultation and participation are key elements of a consent-seeking process.

Grievance mechanisms mean all processes and tools that serve to channel conflict into an institutionalized mechanism for peaceful resolution. They facilitate communication between affected people and management (project, government, etc.) regarding problems that arise, and enable those affected to complain with dignity, knowing that there is a system of appeals leading to an impartial decision maker.

Involuntary displacement means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- Loss of benefits from use of such land;
- Relocation or loss of shelter;
- Loss of assets or access to assets; or
- Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

Involuntary Land Acquisition is the taking of land by government or other government agencies, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

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

Land acquisition means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

Project affected persons (PAPs) relates to those persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of

whether or not the said Project affected persons physically relocate. These people may have their:

- Standard of living adversely affected, whether or not the Project Affected Person must move to another location;
- Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
- Access to productive assets adversely affected, temporarily or permanently; or
- Business, occupation, work or place of residence or habitat adversely affected.

Rehabilitation Assistance means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

Replacement cost means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. The cost is to be based on **Market rate (commercial rate)** according to the Malawi law for sale of land or property. In terms of land, this may be categorized as follows;

Replacement cost for agricultural land means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

- Preparing the land to levels similar to those of the affected land; and
- Any registration, transfer taxes and other associated fees;

Replacement cost for houses and other structures means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area. Such costs shall include:

- Transporting building materials to the construction site;
- Any labour and contractors' fees; and
- Any registration costs.

Resettlement Assistance means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

Resettlement Action Framework (RAF) means this document, which has been prepared to guide on preparation of Resettlement Action Plans throughout the PRIDE implementation. The RAF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The **Resettlement Action Plans (RAPs)** for the PRIDE will be prepared consistent with the provisions of this RAF.

Resettlement Action Plan (RAP) is a resettlement instrument (document) to be prepared when project activity locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. The party impacting on the people and their livelihoods prepares RAPs. RAPs contain specific and legally binding requirements to be abided by PRIDE to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

Voluntary Land Contribution refers to a process by which an individual or communal owner agrees to provide land or property for project-related activities. Voluntary contribution is an act of free, prior and informed consent, including knowledge of other options available and their consequences, the right not to contribute or transfer the land. It must be obtained without undue coercion or duress.

Voluntary Land Contribution may be of two types:

- Voluntary Land Contribution for Compensation, or
- Voluntary Land Contribution without Compensation

Vulnerable Groups refers to:

- Low capacity households - widows, the disabled, marginalized groups, low income households and informal sector operators;
- Incapacitated households – those with no one fit to work and;

- Child-headed and street children. This group is among other things, characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.
- Other groups and or individuals such as elderly, the mentally and physically disabled, ex-combatants, internally displaced people and returning refugees, HIV/AIDS- affected individuals and households, religious and ethnic minorities and women.

Executive Summary

Introduction

The Programme for Rural Irrigation Development (PRIDE) intends to contribute to the resilience of smallholder communities. It will reduce vulnerability to food insecurity, to climate change effects and to the vagaries of the market by enabling farmers to sustainably enhance their production levels to such a degree that they can provide for their household nutrition demands and deliver produce to viable markets. PRIDE does so by providing smallholder farm households a combination of (i) irrigation and soil- and water conservation infrastructure; (ii) promotion of good agricultural practices; and (iii) linkage to improved value chains.

This Resettlement Action Framework is to be used by the PRIDE aiming to ensure that the IFAD safeguards for involuntary resettlement and Malawi national requirements for land acquisition and resettlement are adequately addressed.

The Resettlement Action Framework (RAF) was prepared in coherence with the Environmental and Social Management Framework (ESMF) which outlines the mechanisms for screening investments to be financed under category A, for environmental and social impacts, and provides tools to mitigate and manage these impacts.

Project Description

PRIDE is a national programme that supports smallholder farmer communities in and around to-be- (re-) developed medium-scale irrigation systems. Twenty-four schemes have been pre-selected – of which 15 are prioritised – in two regional clusters in the Northern and Southern Malawi. The Irrigation Master Plan and Investment Framework (IMPIF) has guided the selection of irrigation schemes.

PRIDE comprises two components: one aiming for irrigation development and catchment management; and a second one developing agriculture and market

linkages. Both components are designed anticipating the exit of Programme support, and therefore address questions of long-term access to and management of resources; and of viability of farming systems beyond the Programme support period.

Impacts on assets, livelihoods, cultural heritage and land acquisition, resettlements and compensation, resulting from PRIDE's activities will be anticipated by preparation and procedures following the guidelines established in the RAF. These activities will be developed through census and other base line inquiries, ensuring consultation and participation and consequently agreement with affected people and communities. In particular the Free, Prior and Informed Consent (FPIC) and do-no-harm principles will be followed at all times and for all its beneficiaries for any PRIDE intervention that might affect the land access and use rights of communities.

This RAF is prepared to ensure effective preparation and implementation of the asset acquisition, resettlement and compensation process for PRIDE.

Potential Impacts

The PRIDE proposes to develop irrigation schemes, catchment management and other activities that will generate overall environmental and socioeconomic positive impacts. If not appropriately managed some negative environmental and social impacts will occur interfering with land holdings, sources of income and livelihoods in various communities and areas where the investments will be implemented. In order to mitigate the potential negative impacts and enhance the positive impacts an Environmental and Social Management Framework and a Resettlement Action Framework were developed as guiding procedures to ensure the accomplishment with the national legal requirements as well as IFAD's Social, Environmental and Climate Assessment Procedures (SECAP). Specific Environmental and Social Management Plans (ESMPs) and Resettlement Action Plans (RAPs), as well as Environmental Impact Assessment procedures will be developed according with the specificities of each intervention (location, nature, and dimension) in line with the national environmental legislation.

The development of irrigation schemes is likely to induce environmental and social impacts. The most significant expected positive impacts are:

- Increase in agricultural production and source of livelihood of small farmers and communities in general
- Improved food security and increased resilience to climate variability and change.
- Community groups strengthening (farmers, associations, women)
- Improved flows of environmental services from catchments after rehabilitation and improvements in management

The expected potential negative impacts will correspond to:

- Loss of some terrestrial, wetland and aquatic habitats associated with conversion to irrigated schemes
- Decreased environmental flows impacting aquatic ecosystems
- Decrease of water and soil quality due to sedimentation and the use of pesticides and other agrochemicals
- Displacement and resettlement of some households and heritage relevant sites. Special attention should be given to the likely event of activities in areas with graveyards as it is not possible to resettle graveyards due to cultural reasons and associated expected costs.
- Inequitable distribution of benefits from irrigation
- Increase in waterborne diseases and safety risks associated with irrigation infrastructures
- Conflicts with wildlife, deforestation, landscape degradation and loss of soil

Legal and Institutional Framework

The RAF follows IFAD's principles and policies regarding Social, Environmental and Climate Change and the existing Malawi legislation. The legal and institutional framework for resettlement actions in Malawi is spread in the following policy and legal instruments:

- The Constitution of the Republic of Malawi (1994)
- The National Land Policy (2202)
- The National Decentralization Policy and the Local Government Act (1988)
- The National environmental Policy (1996 & 2004)

- The Land Act (1965)
- The Land Acquisition Act (1971)
- The Monuments and Relicts Act (1991)
- Town and Country Planning Act (1998)
- The National Environmental Action Plan (1996)
- The Environmental Management Act (1996)
- The Guidelines for Environmental Impact Assessment (1997)
- The Forestry Act (1997)
- The Water Resources Act (1969)
- The Irrigation Act (2001)
- The Public Roads Act (1962)

Eligibility determination

People that formally are recognized as Project Affected Person (PAP) or Project Affected Household (PAH) at the cut-off date if living, farming or making a living within the areas to be acquired for the Programme at the cut-off date will be considered eligible.

PAPs and PAHs will be categorised according with the nature and type of affection. Usual types of categories for PAPs and PAHs are:

- Persons or affected households (PAP or PAHs) whose agricultural, residential, or commercial land is in part or in total affected (temporarily/permanently);
- PAPs or PAHs whose houses and other structures are in part or in total affected (temporarily/permanently);
- PAPs or PAHs whose businesses or source of income (i.e. employment) are affected (temporarily/permanently);
- PAPs or PAHs whose crops (annual/perennial) and trees are affected by the Project;
- Other PAHs/PAPs.

Implementation of Free, Prior and Informed Consent Principle (FPIC)

The Resettlement Action Plan (RAP) will include a section on the Free, Prior and Informed Consent Principle (FPIC) process and how the FPIC will be documented. The RAP should be developed before starting the physical

implementation of the specific projects and should be based on detailed information at the exact project sites, nature and extension of interventions and the involved communities.

Valuation of and compensation for losses for livelihoods restoration and improvements

Compensation will follow the existing government procedures with full observance of the IFAD SECAP requirements. The Malawi Ministry of Lands, Housing and Urban Development (MLHUD) is the leading governmental department in providing technical support to assessment of valuation and compensation for the loss of land and assets. Assessment procedures and methods are included in several laws and regulations such as the Land Acquisition Act, Public Roads Act and Town and Country Planning Act.

In the valuation of buildings and bare lands several components are taken into account: construction materials used, area covered, age and location of building or property. Benchmark analysis with similar properties is made in order to reach a compensation amount.

Resettlement measures

The RAPs development will include detailed census and surveys ensuring participation and engagement of community leaders during which discussions will be held to identify and agree on available replacement sites both for residential, farming and other socio-economic activities.

Relocation should only start after formal implementation of the projects and official procedures established ensuring involvement of relevant stakeholders. Also the compensation measures for land, trees, structures and any other activity will be established based on the surveys and census.

Consultation and participation

Permanent and systematic public consultation and participation should be ensured during the development and implementation of RAP, EIA and ESMPs. This consultation and participation will include PAPs, but also community

leaders, NGOs, and any other relevant stakeholders.

Also, special efforts must be made to include all vulnerable groups in the consultation process. During census survey initial consultations will be held with the PAPs and other stakeholders. Further consultations will be undertaken to ensure that information on the overall resettlement plan, implementation schedule, eligibility and entitlements are properly understood and accepted by the affected communities.

The process required for RAP approval should be adhered to and thus the PCO should make every effort to be conversant with it. Following approval of the RAP, the process of implementation must take place. For example, the following steps would be required: consultation (a continuation of the process entered into during RAP development process); notification to affected parties; documentation of assets; agreement on compensation; and preparation of contracts, compensation payments and provision of assistance in resettlement.

Responsibilities

Through the PCO, DOI as implementation agency will have the responsibility for coordinating and monitoring the development and implementation of the RAP, following the guidelines provided in the RAF. The RAP development and implementation will ensure the participation and engagement of all institutions and relevant stakeholders at central and District/Local levels. The PCO will provide the necessary guidance and support in the preparation and implementation of the RAPs in a practical manner, while ensuring the involvement and agreement of the relevant agencies in GoM.

Implementation Process

All resettlement activities, including land acquisition will be developed following a specific plan that should also be monitored. The implementation process will include the following steps:

Planning stage – ensuring an effective administrative and reporting scheme and including all studies and any other relevant information developed under

PRIDE. Information and communication with involved PAPs and relevant authorities (local) should be provided. Training and capacitation of implementing committees and discussions with PAPs will be developed specially addressing alternative land identification.

Land acquisition – this stage will be developed through a participatory process ensuring community involvement during the screening and demarcation of intervention sites. The cut-off date will be defined as the day when the sub-project is proposed to the traditional leadership..

Socio-economic studies and surveys – the development of base line socio-economic studies will ensure community participation. These studies will include detailed identification and quantification of PAPs, estimation of impacts, valuation that will be part of a census database.

Payment of compensation and development of resettlement activities – based on the database, this stage includes the agreements signing and payments of compensations.

Assistance and monitoring – this includes after-care-assistance, monitoring and evaluation activities.

Grievance mechanisms

Although the existing legislation provides grievance mechanisms through the formal justice system, the practice shows that this usually results in a costly and long duration in time process. In order to avoid these constraints but not excluding them as a last resource, PRIDE will provide complaints and grievance mechanisms following a two level stage: a) objections and, b) consensus, negotiation and conflict resolution.

Objections – all PAPS will have the chance to express their disagreement during the development of resettlement plans and compensation contracts preparation. In order to ensure impartiality a local committee will be established with the aim of receiving all grievances. This committee will comprise local authorities and traditional leaders. The committee will keep records of grievances and complaints with minutes of discussions, recommendations and decisions achieved. The RAPs will establish detailed mechanisms for the grievance and complaint process, describing format,

language, time for reply, and alternative resources, including access to Courts of Law.

Consensus, negotiation and conflict resolution – permanent and open dialogue is the most suitable way of addressing any grievance expressed by PAPs. PRIDE shall promote dialogue between the parties involved in order to achieve consensus. However during consensus, negotiation and conflict resolution it should be clear to whom and when all communications and decisions should be addressed.

The RAPs will include a list of steps to assist in the grievance redress procedure detailing a chronogram and responsibilities for all steps/actions.

Implementation Schedule

The Resettlement Action Plans (RAPs) will include a time frame in line with the Programme development.

Monitoring and Evaluation

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring programme, which will fall under the overall responsibility of the MOAIWD. Periodic evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the schemes activities; and whether the PAPs enjoy the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. In addition, an independent audit will take place at the completion of the RAP.

Budget

The estimated cost for the implementation of the RAF, is USD 300,000. This cost would cover the recruitment of a consultant to develop the RAP as well

as provide some of capacity building and also the surveys for the sites particularly for the schemes with a command area above 300ha.

At the current stage of the design of the PRIDE, it is not possible to provide an estimation of costs for the resettlement actions. The total number of people and assets to be affected will be determined after the development of the technical designs and identification of land needs for each site.

Payment

The Government of Malawi through the MoAIWD will be responsible for compensation of the affected persons.

Gaps between Malawi legislation and IFAD's principles

The existing legislation in Malawi covers fair land acquisition, compensation and resettlement procedures providing an adequate legal and operational framework for the preparation and implementation of the RAF. Nevertheless it should be pointed that there is the need to increase coherence and integration of the existing legislation that diverges if different legal documents and Acts are applied.

When comparing the Malawi legislation with the IFAD's RAF policy guidelines and procedures there are some differences that should be considered. Table 1, indicates the most relevant gaps between Malawi legislation and IFAD's RAF procedures.

Description of the Programme

Main objectives

The Programme for Rural Irrigation Development (PRIDE) in Malawi, aims to enhance resilience of rural communities to food insecurity, climate change and market risks. Its development objective is to enable farmers to sustainably produce for household nutritional demands and income generation from viable markets. Sustainability is pursued under PRIDE, through the outputs to be delivered that are socially just, environmentally sound, financially healthy, institutionally embedded and technically well-designed. A special concern under the environmental dimension is to enhance resilience of the scheme cluster areas (i.e. irrigation scheme plus territory of concerned villages) to anticipated climate change effects.

PRIDE will cover the Northern and Southern regions of Malawi. Figure 1 illustrates the location of PRIDE's interventions.

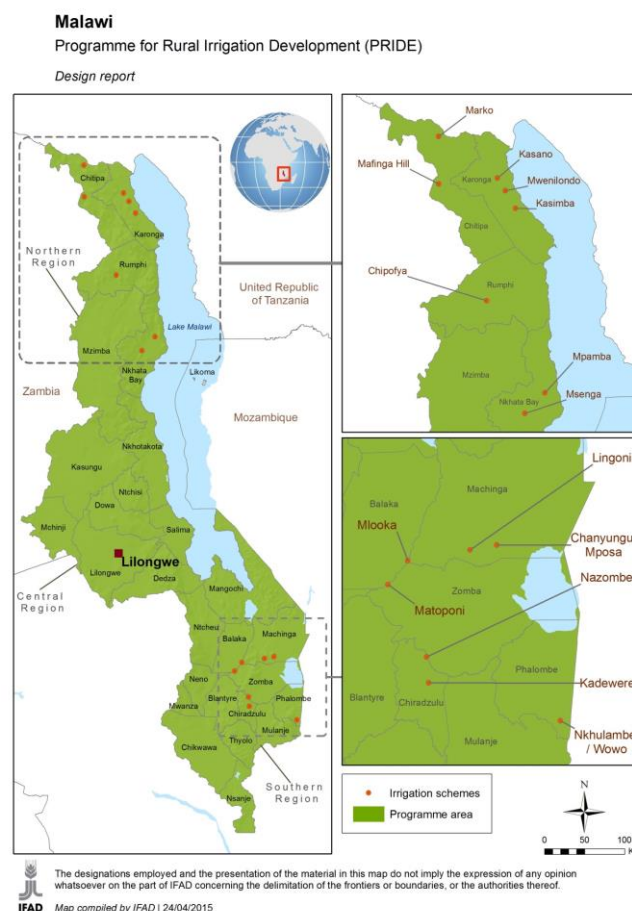


Fig. 1 – Geography of PRIDE

Components and outcomes

PRIDE comprises two components: one aiming for irrigation development and catchment management; and a second one developing agriculture and market linkages. Both components are designed anticipating the exit of Programme support, and therefore address questions of long-term access to and management of resources; and of viability of farming systems beyond the Programme support period.

The components and outcomes organization of the PRIDE are the following:

- Component 1: Irrigation Development and Catchment Management
 - Sub-component 1.1 Land and Water Governance
 - Sub-component 1.2 Irrigation System Development
 - Sub-component 1.3 Soil and Water Conservation
- Component 2: Agriculture and Market Linkages
 - Sub-component 2.1 Improved Agricultural Practices
 - Sub-component 2.2 Market Linkages
 - Sub-component 2.3 Malawi Innovation Challenge Fund / Irrigation window
 - Sub-component 2.4 Improved Cooking Stoves

Components description

Component 1 – Irrigation Development & Catchment Management.

This component aims to develop resilient land and water management systems for smallholder households on both rain-fed and irrigated lands.

An initial selection of irrigation schemes has been made from available pre-feasibility and feasibility studies in the Irrigation Master Plan and Investment Framework (IMPIF). Schemes outside the 40 – 850 ha have been excluded. Priority has been given to schemes generating an EIRR of above 10%. Finally, schemes have been clustered to realise efficiencies during implementation; with preference given to a series of three schemes to be developed within one district. Thus, three schemes are developed in series, with a one-year overlap between them; bringing the total Programme implementation period to seven years. Sequencing scheme development in one area allows for efficiencies in staff, contracts and cross learning. To reduce the risk of delays over the total Programme period, the larger – and often more complex – schemes would generally be the first to be developed; allowing possible delays to be recovered over the subsequent years. The selection of schemes (table below) has been reviewed and confirmed by the Department of Irrigation.

Table 1 - Selected schemes

Lot	Scheme	District	Irrigation Service Department	Command Area (ha)
1	Marko	Chitipa	Karonga	727
	Matoponi	Zomba	Machinga	73
	Mlooka	Zomba	Machinga	138
	Mpamba	Nkhata bay	Mzuzu	788
	Nkhulambe / Wowo	Phalombe	Blantyre	310
	Kasimba	Karonga	Karonga	162
2	Mwenilondo	Karonga	Karonga	524
	Nazombe	Chiradzulu	Blantyre	470
	Mafinga Hill	Chitipa	Karonga	43
	Chanyungu Mposa	Machinga	Machinga	114
	Msenga	Nkhata bay	Mzuzu	836
3	Chipofya	Nkhata Bay	Mzuzu	369
	Lingoni	Machinga	Machinga	189
	Kadewere	Chiradzulu	Blantyre	300
	Kasano	Karonga	Karonga	95
Totals 15 sites		7 Districts	4 ISDs	5138 ha

Component 2 – Agriculture and Market Linkages.

This component aims to develop environmentally and economically sustainable agricultural production systems managed by smallholder households on both rain-fed and irrigated lands. Attention will be paid to both production for nutrition and to linking production to market demands. In general, introduction of good agricultural practices for rain-fed maize, legumes and vegetable production will help bolster local nutrition levels, whereas production and marketing support for potatoes, legumes, rice and green maize would enable farm households to generate income. Regional variation in the choice of crops and value chains to be supported will be reflected during implementation. It is noted that presently unmet national demands exist for amongst others legumes and cereals.

The consultative planning process described under component 1 also helps select crops and value chains, and the beneficiaries to be engaged in them. General background information on crops and value chains will be complemented with local experiences and views, in order to decide which specific Good Agricultural Practices (GAPs, including a/o conservation agriculture, integrated pest management and post-harvest care) and value chains will be supported in a specific scheme cluster area. Criteria for beneficiary selection will include further targeting on poorer households and on specific opportunities for women and youth.

Component 2 builds on the experiences and approaches of RLEEP and SAPP; it will include a systematic approach towards consultative planning of interventions with (female) farmers and the private sector; and will address both production and marketing in all selected scheme cluster areas; as well as cater for crops and value chains under both rain-fed and irrigated conditions. Emphasis will be given to off-the-shelf technology and to value chains, which have been assessed already; some resources will be earmarked for adaptive research and on-farm demonstration; and for the exploration of additional value chains. Future GAPs and value chains could include small livestock options.

PRIDE Management

The Programme will be implemented by a stand-alone Programme Coordination Office (PCO) established under the lead Ministry and staffed by dedicated and highly qualified personnel who are from government or recruited from the labour market. Recruitment of key PCO staff requires prior consent from IFAD. The PCO (see Fig. 2 below for PCO Organogram) will include a senior Programme Manager, a Procurement specialist, a Financial Management specialist, community mobilisation and targeting specialist, an Irrigation Specialist, an Agriculture & Value Chain Specialist, a Planning, Monitoring and Evaluation specialist and, as proposed in the ESMF an Environmental coordinator. The latter will be responsible for integrating environmental, social and climate change issues in the daily management of the programme and the coordination/implementation of ESMPs, RAPs and all EIA related initiatives, including training, capacity building monitoring and reporting.

The PCO will mobilise agencies – either by enabling existing services or outsourcing required services – to work with the communities in the scheme cluster areas. The work of the local agencies of MOAIWD (irrigation, extension) and the Department of Land will be facilitated by investments in transport, communication and service delivery. Where these agencies lack adequate numbers of staff or the prerequisite competence, the PCO will engage other service providers, such as NGOs working on agricultural development and specialised engineering services.

Good interplay is prerequisite for the success of PRIDE, as all PRIDE primary outputs and processes cut across the functional specialisation of the PCO members. For the development of the irrigation schemes, for example, the WUA Specialist is responsible for defining and adhering to the requisite decision-making procedures, including consultation and prior consent on land consolidation, environmental

assessment and mitigation and WUA capacity building. He/she is informed by the technical specialist (in this example the irrigation engineer) of the steps in the engineering process, from detailed design to hand-over and prepares a planning per scheme cluster area based on all these procedures. The irrigation engineer is responsible to define all technical targets (irrigated area, benefitted farmers, irrigator capacities, beneficiary contributions, agency and programme contributions, etc.) and to define the responsibilities of agencies, service providers and water users. The Procurement Officer prepares, based on the inputs given, terms and conditions for outsourcing and for agency involvement; and translates this into legally binding agreements. The procedural planning by the WUA specialist, the targets defined by the technical specialist and the conditions set by the procurement officer, along with associated costs are recorded and reviewed by the Planning, Monitoring and Evaluation Officer. He/she keeps abreast of progress and issues warnings within the PCO if progress is behind or below target. He/she also keeps an active eye on the risks associated with the programme. The Programme Manager has the overall overview, is responsible for all decisions (though at times delegated to his/her staff) and maintains liaison with the steering committee, parent ministries and representatives of IFAD. Similar descriptions can be given for the construction of soil- and water conservation infrastructure, for the establishment of good agricultural practices and for the development of market linkages.

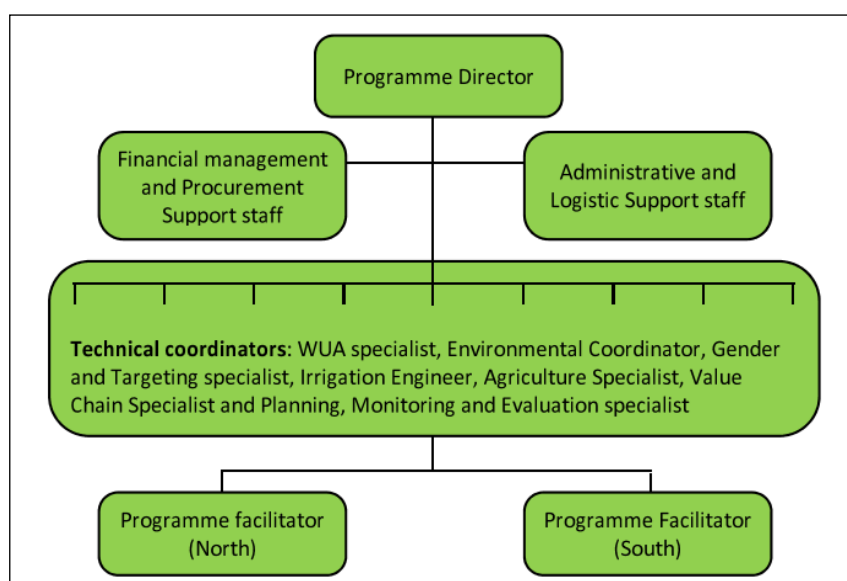


Fig. 2 - Structure of the PCO

Potential Impacts

The development of irrigation schemes is likely to induce environmental and social impacts. The most significant expected positive impacts are:

- Increase in agricultural production and source of livelihood of small farmers and communities in general
- Improved food security and increased resilience to climate variability and change.
- Community groups strengthening (farmers, associations, women)
- Improved flows of environmental services from catchments after rehabilitation and improvements in management

The expected potential negative impacts will correspond to:

- Loss of some terrestrial, wetland and aquatic habitats associated with conversion to irrigated schemes
- Decreased environmental flows impacting aquatic ecosystems
- Decrease of water and soil quality due to sedimentation and the use of pesticides and other agrochemicals
- Displacement and resettlement of some households and heritage relevant sites. Special attention should be given to the likely event of activities in areas with graveyards as it is not possible to resettle graveyards due to cultural reasons and associated expected costs.
- Inequitable distribution of benefits from irrigation
- Increase in waterborne diseases and safety risks associated with irrigation infrastructures
- Conflicts with wildlife, deforestation, landscape degradation and loss of soil

Objectives of the Resettlement Framework

The main aim of the Resettlement Action Framework (RAF) is to establish guidelines for the design and implementation of potential displacement, resettlement and/or compensation issues related with the PRIDE implementation, ensuring that those communities and individuals affected by the projects' implementation will not be left worse than they were before and/or without the implementation of the PRIDE.

The RAF will be used to guide the development of any required Resettlement Action Plan ensuring that the Malawi National regulations and IFAD's Principles and SECAP considerations are fully implemented.

Census and Economic Studies

The RAP development will include socio-economic surveys and baseline census together with other relevant data related with the PAPs, PAHs and the sites where resettlement actions will be required. Detailed inventories will be developed covering individual/family/community affected and vulnerable people. Income, assets, property and other affected values (cultural, heritage) will be identified and quantified.

All census and economic surveys will be developed in close consultation and informing PAPs ensuring that they are informed, follow and contribute to the development of the RAP.

Legal and Institutional Framework

The legal and institutional framework for resettlement actions in Malawi is included in the following legal instruments:

Malawi Legislation

The Constitution of the Republic of Malawi (1994)

The Constitution of the Republic of Malawi (1994) sets a broad framework for sustainable environmental management at various levels in Malawi. A sustainable development vision is ensured with the call for prudent management of the environment and accords future generations their full rights to the environment. The Constitution also provides for a framework for the integration or application of international environmental and foreign case law into the national legal system.

Specifically addressing land access, acquisition, property and compensation, it states that no person shall be arbitrarily deprived of property (Section 28) and that expropriation is only admitted for public utility ensuring adequate notification and compensation and also the right to appeal to a court of law (Section 44).

The National Land Policy, 2002

The National Land Policy recognizes Government's duty to protect the free enjoyment of legally acquired property rights in land and for that reason a landholder is entitlement to fair and adequate compensation where the Government acquires the owner's property for public use. The National Land Policy emphatically dispels

the popular notion that customary land has no value and stipulates that compensation valuation for customary land, at the time of acquisition by the Government, should be based on the open market value of the land and all improvements on the land. The National Land Policy notes that the inadequacy of compensation is always a direct result of excluding certain items or qualities from the factors considered when determining value and delays in payment of compensation. According to Section 4.11 the land policy ensures that security of land tenure can be guaranteed on an equitable basis to all citizens in accordance with the statement “Any citizen or group of citizens of Malawi can have access to land in any part of Malawi provided that:”

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

Land values shall be determined by open market procedures for customary lands acquired through compulsory acquisition by the government. The Ministry responsible for land matters has an ad-hoc resettlement policy, which is usually used to help in emergencies. Usually the Ministry deals with matters of resettlement in relation to land redistribution.

The National Decentralization Policy and the Local Government Act (1988)

The National Decentralization Policy through the Local Government Act (LGA) Number 42 of 1998 establishes district authorities, which are responsible for local planning management and development. Environment management and agriculture are among the sectors under the direct responsibilities of the district authorities.

Pursuant to the requirements under The National Decentralization District Environmental and other sector's Offices have been established, and are responsible for the implementation of the District Environmental Action Plans.

National Environmental Policy (1996 & 2004)

Following the National Environmental Action Plan, the National Environmental Policy (NEP) was established in 1996 and revised in 2004, providing a comprehensive policy framework on environmental planning for development programmes introducing environmental impact assessment for projects. The NEP aims at the

promotion of sustainable development through an efficient and sound management of the country's Environment.

The NEP has as goals:

- Secure for all persons resident in Malawi now and in the future, an environment suitable for their health and wellbeing;
- Promote efficient utilization and management of the country's natural resources and encourage, where appropriate, long-term self-sufficiency in food, fuel wood and other energy requirements;
- Facilitate the restoration, maintenance and enhancement of the ecosystems and ecological processes essential for the functioning of the biosphere and prudent use of renewable resources;

From the NEP there are direct implications that should be considered by PRIDE requiring the development of appropriate environmental and social management plans (ESMP). The ESMPs will need to be implemented covering the different stages of project's implementation and shall include actions and measures to mitigate the potential negative impacts and enhance the positive impacts induced by the PRIDE.

Land Act, (1965)

The Land Act, 1965, covers ownership, land transfer, use of land, and compensation. It states that every citizen has a natural dependency on land and that it is therefore important that Government provides for secure and equitable access to land as a multipurpose resource and an economic asset by defining issues of security of tenure.

The Land Act establishes 3 classes of land:

1 - Public Land defined as all land which is occupied, used or acquired by the government and any other land not being customary or private land and includes:

- Any land which reverts to the Government on the termination, surrender or falling in of any freehold or leasehold title under which any parcel of land concerned is held; and
- Notwithstanding the revocation of the existing orders, any land which was immediately before the coming into operations of this Act not public land within the meaning of the existing orders.

2 - Private Land, defined as all land, which is owned held or occupied under a freehold title or a leasehold title or a Certificate of Claim or which is registered as

private land under the Registered Land Act.

3 - Customary Land, defined as all land, which is held, occupied or used under customary law but does not include public land, and falls within the jurisdiction of a recognized Traditional Authority and which has been granted to a person or a group of persons and is used under customary law.

The Land Acquisition Act (1971)

The Lands Acquisition Act (Cap 58:04) sets out in detail, the procedures for acquisition of customary land and freehold land. The general processes and procedures for proclamation of land to be acquired for a project are provided for in the Land Acquisition Act (Cap 58:04).

The Land Acquisition Act outlines procedures to be followed for land acquisition by individuals or Government. The procedures include the steps to be undertaken for government to acquire land starting from issuance of formal notices to persons with existing land interests to payment of compensation for formal land ownership transfer.

Further, under section 14 of the Act, the Minister has power to re-enter for breach of conditions contained or implied in a lease. The developer will work closely with the local community and will inform them and where required, obtain consent from chiefs, Village Heads, area councillors and local authorities for the construction works.

The Monuments and Relics Act (1991)

The Act covers management and conservation of monuments that are of importance both nationally and locally. It also provides for proper preservation of monuments in the event that there is a change in the use or development of land. This Act also applies to situations where the removal of graves/graveyards is required due to a project's land acquisition.

Town and Country Planning Act, (1998)

This Act provides that no general right to compensation shall accrue in respect of any action, decision or plan taken or made under the Act that does not involve or amount to a taking or deprivation of property. It entitles the Minister with the power to acquire land on his own motion or on request from a responsible authority.

In Section 65 establishes that the Minister in accordance with the Second Schedule to the Act shall assess compensation and an assessment of compensation by the Minister shall be final and shall not be subject to any appeal or review by any court. However this later statement is not in accordance with the Constitution.

National Environmental Action Plan (1996)

The National Environmental Action Plan (NEAP – 1996) is the Malawi framework mainstreaming environmental planning and management into the country's socio-economic development, including stakeholders' participation.

The main environmental drivers that shape the NEAP are deforestation, natural resources, including biodiversity loss and habitat degradation, soil depletion and erosion, deforestation combined with social issues such as demographic growth, poverty and general lack of human environment conditions.

Stakeholders at national and local level, public and private, are called by the NEAP as relevant actors for environmental planning and management, following guidelines provided by the NEAP.

Environment Management Act (1996)

The EIA legislation contained in The National Environment Management Act No. 23 of 1996 outlines the specific legislation providing guidelines and procedures. EIA is a statutory requirement and listed projects cannot be licensed and implemented until a satisfactory EIA study has been completed and approved.

EIA provisions in the Environment Management Act (EMA) are found in Sections 24, 25, 26, 27, 29 and 63, 69 and 76.

Guidelines for Environmental Impact Assessment (1997)

In line with the Environmental Management Act, Guidelines for Environmental Impact Assessment (EIA) were established in 1997. All programmes and projects should follow the Guidelines for EIA, integrating environmental considerations in line with the national development strategies. The Guidelines outline specific roles for institutions in managing environmental impact assessment, the mechanisms for integrating in project planning. The Act provides a list of prescribed projects that require an EIA and a list of projects that may require an EIA in all sectors. Standards for formatting and structuring the environmental impact assessment reports are also provided by the Guidelines.

Forestry Act (1997)

The Forestry Act outlines the protection and management of forests as well as protected areas, establishing the authority of the Department of Forestry. The Forestry Act acknowledges the role of communities' participation on forest

conservation and sustainable use.

The Forest Act recognizes the need to promote participatory social forestry and empowerment of communities for conservation and management of trees within the country. It provides (Section 86) guidelines on values/rates for sale of both indigenous trees and exotic trees in order to ensure that those who are involved in forestry are paid reasonable compensations on their timber trees and fruit trees.

Major problems of forest management in Malawi include deforestation due to cutting and extraction of timber for cooking, building, charcoal, and general use. Bush fires and encroachment resulting from cultivation close to forest reserves are also threats to sustainable forest management.

Water Resources Act (2013)

The Water Resources Act establishes the Water Advisory Council that advises the Minister on:

- water policy development and review;
- water resources management;
- water abstraction and use;
- any matter about water raised by a basin management committee on which the Council considers it advisable to provide advice;
- any matter relating to the administration of this Act referred by the Minister to the Council for advice or on which the Council considers it advisable to provide advice.

Basin Management Committees: under the Water Resources Act, the Minister, after consultation with institutions and other stakeholders and persons having an interest in water resources in a basin or part of a basin, may recognise a group of representatives of such institutions, stakeholders and persons who are organised or associated for the purpose of organising, planning or dealing with matters relating to the development, management, protection and enhancement of water resources in the basin or part of the basin, to be a basin committee for the purposes of this Act in furtherance of the Government's objective in achieving an integrated management of water resources.

The Act introduces the Water Regulator which has the capacity, among others, to determine the tariffs of fees and charges, or the maximum tariffs of fees and charges and to monitor the performance of water services providers and other water suppliers and evaluate their efficiency with respect to achieving the operational targets set in

accordance with paragraph The water Regulator provides advise the Minister on any matter relating to compliance by a water services provider or other water supplier with its water services plan and conservation and demand management strategies

Irrigation Act (2001)

The Irrigation Act acknowledges the protection of the environment from irrigation related degradations and establishes provisions for the development and management of irrigation, and protection of the environment from irrigation related degradations. From the governance level, it proposes the establishment of the National Irrigation Board and an Irrigation Fund and provides for local community participation in the development and management of irrigation and drainage as well as provisions for the registration of irrigation consultants permitted to practice in Malawi.

The Act provides for the development and management of smallholder irrigation schemes. It provides for the formation of irrigation management authorities to promote local community or farmers' participation in the development and management of irrigation and drainage, and proper utilization of the available water resources.

The Public Roads Act (1962)

The Public Roads Act provides for the management of road projects in such a way that the different stakeholders involved, especially the local communities, are not adversely affected by the road projects. The Act also requires the processing of land acquisition, resettlement, and compensation issues in accordance with the provisions of the Land Act, for proper implementation of public roads projects.

IFAD's principles and guidelines

IFAD's SECAP states that if resettlement or economic displacement be envisaged, the Free, Prior and Informed Consent (FPIC) and the do-no-harm principles – which are two pillars of IFAD's Policy "Improving Access to Land Tenure Security Policy" – will be followed at all times and for all its beneficiaries for “any development intervention that might affect the land access and use rights of communities.”

The above principles are achieved ensuring that:

Wherever possible any physical or economic resettlement that could negatively impact the affected people will be avoided or minimized; in any case this should be only for a common interest (such as in an irrigation scheme benefitting IFAD's target groups) and based on positive outcomes of FPIC.

All land and natural resource users with a legitimate claim will be recognized –

including people having informal/customary rights.

No affected person will be left worse off, and preferably should be left in a better position than before, through proper and timely compensation or any other mitigation measures agreed upon.

Gaps between Malawi legislation and IFAD's principles

The existing legislation in Malawi covers fair land acquisition, compensation and resettlement procedures providing an adequate legal and operational framework for the preparation and implementation of the RAF. Nevertheless it should be pointed the need to increase coherence and integration of the existing legislation that spreads out in different legal documents and Acts. This dispersion makes difficult an integrated management of all aspects related with the RAF.

When comparing the Malawi legislation with the IFAD's RAF policy guidelines and procedures there are some differences that should be considered. Table 1, indicates the most relevant gaps between Malawi legislation and IFAD's RAF procedures.

Table 2 – Gaps between Malawi legislation and IFAD's SECAP

Malawi	IFAD
No payment for compensation of illegal occupants	Illegal occupants are eligible for compensation
Discrepancy in compensation for customary and private land	No discrepancy between customary and private land
No considerations during the transition period	PAPs should not be adversely affected during the transition period
No positive discrimination for vulnerable/disadvantaged groups	Special attention to vulnerable groups in relation to access to socioeconomic services
Last recourse decision taken by the Minister	Availability of judicial recourse

In the cases noted above where the national legislation differs from the SECAP procedures the more stricter (in favour of the benefit of affected persons) of the two will be followed and thus the SECAP procedures will be used in determining occupants included in the compensation, the transition period will be considered and particular attention will be paid to vulnerable groups.

RAP preparation review, approval and public consultation

RAP development, approval and public consultation process

A base line including census should be developed for each site identifying the main impacts on PAPs, their assets and determining the cut-off date. Screening activities should involve local offices, local leaders and other relevant stakeholders.

The RAP will include details of the socioeconomic survey and the census of affected persons and property, in line with this RAF. The prepared RAP shall also include an implementation plan.

The PRIDE shall forward the RAPs, together with any modified designs, to the respective line institutions and relevant stakeholders who together with the District Commissioners and their teams at the district level, shall scrutinise them to ensure compliance with the applicable by-laws and sectoral requirements. IFAD will also assess and approve the RAPs.

After scrutiny at the district level, the RAPs shall be submitted by the District Commissioner to the Commissioner for Lands, to check and approve them, focusing on PAPs details, property assessment and compensation packages.

Consultation should be part of the whole cycle of RAP development, since the screening stage and involving the local communities and the affected persons. In particular, the affected persons must be informed about the intentions to use the earmarked sites for the Programme activities, facilities and structures. The affected persons should be provided with information on:

- All possible options and rights pertaining to resettlement and compensation;
- Feasible technical and economic options and alternatives for resettlement sites;
- Expected dates and format for resettlement and compensation actions;
- Effective compensation rates, at full replacement cost, for loss of assets and services; and
- All available and feasible measures and costs to maintain or improve their livelihoods and living standards.

During the RAP development, public consultations and participation must be promoted allowing PAPs the opportunity to raise their concerns or to comment on the new resettlement sites, their locations and the services to be provided in the new areas for resettlement and to ensure all required negotiations of compensation and conflicts' resolution.

RAP structure and contents

The RAPs must contain detailed inventories of all assets to be acquired, for which a full census shall be undertaken to register and document the status of the potentially affected population within the project impact areas, their assets, their tenure status, and their sources of livelihood. All forms of land occupancy (including informal title) should be inventoried. The asset inventory and census should determine the cut-off date for entitlement to relocation assistance or other benefits from the project.

The RAPs will also contain a time-bound schedule of implementation. Compensation and assistance are to be based on the overall principle that people shall not suffer net losses as a result of the project.

Following IFAD's SECAP, an outline of the RAP should include:

- Terms and definitions
- Executive summary
- Description of the project
- Potential impacts of the resettlement and minimization mechanisms
- Objectives of the resettlement plan
- Census and economic studies
- Legal and institutional frameworks
- Eligibility determination
- Implementation of the FPIC process
- Valuation of and compensation for losses for livelihoods restoration and improvements
- Resettlement measures
- Environmental protection and management
- Organizational responsibilities
- Implementation Schedule Costs and budget
- Monitoring, evaluation and reporting

Eligibility determination

People formally recognized as PAP or PAH at the cut-off date if living, farming or making a living within the areas to be acquired for the Programme at the cut-off date will be considered eligible.

Based on the census and surveys, PAPs and PAHs will be categorised according with the nature and type of affection. Usual types of categories for PAPs and PAHs are:

- Persons or affected households (PAP or PAHs) whose agricultural, residential, or commercial land is in part or in total affected (temporarily/permanently);
- PAPs or PAHs whose houses and other structures are in part or in total affected (temporarily/permanently);
- PAPs or PAHs whose businesses or source of income (i.e. employment) are affected (temporarily/permanently);
- PAPs or PAHs whose crops (annual/perennial) and trees are affected by the Project;
- Other PAHs/PAPs.

IFAD's principles establishes that even in the absence of legal land use certificate or any acceptable proof indicating right of use to the land or structure affected by the Program's interventions, all people will be provided with entitlement and or assistance.

The RAPs will develop a detailed inventory of categories of impacts induced by the project, people affected and compensation measures. Annex 1 provides an example of Entitlement Matrix for the different expected categories and PAPs.

Implementation of FPIC process

PRIDE will be implemented in compliance to IFAD's Policy on Improving Access to Land and Tenure Security, the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests and the Framework, Guidelines for Land Policy in Africa and Social, Environmental and Climate Assessment Procedures. Before supporting any intervention that might affect the land access and use rights of communities, it will be ensured that their free, prior and informed consent has been solicited through inclusive consultations based on full disclosure of the intent and scope of the activities planned and their implications

The RAP will include a section on the FPIC (Free, Prior and Informed Consent Principle) process and how the FPIC will be documented. The RAP should be developed before starting the physical implementation of the specific projects and

should be based on detailed information at the exact project sites, nature and extension of interventions and the involved communities.

Valuation of and compensation for losses for livelihoods restoration and improvements

The Ministry Land and Housing is the leading governmental department in providing technical support to assessment of valuation and compensation for the loss of land and assets. Assessment procedures and methods are included in several laws and regulations such as the Land Acquisition Act, Public Roads Act and Town and Country Planning Act.

The Public Roads Act includes a comprehensive set of assessment of valuation and compensation for buildings, bare land, crops, vegetables, fruit/plantation, trees and forest trees. The valuation process normally uses a compensation matrix for each of the types of assets affected. The assets affected can be classified under in 4 types:

- Physical assets (buildings, bare land and other structures);
- Crops, fruit/plantation crops;
- Indigenous and exotic forest trees;
- Income earning activities.

Different institutions and procedures are used for each of the types of assets affected. For the physical assets The Ministry of Lands and Housing carries out the valuation after identification of the owners in close consultation with local formal and informal authorities and existing documentation.

In the valuation of buildings and bare lands several components are taken into account: construction materials used, area covered, age and location of building or property. Benchmark analysis with similar properties is made in order to reach a compensation amount.

For land compensations local leaders assist PAPs to locate alternative land for resettlement (in cases of customary land) in consultation with District commissioners; and the Department of Lands assists PAPs to locate land for resettlement in case of public land.

For the valuation of affected crops the type of crop is considered, the yield level (high, medium or low yield variety), the expected yield and the produce unit price. The total compensation value is arrived at, by multiplying the yield (e.g. Kg/Ha) with the pre-determined produce unit price (Kwacha/Kg.) and the area of land (Ha).

Compensation values for trees (fruit, indigenous and exotic) are based on the type (species) of tree, measured diameter at breast-height (1.3 m) and “market price” in Kwacha per cubic metre. The schedules are compiled with the assistance from the Ministry of Agriculture and Food Security (for field crops and fruit/plantation trees) and the Department of Forestry (for forest trees, indigenous and planted tree species).

For the purposes of the PRIDE the following will apply: (i) farmland lost due to infrastructure in the supply area (leading from the river to the irrigation area) will be compensated with cash. An assessment for the cash compensation required will be conducted; (ii) farmland lost through infrastructure within the irrigated land will be compensated with land; and (iii) crop losses due to construction will be considered as farmer's contribution. No compensation will be made.

Resettlement measures

Site selection, site preparation and relocation

The RAPs development will include detailed census and surveys ensuring participation and engagement of community leaders during which discussions will be held to identify and agree on available replacement sites both for residential, farming and other socio-economic activities.

Relocation should only start after formal implementation of the projects and official procedures established ensuring involvement of relevant stakeholders. This will help to avoid unnecessary social unrest and any disturbances of existing livelihood situation.

Also the compensation measures for land, trees, structures and any other activity will be established based on the surveys and census.

Integration with host population

At this stage no cases of host communities to be considered for resettlement were identified for PRIDE. This should be confirmed during the final design phase of each project.

Community preparation

Permanent and systematic public consultation and participation should be ensured during the development and implementation of RAP, EIA and ESMP's. This consultation and participation will include PAPs, but also community leaders, NGOs,

and any other relevant stakeholders.

Also, special efforts must be made to include all vulnerable groups (women, elderly, mentally and physically disabled, at-risk children and youth, ex-combatants, HIV/AIDS- affected individuals and households) in the consultation process. During census survey initial consultations will be held with the PAPs and other stakeholders. Further consultations will be undertaken to ensure that information on the overall resettlement plan, implementation schedule, eligibility and entitlements are properly understood and accepted by the affected communities.

Environmental protection and management

As part of the identification and effective management of potential environmental and social impacts of the PRIDE, several environmental and social management tools should be considered, including (i) Strategic Environmental and Social Assessment (SESA) (ii) Environment and Social Management Framework and (iii) Resettlement Policy Framework. Some of these environmental and social instruments should be prepared in accordance with international best practices as well as the IFAD safeguards and GoM requirements.

The PRIDE developed an ESMF outlining the major environmental and social considerations and providing practical guidance for these environmental and social instruments for the management of potential environmental and social issues associated with future sub-projects under the PRIDE.

The Environmental and Social Management Framework (ESMF) was prepared as part of the design of PRIDE aiming to address all relevant environmental and social safeguards aiming the following objectives:

- Identification and establishment of procedures and methodologies for the environmental and social assessment, review, approval and implementation of investments to be financed under the project;
- Specification of roles and responsibilities, and outlining the necessary reporting procedures, for managing and monitoring environmental and social concerns related to project investments;
- Identification of necessary training, capacity building and technical assistance to ensure the implementation of the ESMF provisions;
- Provision of information resources for implementing the ESMF.

The RAPs and ESMPs will consider the principles and orientations provided under the ESMF ensuring a smooth integration of environmental and social issues.

Organizational responsibilities

Through the PCO, DOI as implementation agency will have the responsibility for coordinating and monitoring the development and implementation of the RAP, following the guidelines provided in the RAF. The RAP development and implementation will ensure the participation and engagement of all institutions and relevant stakeholders at central and District/Local levels.

Through the District/Local office representatives it will be ensured that the RAF and RAPs are publicly disseminated as well as that project staff will receive adequate training and capacity to implement all RAP activities. Local officers will be also responsible for linking with local leaders and other relevant authorities.

During census, surveys and any other required studies, local officers will provide assistance and/or take responsibility in the development of inventories and information to support the determination of compensation amounts and during respective delivery.

At the community level to ensure a balanced bottom-up approach the Water User Groups and the Community Based Natural resources Management groups that are part of the Village Development Committees, will be strengthened where they exist or formed as part of PRIDE. The groups would select members at the village/scheme level to represent communities and their views/concerns regarding the schemes.

Implementation schedule

The RAP will include a time frame that will be known by the PAPs and all other relevant stakeholders.

Data resulting from the census and inventories will integrate the RAP and will be approved before the start of any physical intervention. Any proposed compensation and/or resettlement activities will be dependent on the approval of the RAP by the PAPs and IFAD and RAP will also include measures to ensure and monitor that all payments and other compensation measures are complete before their starting date.

Costs and budget

The estimated cost for the implementation of the RAF is USD 300,000. This cost would cover the recruitment of a consultant to develop the RAP as well as provide some of capacity building and also the surveys for the sites particularly for the schemes with a command area above 300ha.

At the current stage of the design of the PRIDE, it is not possible to provide an estimation of costs for the resettlement actions. The total number of people and assets to be affected will be determined after the development of the technical designs and identification of land needs and other requirements, for each site.

Then the RAPs should be prepared and a final budget based on costs estimation proposed, ensuring financial resources to cover the planning, preparation, implementation and monitoring of all proposed social safeguard measures. Training and capacity building on implementation of RAPs should also be considered and budgeted. Below we propose a general budget for the RAF training, capacity building and monitoring and evaluation activities.

The budget estimation to be indicated by the RAP should reflect the results of discussion and revision with relevant stakeholders during census and asset inventory phase as these will be the appropriate moments when the effective resettlement actions will be defined. The costs of compensations should also take in consideration the existing gaps between the National legislation and IFAD's procedures and guidelines.

For the general implementation of the RAF, excluding the RAPs it is required a budget to cover four main types of action: a) development of the RAPs; b) capacity building and training; c) surveys of the various sites; and d) monitoring and evaluation RAF implementation. The capacity building and training aims to target officers and project staff members in implementing the RAPs while a general monitoring and evaluation of RAF's implementation will be developed as part of the general coordination and management of the PRIDE.

Government will fund the resettlement activities under PRIDE (as the borrower has the responsibility).

Table 3 – General budget for RAF

Activities	Schedule	Estimated cost (USD)
Development of RAPs	2016 - 2018	\$ 100,000
Capacity building and training	2016 – 2018	\$ 40,000
Surveys of sites	2016 - 2019	\$ 100,000

Monitoring and evaluation of the RAF implementation	2016 - 2022	\$ 60,000
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Monitoring, evaluation and reporting

The RAP should include measures for monitoring and evaluating (M&E) performance and compliance of RAP's activities covering positive and adverse impacts and related mitigation and/or compensation actions. Reporting will follow the general report chronogram of the programme. A final completion audit report shall be prepared by an external entity, complementing the regular M&E ensuring an independent verification of RAP's implementation.

Annex 1

Table 4 - Example of Entitlement Matrix ¹for different categories of PAPs

Category of PAPs	Type of Loss	ENTITLEMENT		
		Compensation to loss of structures	Compensation for loss of land and other assets	Compensation for loss of income/livelihood
Property Owners	Loss of land	Compensation at full replacement value	Land replacement at new site	Cash compensation
	Loss of structures	Compensation at full replacement value	Access roads; wells, stores, fences, wood, etc.	Lost income compensation cash payment (lump sum)
Residential and business tenants	Loss of rental accommodation	Not applicable	Replacement costs for non-movables	<ul style="list-style-type: none"> Disturbance assistance Transportation Rental payment
	Loss of premises	Not applicable	Replacement costs	Not applicable
	Loss of business and income	Not applicable	Not applicable	Payment of lost income
	Loss of salary	Not applicable	Not applicable	Payment of lost salary
Land users	Loss of shelter, assets and farm land	Cash compensation	Assistance in securing alternatives	Cash compensation Access to alternative sites
Community	Public facilities	<ul style="list-style-type: none"> Cash compensation Relocation to resettlement sites (with payment of sites) 	Land replacement including clearing and preparation	<ul style="list-style-type: none"> Cash compensation Provision of alternative facilities
	Sacred sites and graves	Not applicable	Land replacement including clearing and preparation	Not applicable

¹ Adapted from Shire River Management Programme Project (Phase 1)